



LAWS OF ALASKA

1989

Source

HCS CSSB 43(Jud) am H

Chapter No.

67

AN ACT

Relating to conduct and administration of elections by the director of elections; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 30, 1989

Actual Effective Date: Sections 22 and 30 take effect

May 1, 1990; remainder of Act takes effect August 28, 1989

AN ACT

Relating to conduct and administration of elections by the director of elections; and providing for an effective date.

* Section 1. AS 15.07.060(a) is amended to read:

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

(1) name and sex;

(2) address and other necessary information establishing residence, including the term of residence in the state and in the district, if requested;

(3) [REPEALED

(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, the jurisdiction and the address of the previous registration;

(4) [(5)] a declaration that the registrant will be 18 years of age or older within 90 days of the date of registration;

(5) [(6)] a declaration that the registrant is a citizen of the United States;

(6) [(7)] date of application;

(7) [(8)] signature or mark.

* Sec. 2. AS 15.07.070(c) is amended to read:

(c) The names of persons submitting completed registration forms

Chapter 67

1 by mail that are received by the director or election supervisor
2 [WHICH ARE POSTMARKED] at least 30 days before the next election shall
3 be placed on the official registration list for that election. The
4 name of a person submitting a completed registration form by mail that
5 was not received by the director or election supervisor [WHICH WAS NOT
6 POSTMARKED] before the 30-day requirement may not be placed on the
7 official registration list for the next election but shall be placed
8 on the master register after that election.

9 * Sec. 3. AS 15.07.070(f) is amended to read:

10 (f) Incomplete or inaccurate registration forms may not be
11 accepted and shall be reexecuted. The date of registration shall be
12 the date of reexecution before a registration official or the [POST-
13 MARK] date the application is received by the director or election
14 supervisor if the application for registration is by mail.

15 * Sec. 4. AS 15.07.090(a) is amended to read:

16 (a) A voter whose name is changed by marriage or court order may
17 vote under the previous name, but a [IF THE] voter who desires to use
18 a [THE] new name shall vote a questioned ballot [, THE VOTER SHALL
19 NOTIFY THE DIRECTOR NOT LATER THAN 30 DAYS PRECEDING AN ELECTION SO
20 THAT THE REGISTRATION MAY BE AMENDED TO REFLECT THE CHANGE].

21 * Sec. 5. AS 15.10.020 is amended by adding a new subsection to read:

22 (b) Whenever possible, the director shall send written notice of
23 any change in a precinct boundary or polling place to each affected
24 registered voter in the precinct.

25 * Sec. 6. AS 15.15.030(10) is amended to read:

26 (10) A [SEPARATE] nonpartisan [JUDICIAL] ballot shall be
27 designed for each judicial district in which a justice or judge is
28 seeking retention in office. The ballot shall be divided into four
29 parts and each part must [SHALL] bear a heading indicating the court
H

to which the candidate is seeking approval. Within each part the question of whether the justice or judge shall be approved or rejected shall be set out in substantially the following manner: (A) "Shall be retained as justice of the supreme court for 10 years?"; (B) "Shall be retained as judge of the court of appeals for eight years?"; (C) "Shall be retained as judge of the superior court for six years?"; or (D) "Shall be retained as judge of the district court for four years?" Provision shall be made for marking each question "Yes" or "No."

* Sec. 7. AS 15.20.071(d) is amended to read:

(d) Each election official shall keep a record of the name and signature of each personal representative requesting an absentee ballot and the name of the person on whose behalf the ballot is requested. The election official shall record the date [AND TIME] the absentee ballot is provided and the date [TIME] the ballot is returned to the election official.

* Sec. 8. AS 15.20.081(b) is amended to read:

(b) An application for an absentee ballot by mail must be received by the division of elections [POSTMARKED] not less than four [TEN] days before the election for which the absentee ballot is sought. The absentee ballot application must [SHALL] permit the person to register to vote under AS 15.07.070 and to request an absentee ballot for each state election held within that calendar year for which the voter is eligible to vote.

