

CS FOR HOUSE BILL NO. 115(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/23/10

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES BUCH, Gruenberg, Kerttula

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing a permanent absentee voting option for qualified voters; and**
2 **providing for an effective date."**

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

4 * **Section 1.** AS 15.07.127 is amended by adding a new subsection to read:

5 (b) The director shall maintain the list under (a) of this section so that the
6 names of persons who have the status of permanent absentee voters under
7 AS 15.20.085 may be readily identified.

8 * **Sec. 2.** AS 15.07.130(e) is amended to read:

9 (e) For purposes of (b) and (d) of this section, a voter "appears to vote" if

10 (1) the voter is present at a polling place or at an absentee voting
11 station at a time when the polling place or absentee voting station is operating, for the
12 purpose of casting a vote;

13 (2) the voter applies to the division

14 (A) to obtain an absentee ballot; **or**

(B) for permanent absentee voter status under**AS 15.20.085**; or

(3) in an election conducted by mail under AS 15.20.800, a voter who has not received a ballot by mail makes a timely request to the division for a ballot.

* **Sec. 3.** AS 15.20 is amended by adding a new section to read:

Sec. 15.20.085. Permanent absentee voting. (a) A qualified voter may apply to the director in person, by mail, or by facsimile, scanning, or other electronic transmission, as provided in AS 15.07.070, for permanent absentee voting status. The application must include the address to which absentee ballots are to be returned, the applicant's full Alaska residence address, and the applicant's signature.

(b) A person may supply to a voter a permanent absentee voting application form with a political party or group affiliation indicated only if the voter is already registered as affiliated with the political party or group indicated. Only the voter may mark the voter's choice of primary ballot on the permanent absentee voting application. A person supplying a permanent absentee voting application form may not design or mark the application in a manner that suggests choice of one ballot over another, except that ballot choices may be listed on an application as authorized by the division. The application must be made on a form prescribed or approved by the director. The voter or registration official shall submit the application directly to the division of elections. In this subsection, "directly to the division of elections" has the meaning given in AS 15.20.081(a). However, nothing in this subsection is intended to prohibit a voter from giving a completed permanent absentee voting application to a friend, relative, or associate for transfer to the United States Postal Service or a private commercial delivery service for delivery to the division.

(c) For each state primary, general, and special election, and each other election for which the state has responsibility for the conduct of the election, the director or an election supervisor shall send an absentee ballot to each voter designated as a permanent absentee voter for that election and who is otherwise qualified to vote in that election. The director or election supervisor shall send the ballot to the permanent mailing address set out on the official registration list unless the voter has notified the director or an election supervisor of a different address to which the ballot

1 should be sent. The director or an election supervisor shall send the absentee ballots

2 (1) by first class, nonforwardable mail;

3 (2) not later than the 15th day before the election; and

4 (3) with an accompanying explanation of the absentee voting
5 procedure under AS 15.20.020 and notice that the voter's permanent absentee voting
6 status will be removed if the voter does not vote or appear to vote in a primary,
7 special, or general election for a period of four calendar years.

8 (d) The director shall make available a change of address form for permanent
9 absentee voters.

10 (e) Nothing in this section requires the director or an election supervisor to
11 send an absentee ballot under (c) of this section to a permanent absentee voter after the
12 director or election supervisor receives actual notice that mail sent to the voter's
13 permanent mailing address or a different address provided by a voter under this
14 section is undeliverable to the voter at the address.

15 (f) A permanent absentee voter to whom a ballot is provided under this section
16 may cast the ballot under AS 15.20.081(d) and (e).

17 (g) Ballots voted under this section shall be reviewed under procedures
18 established for the review of absentee ballots under AS 15.20.201 and 15.20.203.

19 (h) Nothing in this section limits a voter's eligibility to vote

20 (1) in person at a precinct under AS 15.15.195 or 15.15.198;

21 (2) in person before an absentee voting official under AS 15.20.061;

22 (3) early under AS 15.20.064; or

23 (4) by electronic transmission under AS 15.20.066.

