



# LAWS OF ALASKA

1975

Source

FCCS CSSB 208

Chapter No.

197

## AN ACT

Relating to elections.

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

\* Section 1. AS 15.07 is amended by adding a new section to read:

Sec. 15.07.081. REGISTRATION OFFICIALS. The lieutenant governor shall appoint one or more registration officials to serve in each precinct polling place in all municipal, primary, and general elections during the hours the polling places are open. Registration officials serve without compensation. An election clerk or election judge, appointed under ch. 10 of this title, may also serve as a registration official. If more than one registration official is appointed to serve in a polling place, the major political parties shall be represented.

\* Sec. 2. AS 15.05.010(4) is amended to read:

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

\* Sec. 3. AS 15.05.010(6) is amended to read:

(6) has registered before the election as required under ch. 7 of this title and is not registered to vote in another jurisdiction.

\* Sec. 4. AS 15.05.020(2) is amended to read:

(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. If a person resides

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in one place, but does business in another, the former is his place of residence. Temporary construction camps do not constitute a dwelling place.

- \* Sec. 5. AS 15.05.020(5) is amended to read:

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

- \* Sec. 6. AS 15.07.060(4) is amended to read:

(4) term of residence in state and in election district; and whether the applicant has previously been registered to vote in another jurisdiction, and, if so, where;

- \* Sec. 7. AS 15.07.060 is amended by adding a new subsection to read:

(b) If the applicant has been previously registered to vote in another jurisdiction, he shall surrender to the registration official any voter registration or identification card or credentials from that jurisdiction the applicant may possess. The lieutenant governor shall notify the chief elections officer in that jurisdiction that the applicant has registered to vote in Alaska, request that jurisdiction to cancel the applicant's voter registration there, and return the applicant's voter registration or identification card or credentials, if any, to that jurisdiction.

- \* Sec. 8. AS 15.07 is amended by adding a new section to read:

Sec. 15.07.065. EXCHANGE OF VOTER REGISTRATION INFORMATION. The lieutenant governor shall enter into reciprocal agreements or other arrangements for the exchange of voter registration information with the election officers in other jurisdictions to ensure that the state's voter registration register is accurate and up to date and to preclude a person from voting in Alaska and in another jurisdiction at the same election, thus preventing election fraud.

- \* Sec. 9. AS 15.07.090(a) is amended to read:

(a) A voter whose name is changed by marriage or court order may vote under the previous name, but if the voter desires to use the new name, he or she shall notify the lieutenant governor not later than 30 days preceding an election so that the registration may be amended to reflect the change.

- \* Sec. 10. AS 15.07.090(b) is amended to read:

(b) A voter shall re-register if his registration is cancelled for failure to vote in prior elections as provided in sec. 130 of this chapter. The re-registration may not be made later than 30 days preceding an election.

- \* Sec. 11. 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 shall vote a "questioned ballot" in his precinct of residence.

\* Sec. 12. AS 15.10.040 is amended to read:

Sec. 15.10.040. RESTRICTION ON PRECINCT BOUNDARY MODIFICATION. No precinct may include territory lying within more than one election district. Whenever practicable, precinct boundaries shall conform to municipal boundaries.

\* Sec. 13. AS 15.10 is amended by adding new sections to read:

Sec. 15.10.105. APPOINTMENT OF DIRECTOR OF ELECTIONS.

(a) The lieutenant governor shall appoint a director of elections to act for him in the supervision of central and regional election offices, the employment and training of election personnel, and the administration of all state elections as well as those municipal elections which the state is required to conduct. The director of elections shall also assist the lieutenant governor in the administration of the voter registration program and the modification of precinct boundaries.

(b) It is essential that the nonpartisan nature, integrity, credibility and impartiality of the administration of elections be maintained. The director of elections and the full-time members of his staff may not join, support or otherwise participate in a partisan political organization, faction or activity, including but not limited to the making of political contributions. The director of elections and the full-time members of his staff may not hold or campaign for elective office, be an officer of a political party or member or officer of a political committee, permit their name to be used, or make any contributions, in support of or in opposition to a candidate or a ballot proposition or question, participate in any way in a national, state or local election campaign or lobby, employ or assist a lobbyist. However, this subsection does not restrict the director of elections or the full-time members of his staff from expressing private opinion, registering as to party, or voting.

Sec. 15.10.107. STAFF TRAINING. The lieutenant governor shall at least annually, and in any event not later than 30 days before each primary and general election in even-numbered years, provide for a comprehensive training program for election officials, both the full-time members of the staff of the division of elections and those who are appointed as election board judges, clerks and counters under secs. 120 - 150 of this chapter and other temporary election employees.

