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Bullard
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CS FOR HOUSE BILL NO. 104()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL
FOR AN ACT ENTITLED

**"An Act relating to election practices and procedures; relating to public records;
relating to the election of an advisory school board in a regional educational attendance
area; and providing for an effective date."**

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

*** Section 1.** AS 14.08.071 is amended by adding a new subsection to read:

(e) The lieutenant governor may provide for the election of an advisory school board established under AS 14.08.115. An election conducted under this subsection shall be held on the first Tuesday in October. The lieutenant governor may adopt regulations governing an election conducted under this subsection.

*** Sec. 2.** AS 15.05.011 is amended by adding a new subsection to read:

(e) Notwithstanding (b)(1) of this section, a person residing outside the United States may register and vote absentee if

(1) the parent or legal guardian of the person was domiciled in the state immediately before leaving the United States;

(2) the director determines that the person meets the requirements of (b)(2) - (5) of this section.

* **Sec. 3.** 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 party district committee where no organized precinct committee exists, or the state party chairperson where neither a precinct nor a party district 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 the candidate's 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 director. A state party chairperson, a precinct party committee, a party district committee, or a candidate not representing a political party or organization or organized group may not have more than one watcher on duty at a time in any precinct or counting center. A watcher must be registered to vote in the state. The watcher may be present at a position inside the place of voting or counting that affords a full view of all action of the election officials 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 appointment by the precinct party committee, the party district committee, the organization or organized group, or the candidate the watcher represents that is signed by the chairperson of the precinct party committee, the party district committee, the state party chairperson, the organization or organized group, or the candidate representing no party.

* **Sec. 4.** AS 15.10.180 is amended to read:

Sec. 15.10.180. Appointment of state ballot counting review board. The director shall appoint two persons from the political party of which the governor is a member and two persons from the political party that received the second largest number of votes statewide in the preceding gubernatorial election to participate in the

1 state ballot counting review. The director may appoint additional individuals to
2 participate in the state ballot counting review. Appointees must be registered to vote
3 in the state. Each political party may present to the director a list of three or more
4 names from which the director shall select the persons to represent the party. The list
5 of names may be submitted in writing at least 30 days before the date of the election.
6 The list of names shall be certified by the state chairperson of the political party or by
7 the person authorized by the party bylaws to act in the absence of the chairperson.

8 * Sec. 5. AS 15.13.374(f) is amended to read:

9 (f) Advisory opinion requests and advisory opinions are public records subject
10 to inspection and copying under AS 40.25, except that the name of a person
11 requesting an advisory opinion shall be kept confidential, and the commission
12 shall redact the name of the requester from a request and from an advisory
13 opinion before making the request and opinion public.

14 * Sec. 6. AS 15.20.045 is amended by adding a new subsection to read:

15 (c) In a municipality in which the division will not be operating an absentee
16 voting station, the director may designate the municipal clerk as an absentee voting
17 official for the limited purpose of distributing absentee ballots to qualified voters
18 under AS 15.20.061(a)(1) and qualified voters' representatives under AS 15.20.072. At
19 least 15 days before the election, the director shall supply municipal clerks designated
20 under this subsection with absentee ballots.

21 * Sec. 7. AS 15.20.066(a) is amended to read:

22 (a) The director shall adopt regulations applicable to the delivery of absentee
23 ballots by electronic transmission in a state election and to the use of electronic
24 transmission absentee voting in a state election by qualified voters. The regulations
25 must

26 (1) require the voter to comply with the same time deadlines as for
27 voting in person on or before the closing hour of the polls;

28 (2) require the voter to comply with the same deadlines for
29 applying for an absentee ballot as those set out for applying in person for an
30 absentee ballot in AS 15.20.061(a)(1), except that a qualified voter who is an
31 absent uniformed services voter or an overseas voter may apply to vote an

absentee ballot by electronic transmission at any time during a calendar year;
and

(3) [(2)] ensure the accuracy and, to the greatest degree possible, the integrity and secrecy of the ballot process.

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

(c) After receipt of an application, the director shall send the absentee ballot and other absentee voting material to the applicant by the most expeditious mail service. However, if the application requests that an absentee ballot for a state election be sent by electronic transmission, the director shall send the absentee ballot and other absentee voting material to the applicant by electronic transmission. Except as provided in (k) of this section, the [THE] absentee ballot and other absentee voting material shall be sent as soon as they are ready for distribution. If the absentee ballot and other absentee voting material are mailed to the applicant, the return envelope sent with the ballot and other materials shall be addressed to the election supervisor in the district in which the voter is a resident.

