



# LAWS OF ALASKA

1998

**Source**  
SCS CSHB 257(FIN)

**Chapter No.**  
63

## AN ACT

Relating to elections, to election officials and election workers, to voter registration, and to candidates for election; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

**Veto Overridden:** June 1, 1998

**Actual Effective Date:** June 2, 1998; sections 14 and 15 are retroactive to March 15, 1998

AN ACT

1 Relating to elections, to election officials and election workers, to voter registration, and to  
2 candidates for election; and providing for an effective date.

3

4 \* Section 1. AS 15.07.130(a) is amended to read:

5 (a) Periodically, at times of the director's choosing, but no less frequently  
6 than in January [AT THE CLOSE] of each calendar year, the director [AREA  
7 ELECTION SUPERVISOR] shall examine the master register maintained [BY THE  
8 SUPERVISOR] under AS 15.07.120 and shall send, by nonforwardable mail to the  
9 voter's registration mailing address, a notice requesting address confirmation or  
10 correction to each voter

11 (1) whose mail from the division has been returned to the division  
12 in the two years immediately preceding the examination of the register;

13 (2) who has not contacted the division in the two years immediately  
14 preceding the examination of the register; or

15 (3) who has not voted or appeared to vote in the two general

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1 elections immediately preceding the examination of the register.

2 \* Sec. 2. AS 15.07.130(b) is amended to read:

3 (b) If [WHEN] a registered voter has not, [INDICATED IN WRITING A  
4 DESIRE TO REMAIN REGISTERED] within the preceding four calendar years,  
5 contacted the division and has neither voted nor appeared to vote in a local, regional  
6 school board, primary, special, or general election during the last four calendar years  
7 and a notice sent to the voter under (a) of this section was returned as  
8 undeliverable, the voter shall be advised by a notice sent by forwardable mail to the  
9 voter's last known address that registration will be inactivated unless the voter responds  
10 to the notice no later than 45 [AT LEAST 30] days after [BEFORE] the date of the  
11 notice sent under this section [NEXT PRIMARY ELECTION ON A FORM  
12 FURNISHED BY THE DIRECTOR]. The director shall maintain on the master  
13 register the name of a voter whose registration is inactivated. The director shall cancel  
14 a voter's inactive registration in accordance with the procedures set out in 42 U.S.C.  
15 1973gg-6 (sec. 8, National Voter Registration Act of 1993) after the second general  
16 election that occurs after the registration becomes inactive if the voter does not contact  
17 the division or vote or appear to vote.

18 \* Sec. 3. AS 15.07.130(d) is amended to read:

19 (d) The notice sent under [DESCRIBED IN] (b) of this section must include  
20 a postage prepaid and pre-addressed return card on which the voter may state the  
21 voter's current address. The notice must indicate

22 (1) that the voter should return the card not later than 45 days after the  
23 date of the notice [30 DAYS BEFORE THE NEXT PRIMARY ELECTION] if the  
24 voter did not change residence;

25 (2) that failure to [THE VOTER MAY VOTE ONLY A  
26 QUESTIONED OR ABSENTEE BALLOT IF THE VOTER DOES NOT] return the  
27 card by the 45-day deadline could result in removal of the voter's name from the  
28 official registration list for a subsequent election [AT LEAST 30 DAYS BEFORE  
29 THE NEXT PRIMARY ELECTION];

30 (3) that the voter's registration will be cancelled if the voter does not  
31 contact the division during, or vote or appear to vote in an election held during, the

1 period beginning on the date of the notice and ending on the day after the last day of  
2 the fourth calendar year that occurs after the date of notice; and

3 (4) how the voter can continue to be eligible to vote if the voter has  
4 changed residence.

5 \* Sec. 4. AS 15.07.130 is amended by adding a new subsection to read:

6 (f) For the purpose of this section, a voter "contacts" the division if the voter  
7 notifies the division of a change of address, responds to a notice sent under this  
8 section, signs a petition for a ballot measure, requests a new voter registration card,  
9 or otherwise communicates with the division other than to vote or register to vote.