\* Sec. 14. 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 statewide votes in the preceding gubernatorial 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. 15. AS 15.10.170 is amended to read:

Sec. 15.10.170. APPOINTMENT AND PRIVILEGES OF WATCHERS. The precinct party committee, where an organized precinct committee exists, or the district party committee where no organized precinct committee exists, may appoint one or more persons as watchers in each precinct and counting center for any election. Each candidate not representing a political party may appoint one or more watchers for each precinct or counting center in his respective district or the state for any election. Any organization or organized group that sponsors or opposes an initiative, referendum or recall may have one or more persons as watchers at the polls and counting centers after first obtaining authorization from the lieutenant governor. No precinct party committee, no district party committee or candidate not representing a political party or organization or organized group may have more than one watcher on duty at a time in any precinct or counting center. The watcher may be present at a position inside the place of voting or counting which affords a full view of all action of the election board and other counters taken from the time the polls are opened until the ballots are finally counted and the results certified by the election board or the Data Processing Review Board. The election board or the Data Processing Review Board may require each watcher to present written proof showing that he is the watcher appointed by the precinct party committee, the district party committee, the organization or organized group or the candidate he represents which is signed by the chairman of the precinct party committee, the district party committee, the organization or organized group or the candidate representing no party. The lieutenant governor may prescribe regulations governing the conduct of watchers to assure the privileges of the watchers and the proper conduct of the election.

- \* Sec. 16. AS 15.15.040(b) is amended to read:

(b) The lieutenant governor shall prepare and issue or make available with each sample ballot for a special election the statement provided for in AS 24.30.037 of the scope of each project included in a proposed general obligation bond issue creating a state debt for capital improvements that is submitted to the electorate for ratification under AS 15.15.030(11). The statement of scope for each project shall be the same statement included in the authorization bill. When a ballot proposition is submitted to the voters at a primary or a special election, a statement the same as that provided for in the election pamphlet under AS 15.57.-010(2) shall be made available with each sample ballot.

- \* Sec. 17. AS 15.15.215 is amended to read:

Sec. 15.15.215. DISPOSITION OF CHALLENGED AND QUESTIONED VOTES. (a) A challenged voter or one who casts a questioned ballot shall vote his ballot in the same manner as prescribed for other voters except that he shall use a paper ballot. After the election judge removes the identification number from the ballot, the challenged voter shall insert the ballot into a small blank envelope, seal it and put the envelope into a larger envelope on which the oath and affidavit he previously signed is located. After the election judge removes the identification number from the ballot, the voter who casts a questioned ballot shall insert the ballot into a small blank envelope, seal it, and put the envelope into a larger envelope on which the information concerning that voter's residence is located. These larger envelopes shall be sealed and deposited in the ballot box along with their respective attached statements of asserted invalidity. All envelopes shall be counted and compared to the voting list before leaving the place of polling and upon receipt by the official or body supervising the election. When the ballot box is opened, these envelopes shall be segregated and delivered to the official or body supervising the election. The merits of the challenge or question shall be determined by this official or body in accordance with the procedure prescribed for challenged absentee votes in AS 15.20.210.

(b) A person who frivolously, maliciously or in bad faith challenges a voter or questions his ballot is guilty of a misdemeanor and upon conviction shall be imprisoned for not more than 30 days or fined not more than \$100, or both.

- \* Sec. 18. AS 15.15.350 is amended to read:

Sec. 15.15.350. GENERAL PROCEDURE FOR CANVASS. The lieutenant governor 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 have a marking device in hand or remove a ballot from the immediate vicinity of the polls except as provided by AS 15.15.330 for the early counting of ballots, and by AS 15.20.680 for the counting of

punch-card ballots.

\* Sec. 19. AS 15.20 is amended by adding a new section to read:

Sec. 15.20.045. DESIGNATION OF MAGISTRATES AND OTHERS AS ELECTION OFFICIALS. The lieutenant governor or election supervisory may designate persons to act as election officials under secs. 10 - 220 of this chapter in areas where election supervisors do not have offices. Magistrates may, with the approval of the administrative director of the Alaska Court System, be designated under this section.

\* Sec. 20. AS 15.20.060 is amended to read:

Sec. 15.20.060. APPLICATION IN PERSON OR BY A REPRESENTATIVE. A qualified voter may apply in person or by a personal representative for an absentee ballot to the election supervisor or election official in the election district of the resident voter.

\* Sec. 21. AS 15.20.120(b) is amended to read:

(b) The election board chairman may issue ballots to personal representatives on election day only in areas where an election official has not been designated to issue absentee ballots.