* Sec. 9. AS 15.20.081(e) is amended to read:

(e) An absentee ballot must be marked on or before the date of the election. A [EXCEPT AS PROVIDED IN (h) OF THIS SECTION, A] voter who returns the absentee ballot by mail, whether provided to the voter by mail or by electronic transmission, shall use a mail service at least equal to first class and mail the ballot not later than the day of the election to the election supervisor for the house district in which the voter seeks to vote. Except as provided in AS 15.20.480, the ballot may not be counted unless it is received by the close of business on the 10th day after the election. If the ballot is postmarked, it must be postmarked on or before election day. After the day of the election, ballots may not be accepted unless received by mail.

* Sec. 10. AS 15.20.081 is amended by adding new subsections to read:

(k) In accordance with 42 U.S.C. 1973ff-1(a)(8)(A), if an application is received at least 45 days before an election and is from an absent uniformed services voter or an overseas voter, the director shall send an absentee ballot and other voting material to the applicant not later than 45 days before the election.

(l) If an application is received at least 45 days before an election and is from

1 a voter who notifies the director in writing that the voter expects to be living, working,
2 or traveling outside the United States at the time of the election or expects to be living,
3 working, or traveling in a remote area of the state where distance, terrain, or other
4 natural conditions deny the voter reasonable access to a polling place at the time of the
5 election, the director shall send an absentee ballot and other voting material to the
6 applicant not later than 45 days before the election.

7 * Sec. 11. AS 15.20.203(i) is amended to read:

8 (i) The director shall mail the materials described in (h) of this section to the
9 voter not later than

10 (1) 10 days after completion of the review of ballots by the state
11 review board for a primary election, or for a special election under AS 15.40.140
12 that is followed by a special runoff election;

13 (2) 60 days after certification of the results of a general election,
14 special runoff election, or special election other than a special election described in
15 (1) of this subsection.

16 * Sec. 12. AS 15.20.203(j) is amended to read:

17 (j) The director shall make available through a free access system to each
18 absentee voter a system to check to see whether the voter's ballot was counted and, if
19 not counted, the reason why the ballot was not counted. The director shall make this
20 information available through the free access system not less than

21 (1) 10 days after certification of the results of a primary election, or a
22 special election under AS 15.40.140 that is followed by a special runoff election;
23 and

24 (2) [NOT LESS THAN] 30 days after certification of the results of a
25 general or special election, other than a special election described in (1) of this
26 subsection.

27 * Sec. 13. AS 15.20.207(i) is amended to read:

28 (i) The director shall mail the materials described in (h) of this section to the
29 voter not later than

30 (1) 10 days after completion of the review of ballots by the state
31 review board for a primary election, or for a special election under AS 15.40.140

1 that is followed by a special runoff election;

2 (2) 60 days after certification of the results of a general or special
3 election, other than a special election described in (1) of this subsection.

4 * Sec. 14. AS 15.20.207(k) is amended to read:

5 (k) The director shall make available through a free access system to each
6 voter voting a questioned ballot a system to check to see whether the voter's ballot was
7 counted and, if not counted, the reason why the ballot was not counted. The director
8 shall make this information available through the free access system not less than

9 (1) 10 days after certification of the results of a primary election, or a
10 special election under AS 15.40.140 that is followed by a special runoff election;
11 and

12 (2) [NOT LESS THAN] 30 days after the certification of the results of
13 a general or special election, other than a special election described in (1) of this
14 subsection.

15 * Sec. 15. AS 15.20.211(d) is amended to read:

16 (d) The director shall mail the materials described in (c) of this section to the
17 voter not later than

18 (1) 10 days after completion of the review of ballots by the state
19 review board for a primary election, or for a special election under AS 15.40.140
20 that is followed by a special runoff election;

21 (2) 60 days after certification of the results of a general or special
22 election, other than a special election described in (1) of this subsection.