10 \* Sec. 5. AS 15.15.030 is amended by adding a new paragraph to read:

11 (14) Notwithstanding any other provision of this title, the director may  
12 provide for voting by use of optically scanned ballots where optical scanning  
13 equipment is available.

14 \* Sec. 6. AS 15.20.071 is repealed and reenacted to read:

15 **Sec. 15.20.071. Absentee voting by personal representative.** (a) A qualified  
16 voter with a disability who, because of that disability, is unable to go to a polling place  
17 to vote may vote an absentee ballot through a personal representative.

18 (b) The voter must apply in writing to the following election officials, at the  
19 times specified, for an absentee ballot:

20 (1) to an absentee voting official on or after the 15th day before an  
21 election, up to and including the day of the election;

22 (2) to an election supervisor

23 (A) after a date announced by the director under  
24 AS 15.20.048(b); and

25 (B) on or after the 15th day before an election up to and  
26 including the day of the election;

27 (3) to an absentee voting official at an absentee voting station  
28 designated under AS 15.20.045(b) at a time when the absentee voting station is in  
29 operation; or

30 (4) to a member of the precinct election board on election day.

31 (c) The voter's application must include the following:

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- 1 (1) the name and full residence address of the voter;  
2 (2) a form of identification for the voter that meets the requirements  
3 established by the director for absentee voting by mail under AS 15.20.081(f);  
4 (3) the full name of the personal representative; and  
5 (4) the voter's signature or mark.

6 (d) The election official shall issue the ballot and voter's certificate, which  
7 includes the date and location from which the ballot was issued, upon

8 (1) receipt of the written application of the voter that meets the  
9 requirements of (c) of this section;

10 (2) presentation of identification by the personal representative; and

11 (3) completion by the personal representative of a certification that  
12 includes the personal representative's name, residence and mailing addresses, type and  
13 number of identification, and signature and the name of the voter on whose behalf the  
14 ballot is requested.

15 (e) The personal representative shall deliver the absentee ballot and other  
16 absentee voting materials to the voter as soon as practicable. The voter shall proceed  
17 to mark the ballot in secret, to place the ballot in the secrecy sleeve, and to place the  
18 secrecy sleeve in the envelope provided. On the voter's certificate portion of the  
19 envelope, the voter shall state the name of the personal representative who delivered  
20 the absentee ballot, shall state that, because of a disability, the voter is unable to go  
21 to a polling place to vote, and shall sign the voter's certificate in the presence of the  
22 personal representative. The personal representative shall witness and date the  
23 signature of the voter. The voter shall return the absentee ballot to the personal  
24 representative by a time reasonably calculated to be necessary for the personal  
25 representative to deliver the material to an election official before 8:00 p.m. on election  
26 day. The personal representative shall

27 (1) deliver the ballot and voter certificate to an election official not  
28 later than 8:00 p.m. on election day; and

29 (2) certify on the form requested under (d)(3) of this section the date  
30 and time the voter's absentee ballot and certificate were delivered to the election  
31 official.

1 (f) Notwithstanding (e) of this section, if a qualified voter's disability  
2 precludes the voter from performing any of the requirements of (e) of this section, the  
3 personal representative may perform those requirements on the voter's behalf, except  
4 the voting decision.

5 (g) The voter's employer, an agent of the voter's employer, or an officer or  
6 agent of the voter's union may not act as a personal representative for the voter. A  
7 candidate for office at an election may not act as a personal representative for a voter  
8 in the election.

9 \* Sec. 7. AS 15.20.081(b) is amended to read:

10 (b) An application requesting delivery of an absentee ballot to the applicant  
11 by mail must be received by the division of elections not less than seven days before  
12 the election for which the absentee ballot is sought. An application for an absentee  
13 ballot for a state election from a qualified voter requesting delivery of an absentee  
14 ballot to the applicant by electronic transmission must be received by the division of  
15 elections not later than 5:00 p.m. Alaska time on the day [LESS THAN FOUR  
16 DAYS] before the election for which the absentee ballot is sought. An absentee ballot  
17 application submitted by mail under this section must permit the person to register to  
18 vote under AS 15.07.070 and to request an absentee ballot for each state election held  
19 within that calendar year for which the voter is eligible to vote. An absentee ballot  
20 application submitted by electronic transmission under this section may not include a  
21 provision that permits a person to register to vote under AS 15.07.070.