\* Sec. 22. AS 15.20.130 is amended to read:

Sec. 15.20.130. PROCEDURE ON APPLICATION BY MAIL. After receipt of an application by mail for an absentee ballot, the lieutenant governor shall airmail to the applicant the ballot and other absentee voting material when they are ready for distribution, if the application includes the name and both the present address and the full local resident address of the applicant. The larger envelope to be used for returning the absentee ballot to the election officials shall be addressed to the election supervisor in the district in which the voter is a resident.

\* Sec. 23. AS 15.20.170 is amended to read:

Sec. 15.20.170. DISPOSITION OF BALLOTS. Each election official who has been designated by an election supervisor or the lieutenant governor 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. 24. AS 15.20.180 is amended to read:

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

\* Sec. 25. AS 15.25.040 is amended to read:

Sec. 15.25.040. MANNER AND DATE OF FILING DECLARATION.  
(a) The declaration is filed by either

(1) the actual physical delivery of the declaration in person at or before 5:00 p.m., prevailing time, June 1 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 at or before 5:00 p.m., prevailing time, June 1 of the year in which a general election is held for the office and also the actual physical delivery of the declaration by registered mail which is postmarked at or before 5:00 p.m., prevailing time, June 1 of the year in which a general election is held for the office and received not more than 15 days after that time.

(b) If the postmark is illegible, a dated receipt from the post office where dispatched shall be acceptable as evidence of mailing. If June 1 is a Sunday or holiday, the deadlines for postmarking and receipt of the declaration shall be extended 24 hours in each instance.

(c) A candidate for a statewide office shall file with the lieutenant governor. A candidate for a district-wide office shall file either with the lieutenant governor or an election supervisor. If the candidate files his declaration with an election supervisor, the election supervisor shall immediately forward the declaration to the lieutenant governor.

(d) If the declaration filed under (a) of this section is not received within seven calendar days, the candidate shall be notified of nonreceipt. The candidate shall have the opportunity to refile his declaration with proof that his previous declaration has been filed in a timely manner and in accordance with law.

\* Sec. 26. AS 15.25.150 is amended to read:

Sec. 15.25.150. DATE OF FILING PETITION. The petition is filed with the lieutenant governor by actual physical delivery in person at or before 5:00 p.m., prevailing time, June 1 in the year in which a general election is held for the office, or by actual physical delivery by certified mail which is postmarked at or before 5:00 p.m., prevailing time, June 1 in the year in which a general election is held for the office, and received not more than 15 days after that time. If the postmark is illegible, a dated receipt from the post office where dispatched shall be acceptable as evidence of mailing. If June 1 is a Sunday or holiday, the deadlines for postmarking and receipt of the petition shall be extended 24 hours in each instance.

\* Sec. 27. AS 15.57.010 is repealed and re-enacted to read:

Sec. 15.57.010. CONTENTS OF PAMPHLET. The lieutenant governor shall mail to each registered voter of the state before each state general election an election pamphlet containing photographs and campaign statements of eligible nominees who desire to participate in the pamphlet. The pamphlet shall also contain

(1) on a separate page, a map of the election

district or districts to which the pamphlet has been directed, together with a narrative description of the district boundaries;

(2) for each ballot proposition,

(A) a neutral summary of the proposition prepared by the Legislative Affairs Agency;

(B) a statement by persons or organizations supporting the proposition; and

(C) a statement by persons or organizations opposing the proposition; and

(3) for each bond question a statement of the scope of each project required by AS 24.30.037 to be included in the authorization bill.

\* Sec. 28. AS 15.57.050(a) is amended to read:

(a) Not less than 30 days before the election the lieutenant governor shall transmit by mail, to every registered voter in the state, one copy of the pamphlet, a sample ballot and an absentee ballot application. When practical, the lieutenant governor shall have the pamphlets printed so that no candidate's picture or statement is included in the copy of the pamphlet going to a district where the candidate's election is not to be voted upon.

\* Sec. 29. AS 15.60.010(13) is amended to read:

(13) "election official" means election judges, clerks, counters, full-time election employees, and persons designated to issue absentee ballots;

\* Sec. 30. AS 24.30.037 is amended to read:

Sec. 24.30.037. GENERAL OBLIGATION BOND BILLS. A bill authorizing the issuance of general obligation bonds creating a state debt for capital improvements shall contain a statement of the scope of each project included in the proposed bond issue. The statement shall include a brief description of each capital improvement project, its location, and, in dollars, that portion of the total bond issue to be allocated to the project.