24 (i) If a voter designated as a permanent absentee voter under this section does
25 not vote or appear to vote in a primary, special, or general election for a period of four
26 calendar years, the director shall remove the voter's permanent absentee voter status.

27 (j) In this section, "appear to vote" has the meaning given in AS 15.07.130(e).

28 * **Sec. 4.** AS 15.56.030(a) is amended to read:

29 (a) A person commits the crime of unlawful interference with voting in the
30 first degree if the person

31 (1) uses, threatens to use, or causes to be used force, coercion,

1 violence, or restraint, or inflicts, threatens to inflict, or causes to be inflicted damage,
 2 harm, or loss, upon or against another person to induce or compel that person to vote
 3 or refrain from voting in an election;

4 (2) knowingly pays, offers to pay, or causes to be paid money or other
 5 valuable thing to a person to vote or refrain from voting in an election;

6 (3) solicits, accepts, or agrees to accept money or other valuable thing
 7 with the intent to vote for or refrain from voting for a candidate at an election or for an
 8 election proposition or question;

9 (4) violates AS 15.20.081(a) or 15.20.085(b) by knowingly supplying
 10 or encouraging or assisting another person to supply to a voter **a permanent absentee**
 11 **voting or** [AN] absentee ballot application form with a political party or group
 12 affiliation indicated if the voter is not already registered as affiliated with that political
 13 party or group, and the person has been previously convicted of unlawful interference
 14 with voting in the second degree under AS 15.56.035(a)(5);

15 (5) knowingly designs, marks, or encourages or assists another person
 16 to design or mark **a permanent absentee voting or** [AN] absentee ballot application
 17 in a manner that suggests choice of one ballot over another as prohibited by
 18 AS 15.20.081(a) or 15.20.085(b), and the person has been previously convicted of
 19 unlawful interference with voting in the second degree under AS 15.56.035(a)(6); or

20 (6) knowingly submits or encourages or assists another person to
 21 submit **a permanent absentee voting or** [AN] absentee ballot application to an
 22 intermediary who could control or delay the submission of the application to the
 23 division of elections or who could gather data from the application form as prohibited
 24 by AS 15.20.081(a) or 15.20.085(b), and the person has been previously convicted of
 25 unlawful interference with voting in the second degree under AS 15.56.035(a)(7).

26 * **Sec. 5.** AS 15.56.035(a) is amended to read:

27 (a) A person commits the crime of unlawful interference with voting in the
 28 second degree if the person

29 (1) has an official ballot in possession outside of the voting room
 30 unless the person is an election official or other person authorized by law or local
 31 ordinance, or by the director or chief municipal elections official in a local election;

(2) makes, or knowingly has in possession, a counterfeit of an official election ballot;

(3) knowingly solicits or encourages, directly or indirectly, a registered voter who is no longer qualified to vote under AS 15.05.010, to vote in an election;

(4) as a registration official

(A) knowingly refuses to register a person who is entitled to register under AS 15.07.030; or

(B) accepts a fee from an applicant applying for registration;

(5) violates AS 15.20.081(a) or 15.20.085(b) by knowingly supplying or encouraging or assisting another person to supply to a voter **a permanent absentee voting or** [AN] absentee ballot application form with a political party or group affiliation indicated if the voter is not already registered as affiliated with that political party or group;

(6) knowingly designs, marks, or encourages or assists another person to design or mark **a permanent absentee voting or** [AN] absentee ballot application in a manner that suggests choice of one ballot over another as prohibited by AS 15.20.081(a) or 15.20.085(b); or

(7) knowingly submits or encourages or assists another person to submit **a permanent absentee voting or** [AN] absentee ballot application to an intermediary who could control or delay the submission of the application to the division of elections or who could gather data from the application form as prohibited by AS 15.20.081(a) or 15.20.085(b).

* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITIONAL PROVISIONS: REGULATIONS. The director of elections may proceed to adopt or amend regulations as necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulations.

* **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

* **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect January 1, 2011.