23 * Sec. 16. AS 15.20.211(f) is amended to read:

24 (f) The director shall make available through a free access system to each
25 voter whose ballot was subject to partial counting under this section a system to check
26 to see whether the voter's ballot was partially counted and, if not counted, the reason
27 why the ballot was not counted. The director shall make this information available
28 through the free access system not less than

29 (1) 10 days after certification of the results of a primary election, or a
30 special election under AS 15.40.140 that is followed by a special runoff election;
31 and

(2) [NOT LESS THAN] 30 days after the certification of the results of a general or special election, other than a special election described in (1) of this subsection.

* Sec. 17. 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.

* Sec. 18. AS 15.25.020 is amended to read:

Sec. 15.25.020. Date of primary. The primary election is held on the second [FOURTH] Tuesday in August of every even-numbered year.

* Sec. 19. AS 15.25.055 is amended to read:

Sec. 15.25.055. Removal of name from primary ballot. A candidate's name must appear on the primary election ballot unless notice of the withdrawal from the primary is received by the director at least 52 [48] days before the date of the primary election.

* Sec. 20. AS 15.25.056(a) is amended to read:

(a) If an unopposed incumbent candidate for renomination dies, becomes disqualified from holding the office the candidate is seeking, or is certified as being incapacitated between June 1 of the election year and that date which is more than 54 [50] days before the date of 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 not [NO] later than 14 days after the death, disqualification, or certification of incapacity of the incumbent or 52 [48] days before the primary election date, whichever time is earlier.

* Sec. 21. AS 15.25.056(c) is amended to read:

(c) The death, disqualification, or certification of incapacity of the incumbent within 52 [48] 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. 22. AS 15.25.110 is amended to read:

Sec. 15.25.110. Filling vacancies by party petition. If a candidate of a political party 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 64 [48] 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 be of the same political party, that the candidate is physically or mentally incapacitated to an extent that would in the panel's judgment prevent the candidate from active service during the term of office if elected. The director shall place the name of the person nominated by party petition on the general election ballot. The name of a candidate disqualified under this section may not appear on the general election ballot.

* Sec. 23. AS 15.25.120 is amended to read:

Sec. 15.25.120. Requirements for party petition. Party petitions for the nomination of candidates shall state in substance that the political party desires and intends to support the named candidate for the named office and requests that the name of the proposed candidate be placed on the general election ballot. The petition may be filed not [NO] later than 64 [48] days before the date of the general election.

* Sec. 24. AS 15.25.150 is repealed and reenacted to read:

Sec. 15.25.150. Manner and date of filing petition. (a) A candidate seeking nomination by petition shall submit the information required under AS 15.25.180 by either

(1) the actual physical delivery of the petition in person or by mail at or before 5:00 p.m., prevailing time, June 1 of the year in which a general election is being held for the office; or

(2) reliable electronic transmission of a copy in substance of the

statements made in paragraphs (1) and (3) - (6) of the petition as required by AS 15.25.180(a) at or before 5:00 p.m., prevailing time, June 1 of the year in which a general election is being held for the office and also the actual physical delivery of the petition containing paragraphs (1) - (17) as required by AS 15.25.180(a) by mail that is received not more than 15 days after that time.

(b) If the postmark is illegible, a dated receipt from the post office where the petition was mailed 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.

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

(d) If the petition 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 the petition with proof that a previous petition has been filed in a timely manner and in accordance with law.

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

Sec. 15.25.200. Withdrawal of candidate's name. If a candidate nominated by petition dies or withdraws after the petition has been filed and 64 [48] days or more before the general election, the director may not place the name of the candidate on the general election ballot.

* Sec. 26. AS 15.35.135(b) is amended to read:

(b) The name of a candidate for retention for supreme court justice, judge of the court of appeals, superior court judge, or district court judge must appear on the general election ballot unless notice under (a) of this section of withdrawal of candidacy is received by the director at least 64 [48] days before the date of the general election.

* Sec. 27. AS 15.40.140 is amended to read:

Sec. 15.40.140. Condition [AND TIME] of calling special election. When a vacancy occurs in the office of United States senator or United States representative,

1 the governor shall, by proclamation, call a special election under AS 15.40.142(a)
2 [TO BE HELD ON A DATE NOT LESS THAN 60, NOR MORE THAN 90, DAYS
3 AFTER THE DATE THE VACANCY OCCURS]. However, if the vacancy occurs on
4 a date that is less than 60 days before or is on or after the date of the primary election
5 in the general election year during which a candidate to fill the office is regularly
6 elected, the governor may not call a special election.