* Sec. 9. 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

Chapter 67

1 qualified to administer oaths, may proceed to mark the ballot in
2 secret, to place the ballot in the small envelope, to place the small
3 envelope in the larger envelope, and to sign the voter's certificate
4 on the back of the larger envelope in the presence of an official
5 listed in this subsection who shall sign as attesting official and
6 shall date the signature. If none of the officials listed in this
7 subsection is reasonably accessible, an absentee voter shall sign the
8 voter's certificate in the presence of [HAVE THE BALLOT WITNESSED BY]
9 two persons over the age of 18 years, who shall sign as witnesses and
10 attest to the date on which the voter signed the certificate in their
11 presence, and, in addition, the voter shall provide the certification
12 prescribed in AS 09.63.020.

13 * Sec. 10. AS 15.20.081(e) is amended to read:

14 (e) An absentee ballot must be marked on or before the date of
15 the election. Except as provided in (h) of this section, a voter who
16 returns the ballot by mail shall use a mail service at least equal to
17 first class and mail the ballot not later than the day of the election
18 to the election supervisor for the election district in which the
19 voter seeks to vote. Except as provided in AS 15.20.480, the [THE]
20 ballot may not be counted unless it is received by the close of busi-
21 ness on the 10th day after the election. If the ballot is postmarked,
22 it must be postmarked on or before election day. After the day of the
23 election, no ballots shall be accepted unless received by mail.

24 * Sec. 11. AS 15.20.081(h) is amended to read:

25 (h) Except as provided in AS 15.20.480, an [AN] absentee ballot
26 returned by mail from outside the United States or from a military APO
27 or FPO address that has been marked and mailed not later than election
28 day may not be counted unless the ballot is received by the election
29 supervisor not later than the close of business on the 15th day
H

following the election.

* Sec. 12. AS 15.20.220(b) is amended to read:

(b) The state review board shall review and count absentee ballots under AS 15.20.081(e) and (h) and questioned ballots that have been forwarded to the director and that have not been reviewed or counted by a district counting board. [ABSENTEE AND QUESTIONED BALLOTS NOT RECEIVED IN THE OFFICE OF THE DIRECTOR BY 4:00 P.M. ON THE 15TH DAY FOLLOWING THE ELECTION MAY NOT BE COUNTED IN THE REVIEW.]

* Sec. 13. AS 15.20.480 is amended to read:

Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the recount, the director 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 properly marked and which ballots are to be counted in the recount, and shall check the accuracy of the original count, the precinct certificate and the review. The director shall check the number of ballots and questioned ballots cast in a precinct against the registers and shall check absentee ballots voted against absentee ballots distributed. The director shall count absentee ballots received [AFTER CLOSE OF BUSINESS ON THE 15TH DAY FOLLOWING THE ELECTION AND] before the completion of the recount. For administrative purposes, the director may join and include two or more applications in a single review and count of votes. The rules in AS 15.15.360 governing the counting of hand-marked ballots and the rules in AS 15.20.730 governing the counting of punch-card ballots shall be followed in the recount. The ballots and other election material must [SHALL] remain in the custody of the director during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be

Chapter 67

1 completed within 10 days. The director may employ additional person-
2 nel necessary to assist in the recount.

3 * Sec. 14. AS 15.20.730(b) is amended to read:

4 (b) The computer shall be programmed to count ballots as fol-
5 lows:

6 (1) a vote may be counted only if the punch is clearly
7 spaced in the square [DESIGNATED BY A PLUS SIGN] following the name of
8 the candidate the voter desires to select;

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

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

16 (4) if a voter punches fewer names than there are persons
17 to be elected to the office, a vote shall be counted for each candi-
18 date properly marked;

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

22 (6) improper marks on the ballots may not be counted and do
23 not invalidate punches for candidates properly made;

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

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

29 * Sec. 15. AS 15.25.030 is amended to read:
H

1 Sec. 15.25.030. DECLARATION OF CANDIDACY. (a) A member of a
2 political party who seeks to become a candidate of the party in the
3 primary election shall execute and file a declaration of candidacy.
4 The declaration shall be executed under oath before an officer au-
5 thorized to take acknowledgments and shall state in substance:

6 (1) the full name of the candidate;

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

8 (3) if the candidacy is for the office of state senator or
9 state representative, the election or senate district of which the
10 candidate is a resident;

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

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

14 (6) the full resident address of the candidate, and the
15 date on which residency at that address began;

16 (7) the date of the primary election at which the candidate
17 seeks nomination;

18 (8) the length of residency in the state and in the dis-
19 trict of [THAT] the candidate [WILL MEET THE SPECIFIC RESIDENCY RE-
20 QUIREMENTS OF THE OFFICE FOR WHICH THE PERSON IS A CANDIDATE];

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

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

25 (11) that the candidate will meet the specific age require-
26 ments of the office for which the person is a candidate;

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

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

Chapter 67

1 (14) that the person is not a candidate for any other office
2 to be voted on at the primary or general election and that the person
3 is not a candidate for this office under any other [HAS NOT FILED
4 ANOTHER] declaration of candidacy or nominating petition [FOR THE
5 OFFICE FOR WHICH THIS DECLARATION IS FILED];

6 (15) the manner in which the candidate wishes the candi-
7 date's name to appear on the ballot; and

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

10 (b) A person filing a declaration of candidacy under this sec-
11 tion shall simultaneously file with the director a statement of income
12 sources and business interests that [WHICH] complies with the require-
13 ments of AS 39.50.

14 * Sec. 16. AS 15.25.030 is amended by adding a new subsection to read:

15 (c) An incumbent public official who has a current statement of
16 income sources and business interests on file with the Alaska Public
17 Offices Commission is not required to file a statement of income
18 sources and business interests with the declaration of candidacy under
19 (b) of this section.

20 * Sec. 17. AS 15.25.055 is amended to read:

21 Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candi-
22 date's name must appear on the primary election ballot unless notice
23 of the withdrawal from the primary is received by the director at
24 least 48 [40] days before the date of the primary election.

25 * Sec. 18. AS 15.25.056(a) is amended to read:

26 (a) If an unopposed incumbent candidate for renomination dies,
27 becomes disqualified from holding the office the candidate is seeking,
28 or is certified as being incapacitated between June 1 of the election
29 year and that date which is more than 50 [45] days before the date of
H

the primary election, the candidate's place on the ballot may be filled by party petition. The petition shall state that the political party requests the name of the proposed candidate replace that of the incumbent on the primary election ballot and shall be accompanied by a declaration of candidacy from the person named in the petition. The petition must be received by the director no later than 14 days after the death, disqualification or certification of incapacity of the incumbent or 48 [40] days before the primary election date, whichever time is earlier.

* Sec. 19. AS 15.25.056(c) is amended to read:

(c) The death, disqualification or certification of incapacity of the incumbent within 48 [40] days before or on the primary election date does not affect the counting and review of the ballots. If the result of the counting and review discloses that the candidate, if the candidate had lived, would have been nominated, the candidate shall be declared nominated. The vacancy may be filled by party petition as provided in AS 15.25.110 - 15.25.130.

* Sec. 20. AS 15.25.110 is amended to read:

Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a candidate nominated at the primary election dies, withdraws, resigns, becomes disqualified from holding the office for which the candidate is nominated, or is certified as being incapacitated in the manner prescribed by this section after the primary election and 48 [40] 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 director a sworn statement made by a panel of three licensed physicians, not more than two of whom may [SHALL] be of the same political party, that

Chapter 67

1 the candidate is physically or mentally incapacitated to an extent
2 that would in the panel's judgment prevent the candidate from active
3 service during the term of office if elected. The director shall
4 place the name of the person nominated by party petition on the gen-
5 eral election ballot. The name of a candidate disqualified under this
6 section may not appear on the general election ballot.

7 * Sec. 21. AS 15.25.120 is amended to read:

8 Sec. 15.25.120. REQUIREMENTS FOR PARTY PETITION. Party peti-
9 tions for the nomination of candidates shall state in substance that
10 the political party desires and intends to support the named candidate
11 for the named office and requests that the name of the proposed candi-
12 date be placed on the general election ballot. The petition may be
13 filed no later than 48 [40] days before the date of the general elec-
14 tion.

