

Chapter 5.08
VOTER QUALIFICATIONS

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5.08.010 Voter qualifications.

A. A person is qualified to vote in borough-wide elections who:

1. Is a citizen of the United States;
2. Is 18 years of age or older;
3. Has been a resident of the borough and the precinct in which the person seeks to vote for at least 30 days just before the election;
4. Is registered to vote in state elections at a residence address within a municipality at least 30 days before the election at which the person seeks to vote;
5. Has registered before the election as required under AS 15.07 and is not registered to vote in another jurisdiction; and
6. Is not disqualified under Article V of the State Constitution.

B. A person is qualified to vote in a service area election if he meets the requirements of subsection (A) of this section and has in addition been a resident of the service area in which he seeks to vote for at least 30 days immediately preceding the election. (Ord. 2004-45 § 2, 2004. 2004 Code § 2.12.130.)

5.08.020 Rules for determining residence of voter.

For the purpose of determining residence for voting, the place of residence is governed by the following rules:

- A. The residence of a person is that place in which habitation is fixed and to which, whenever he is absent, he has intention to return. If a person resides in one place but does business in another, the former is the person's place of residence. There can only be one residence.
- B. A person does not gain or lose his residence solely by reason of his presence while employed in the service of the United States or of this state, or while a student of an institution or asylum at public expense, or while confined in a public prison or while residing upon an Indian or military reservation.
- C. No member of the armed forces of the United States, his spouse or his dependent is a resident of this state solely by reason of being stationed in the state.
- D. A person does not lose his residence if he leaves his home and goes to another country, state, or place within this state for temporary purposes only and with the intention of returning.
- E. A person does not gain a residence in a place to which he comes without a present intent to establish a permanent dwelling there.
- F. A person loses his residence in this state if he votes in an election held in another state and has not, upon his return, regained his residence in this state under the provisions of this title and state law.

G. The term of residence is computed by including the day on which the person's residence commences and by excluding the day of the election. (Ord. 2004-45 § 2, 2004. 2004 Code § 2.12.140.)

5.08.030 Registration.

A. No person may vote in an election unless he is a qualified voter under the Alaska State Constitution and laws of Alaska and has met the conditions prescribed by this title and has registered to vote as required by the state election code.

B. The precinct election officials at any election shall allow a person to vote whose name is on the official registration list for that precinct and who is qualified under this title and AS 15.05. A person whose name is not on the official registration list shall be allowed to vote a questioned ballot. (Ord. 2004-45 § 2, 2004. 2004 Code § 2.12.150.)

5.08.040 Voter disqualification for felony conviction.

A person whose qualifications to vote have been questioned on the basis of a felony conviction must vote a questioned ballot. A person's vote shall not count where the voter has been convicted either by state courts of Alaska, by the courts of another state or by the federal courts of a felony involving a moral turpitude under Alaska law unless his civil rights have been restored by law or by proper authority in the jurisdiction in which the person was convicted. Felonies involving moral turpitude include, but are not limited to, those crimes that are immoral or wrong in themselves such as murder, manslaughter, assault, sexual assault, sexual abuse of a minor, unlawful exploration of a minor, robbery, extortion, coercion, kidnapping, incest, arson, burglary, theft, forgery, criminal possession of a forgery device, offering a false instrument for recording, scheme to defraud, falsifying business records, commercial bribe receiving, commercial bribery, bribery, receiving a bribe, perjury, perjury by inconsistent statements, endangering the welfare of a minor, escape, promoting contraband, interference with official proceedings, receiving a bribe by a witness or a juror, jury tampering, misconduct by a juror, tampering with physical evidence, hindering prosecution, terroristic threatening, riot, criminal possession of explosives, unlawful furnishing of explosives, promoting prostitution, criminal mischief, misconduct involving a controlled substance or an imitation controlled substance, permitting an escape, promoting gambling, possession of gambling records, distribution of child pornography, and possession of child pornography. (Ord. 2004-45 § 2, 2004. 2004 Code § 2.12.160.)

5.08.050 Bonded indebtedness.

A. Only qualified voters may vote on a question of incurring bonded indebtedness by the borough. If the debt to be incurred is to be an area-wide debt, the vote shall be area-wide. If the debt to be incurred is to be limited to the area outside cities, the vote shall be limited to the qualified voters who reside in the affected area.

B. Notice of bonded indebtedness shall be given consistent with the provisions of FNSBC 5.04.060(E) and state law. (Ord. 2004-45 § 2, 2004. 2004 Code § 2.12.170.)