22 \* Sec. 8. AS 15.20 is amended by adding a new section to read:

23 **Article 6. Optically Scanned Voting.**

24 **Sec. 15.20.900. Optically scanned ballot tabulation.** (a) Notwithstanding  
25 any other provisions of this title, the director may adopt regulations that provide  
26 procedures for the tabulation of optically scanned ballots, including procedures for

27 (1) tests of the counting programs developed for each precinct tabulator  
28 to ensure that the system is functioning properly;

29 (2) security for the voting and tabulation of ballots;

30 (3) the transmission and accumulation of vote totals to assure the  
31 integrity of the vote counting process;

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1 (4) observation by the public of the counting process in the regional  
2 offices; and

3 (5) the disposition of ballots.

4 (b) The state ballot counting review board established under AS 15.10.180  
5 shall test the counting programs for the tabulation of optically scanned ballots and  
6 certify their accuracy in accordance with the regulations adopted under (a) of this  
7 section.

8 \* Sec. 9. AS 15.58.020 is amended to read:

9 **Sec. 15.58.020. Contents of pamphlet.** Each election pamphlet **must**  
10 [SHALL] contain

11 (1) photographs and campaign statements submitted by eligible  
12 candidates for elective office in the region;

13 (2) information and recommendations filed under AS 15.58.050 on  
14 judicial officers subject to a retention election in the region;

15 (3) a map of the election district or districts of the region;

16 (4) sample ballots for election districts of the region;

17 (5) an absentee ballot application;

18 (6) for each ballot proposition submitted to the voters by initiative or  
19 referendum petition or by the legislature,

20 (A) the full text of the proposition specifying constitutional or  
21 statutory provisions proposed to be affected;

22 (B) the ballot title and the summary of the proposition prepared  
23 by the director or by the lieutenant governor;

24 (C) a neutral summary of the proposition prepared by the  
25 Legislative Affairs Agency;

26 (D) statements submitted which advocate voter approval or  
27 rejection of the proposition not to exceed 500 words;

28 (7) for each bond question, a statement of the scope of each project as  
29 it appears in the bond authorization;

30 (8) a maximum of two pages of material submitted by each political  
31 party;

1 (9) additional information on voting procedures that the lieutenant  
2 governor considers necessary;

3 (10) for the question whether a constitutional convention shall be  
4 called,

5 (A) a full statement of the question placed on the ballot;

6 (B) statements not to exceed 500 words that advocate voter  
7 approval or rejection of the question;

8 (11) under AS 37.13.170, the Alaska permanent fund annual income  
9 statement and balance sheet for the two fiscal years preceding the publication of  
10 the election pamphlet.

11 \* Sec. 10. AS 15.58.030(a) is amended to read:

12 (a) No later than August 30 [JULY 15] of a presidential election year,  
13 candidates for the offices of the United States President and Vice-President may file  
14 with the lieutenant governor photographs and statements advocating their candidacy.

15 \* Sec. 11. AS 15.58.030(d) is amended to read:

16 (d) Pages on which candidates' photographs or statements appear must be  
17 clearly identified with the words "provided and paid for by the candidate."

18 \* Sec. 12. AS 15.58.030(f) is amended to read:

19 (f) A candidate's photograph must be [A] 5" x 7" in size and must have been  
20 [BLACK AND WHITE GLOSSY PRINT] taken within the past five years. The  
21 photograph must be limited to the head, neck, and shoulders of the candidate. All  
22 photographs shall be printed in black and white.