15 * Sec. 22. AS 15.25.150 is amended to read:

16 Sec. 15.25.150. DATE OF FILING PETITION. The petition is filed
17 with the director by actual physical delivery in person at or before
18 5:00 p.m., prevailing time, August 1 [JUNE 1] in the year in which a
19 general election is held for the office, or by actual physical deliv-
20 ery to the director by registered or certified mail return receipt
21 requested which is postmarked at or before 5:00 p.m., prevailing time,
22 August 1 [JUNE 1] in the year in which a general election is held for
23 the office, and received not more than 15 days after that time. If
24 the postmark is illegible, a dated receipt from the post office where
25 dispatched shall be acceptable as evidence of mailing. If August 1
26 [JUNE 1] is a Sunday or holiday, the deadlines for postmarking and
27 receipt of the petition shall be extended 24 hours in each instance.

28 * Sec. 23. AS 15.25.180 is amended to read:

29 Sec. 15.25.180. REQUIREMENTS FOR PETITION. The petition shall
H

state in substance

- (1) the full name of the candidate;
- (2) the full resident address of the candidate, and the date on which residency at that address began;
- (3) the full mailing address of the candidate;
- (4) the name of the political group supporting the candidate;
- (5) 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;
- (6) the office for which the candidate is nominated;
- (7) the date of the election at which the candidate seeks election;
- (8) the length of residency in the state and in the district of [THAT] the candidate [MEETS, OR WILL MEET, AS REQUIRED BY LAW, THE SPECIFIC REQUIREMENTS OF THE OFFICE THE CANDIDATE IS SEEKING];
- (9) that the subscribers are qualified voters of the state or election or senate district in which the candidate resides;
- (10) [REPEALED
- (11)] that the subscribers request that the candidate's name be placed on the ballot;
- (11) [(12)] that the proposed candidate accepts the nomination and will serve if elected, with the statement signed by the proposed candidate;
- (12) [(13)] if the candidacy is for the office of the governor, the name of the candidate for lieutenant governor running jointly with the candidate for governor;
- (13) [(14)] the name of the candidate as the candidate

Chapter 67

1 wishes it to appear on the ballot; and

2 (14) [(15)] that the candidate is not a candidate for any
3 other office to be voted on at the primary or general election and
4 that the candidate is not a candidate for this office under any other
5 [HAS NOT FILED ANOTHER] nominating petition or declaration of candi-
6 dacy [FOR THE OFFICE FOR WHICH THIS PETITION IS FILED].

7 * Sec. 24. AS 15.25.180 is amended by adding new subsections to read:

8 (b) A person filing a nominating petition under this section
9 shall also file a statement of income sources and business interests
10 that complies with the requirements of AS 39.50 within 30 days of
11 filing the petition.

12 (c) An incumbent public official who has a current statement of
13 income sources and business interests on file with the Alaska Public
14 Offices Commission is not required to file a statement of income
15 sources and business interests under (b) of this section.

16 * Sec. 25. AS 15.25.200 is amended to read:

17 Sec. 15.25.200. WITHDRAWAL OF CANDIDATE'S NAME. If a candidate
18 nominated by petition dies or withdraws after the petition has been
19 filed and at least 48 days before the date of the general election
20 [BEFORE SEPTEMBER 1 OF THE ELECTION YEAR], the director may not place
21 the name of the candidate on the general election ballot.

22 * Sec. 26. AS 15.35.050 is amended to read:

23 Sec. 15.35.050. PLACING NAME OF SUPREME COURT JUSTICE ON BALLOT.
24 The director shall place the name of a supreme court justice who has
25 properly filed a declaration of candidacy for retention on the [JUDI-
26 CIAL] ballot in each judicial district of the state for the general
27 election at which approval is sought.

28 * Sec. 27. AS 15.35.059 is amended to read:

29 Sec. 15.35.059. PLACING NAME OF JUDGE OF THE COURT OF APPEALS ON
H

BALLOT. The director shall place the name of a judge of the court of appeals who has properly filed a declaration of candidacy for retention on the [JUDICIAL] ballot in each judicial district of the state for the general election at which approval is sought.