23 \* Sec. 13. AS 23.20.526(d) is amended to read:

24 (d) For the purposes of AS 23.20.525(a)(4) - (6) and (14), the term  
25 "employment" does not apply to service performed

26 (1) by a duly ordained, commissioned, or licensed minister of a church  
27 in the exercise of the person's ministry or by a member of a religious order in the  
28 exercise of duties required by the order;

29 (2) in a facility conducted for the purpose of carrying out a program  
30 of rehabilitation for individuals whose earning capacity is impaired by age or physical  
31 or mental deficiency or injury or providing remunerative work for individuals who,

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1 because of their impaired physical or mental capacity, cannot be readily absorbed in  
2 the competitive labor market by an individual receiving the rehabilitation or  
3 remunerative work;

4 (3) as part of an unemployment work-relief or work-training program  
5 assisted or financed in whole or in part by any federal agency or any agency of a state  
6 or political subdivision of the state, by an individual receiving work relief or work  
7 training;

8 (4) for a state hospital by an inmate of a prison or correctional  
9 institution;

10 (5) in the employ of a school, college, or university [,] if the service  
11 is performed by a student who is enrolled and is regularly attending classes at the  
12 school, college, or university;

13 (6) by an individual under the age of 22 who is enrolled at a nonprofit  
14 or public educational institution that [WHICH] normally maintains a regular faculty  
15 and curriculum and normally has a regularly organized body of students in attendance  
16 at the place where its educational activities are carried on as a student in a full-time  
17 program, taken for credit at the institution, which combines academic instruction with  
18 work experience [,] if the service is an integral part of the program [,] and the  
19 institution has so certified to the employer, except that this paragraph does not apply  
20 to service performed in a program established for or on behalf of an employer or group  
21 of employers;

22 (7) in the employ of a hospital [,] if the service is performed by a  
23 patient of the hospital, as defined in AS 23.20.520;

24 (8) in the employ of the state or a political subdivision of the state if  
25 the service is performed by an individual in the exercise of duties

26 (A) as a "public official" as defined in AS 39.50.200(a), any  
27 other elected official, the fiscal analyst of the legislative finance division, the  
28 legislative auditor of the legislative audit division, the executive director of the  
29 Legislative Affairs Agency, and the directors of the divisions within the  
30 Legislative Affairs Agency;

31 (B) as a member of the Alaska Army National Guard or Alaska

1 Air National Guard or Alaska Naval Militia; [OR]

2 (C) as an employee serving on only a temporary basis in case  
3 of fire, storm, snow, earthquake, flood, or similar emergency; or

4 (D) as an election official or election worker if the amount  
5 of remuneration received by the individual during the calendar year for  
6 services as an election official or election worker is less than \$1,000;

7 (9) in the employ of

8 (A) a church or a convention or association of churches; or

9 (B) an organization which is operated primarily for religious  
10 purposes and which is operated, supervised, controlled, or principally supported  
11 by a church or a convention or association of churches.

12 \* Sec. 14. AS 24.60.250 is repealed and reenacted to read:

13 **Sec. 24.60.250. Effect of failure to file.** In addition to the sanctions described  
14 in AS 24.60.260, if the Alaska Public Offices Commission finds that a candidate for  
15 the legislature who is an incumbent legislator has failed to file a report under  
16 AS 24.60.200 by March 15, the commission shall notify the candidate that the report  
17 is late. If the candidate fails to file the report within 30 days after it is due,

18 (1) the commission shall notify the lieutenant governor;

19 (2) the candidate shall forfeit nomination to office and may not be  
20 seated in office;

21 (3) the lieutenant governor may not certify the person's nomination for  
22 office or election to office; and

23 (4) nomination to the office shall be certified as provided in  
24 AS 39.50.060(b).

25 \* Sec. 15. LEGISLATIVE FINANCIAL DISCLOSURE GRACE PERIOD  
26 RETROACTIVITY. Notwithstanding any other provision of AS 24.60.250 as it exists on the  
27 day before the effective date of this section or as it exists after amendment by sec. 14 of this  
28 Act, a candidate for the legislature who failed to file a report under AS 24.60.200 by April 15,  
29 1998, but who filed the report by within 30 days after that date, is subject to civil penalty for  
30 late filing under AS 24.60.240 but may not be made subject to any penalty or consequence  
31 imposed under AS 24.60.250, including forfeiture of nomination to office, denial of seating

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- 1 in office, or denial of certification for office or election to office.
- 2 \* **Sec. 16.** Sections 14 and 15 of this Act are retroactive to March 15, 1998.
- 3 \* **Sec. 17.** This Act takes effect immediately under AS 01.10.070(c).