* Sec. 28. AS 15.35.090 is amended to read:

Sec. 15.35.090. PLACING NAME OF SUPERIOR COURT JUDGE ON BALLOT. The director shall place the name of a superior court judge who has properly filed a declaration of candidacy for retention on the [JUDICIAL] ballot in the judicial district designated in the declaration of candidacy for the general election at which approval is sought.

* Sec. 29. AS 15.35.130 is amended to read:

Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The director shall place the name of a district judge who has properly filed a declaration of candidacy for retention on the [JUDICIAL] ballot in the judicial district designated in the declaration of candidacy for the general election at which approval is sought.

* Sec. 30. AS 15.58.030(b) is amended to read:

(b) No later than July 15 of a year in which a state general election will be held, an individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative under AS 15.25.030 may file with the lieutenant governor a photograph and a statement advocating the candidacy. An individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative under AS 15.25.180 by filing a nominating petition or by another means may file with the lieutenant governor a photograph and a statement advocating the candidacy by July 15 or within 10 days of becoming a candidate, whichever is later.

Chapter 67

1 * Sec. 31. AS 24.05.085 is amended to read:

2 Sec. 24.05.085. RESIGNATION. A member resigns by submitting a
3 resignation in writing to the presiding officer of the house to which
4 the member was elected or appointed, with information copies to the
5 governor, the director of elections, and the executive director of the
6 Legislative Affairs Agency for appropriate administrative action. The
7 resignation is effective on the date specified in the resignation or,
8 if no date is specified, 10 days after the date of mailing the resign-
9 nation [, WHICHEVER IS LATER]. The resignation may be withdrawn, in
10 the same manner as it was submitted, at any time before it becomes
11 effective [DURING THIS PERIOD].

12 * Sec. 32. AS 39.50.020 is amended to read:

13 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS. (a)
14 A judicial officer, commissioner, chairman or member of a state com-
15 mission or board specified in AS 39.50.200(b), a person hired or
16 appointed as head or deputy head of, or director of a division within,
17 a department in the executive branch, a person appointed as assistant
18 to the governor, and a municipal officer, shall file a statement
19 giving income sources and business interests, under oath and on penal-
20 ty of perjury, within 30 days after taking office as a public offi-
21 cial. Candidates for state elective office shall file such a state-
22 ment with the director of elections at the time of filing a declara-
23 tion of candidacy or within 30 days of the filing of any nominating
24 petition, or within 30 days of becoming a candidate by any other
25 means. Candidates for elective municipal office shall file such a
26 statement at the time of filing a nominating petition, declaration of
27 candidacy, or other required filing for the elective municipal office.
28 Refusal or failure to file within the time prescribed shall require
29 that the candidate's filing fees, if any, and filing for office be
H

1 refused or that a previously accepted filing fee be returned and the
2 candidate's name removed from the filing records. A statement shall
3 also be filed by public officials no later than April 15 or 15 days
4 after the person files a federal income tax return in each following
5 year, whichever comes first. Persons who, on or after December 11,
6 1974, were members of boards or commissions not named in AS 39.50.-
7 200(b) are not required to file financial statements.

8 (b) The governor, lieutenant governor, members of the legisla-
9 ture, [AND CANDIDATES FOR THESE OFFICES,] judicial officers, each
0 commissioner, head or deputy head of, or director of a division with-
1 in, a department in the executive branch, assistant to the governor or
2 chairman or member of a commission or board required to report under
3 this chapter, shall file the statement with the Alaska Public Offices
4 Commission. Candidates for the office of governor, lieutenant
5 governor, and the legislature shall file the statement under AS 15.-
6 25.030 or 15.25.180. Municipal officers, and candidates for elective
7 municipal office, shall file with the municipal clerk or other municipi-
8 pal official designated to receive their filing for office. All
9 statements required to be filed under this chapter are public records.

0 * Sec. 33. Sections 22 and 30 of this Act take effect May 1, 1990.
1
2
3
4
5
6
7
8
9
1