7 * Sec. 28. AS 15.40 is amended by adding new sections to read:

8 **Sec. 15.40.141. Condition of calling a special runoff election.** (a) If no
9 candidate in a special election called under AS 15.40.140 receives over 50 percent of
10 the votes cast for the office, the governor shall, by proclamation, call a special runoff
11 election under AS 15.40.142(b).

12 (b) In a special runoff election called under (a) of this section, the director
13 shall place the names of the candidates receiving the greatest number of votes and the
14 second greatest number of votes in the special election on the special runoff election
15 ballot.

16 **Sec. 15.40.142. Time of calling the special election and the special runoff**
17 **election.** (a) Except as provided in (c) of this section, if a special election is called
18 under AS 15.40.140, it shall be held on a date not less than 60, nor more than 90, days
19 after the date the vacancy occurs.

20 (b) Except as provided in (c) of this section, a special runoff election under
21 AS 15.40.141 shall be held on the first Tuesday that is not a state holiday occurring
22 not less than 60 days after the special election.

23 (c) In an election year in which a candidate for the vacant office is not
24 regularly elected, and the vacancy occurs on a date that is not less than 60, nor more
25 than 90, days before the date of

26 (1) the primary election, the special election shall be held on the date
27 of the primary election with any subsequent special runoff election under
28 AS 15.40.141 to be held on the date of the general election; or

29 (2) the general election, the special election shall be held on the date of
30 the general election with any subsequent special runoff election under AS 15.40.141 to
31 be held on the first Tuesday that is not a state holiday occurring not less than 60 days

after the special and general election.

* Sec. 29. AS 15.40.160 is amended to read:

Sec. 15.40.160. Proclamation. The governor shall issue the proclamation at least 50 days before the

(1) special election; and

(2) if a special runoff election is required under AS 15.40.141(a), the special runoff election.

* Sec. 30. AS 15.40.165 is amended to read:

Sec. 15.40.165. Term of elected senator. At the special election, or, as provided by AS 15.40.141, at the special runoff election, a United States senator shall be elected to fill the remainder of the unexpired term. The person elected shall take office on the date the United States Senate meets, convenes, or reconvenes following the certification of the results of the special election or special runoff election by the director.

* Sec. 31. AS 15.40.170 is amended to read:

Sec. 15.40.170. Term of elected representative. At the special election, or, as provided by AS 15.40.141, at the special runoff election, a United States representative shall be elected to fill the remainder of the unexpired term. The person elected shall take office on the date the United States house of representatives meets, convenes, or reconvenes following the certification of the results of the special election or special runoff election by the director.

* Sec. 32. AS 15.40.220 is amended to read:

Sec. 15.40.220. General provisions for conduct of special election and special runoff election. Unless specifically provided otherwise, all provisions regarding the conduct of the general election shall govern the conduct of the special election and the special runoff election of the United States senator or United States representative, including provisions concerning voter qualifications; provisions regarding the duties, powers, rights, and obligations of the director, of other election officials, and of municipalities; provision for notification of the election; provision for payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for the counting, reviewing, and certification of returns;

provision for running as, voting for, and counting ballots for, a write-in candidate; provisions for the determination of the votes and of recounts, contests, and appeal; and provision for absentee voting.

* Sec. 33. AS 15.45.190 is amended to read:

Sec. 15.45.190. Placing proposition on ballot. The lieutenant governor shall direct the director to place the ballot title and proposition on the election ballot of the first statewide general, special, special runoff, or primary election that is held after

(1) the petition has been filed;

(2) a legislative session has convened and adjourned; and

(3) a period of 120 days has expired since the adjournment of the legislative session.

* Sec. 34. AS 15.45.420 is amended to read:

Sec. 15.45.420. Placing proposition on ballot. The lieutenant governor shall direct the director to place the ballot title and proposition on the election ballot for the first statewide general, special, special runoff, or primary election held more than 180 days after adjournment of the legislative session at which the act was passed.

* Sec. 35. AS 15.58.010 is amended to read:

Sec. 15.58.010. Election pamphlet. Before each state general election, and before each state primary, special, or special runoff election at which a ballot proposition is scheduled to appear on the ballot, the lieutenant governor shall prepare, publish, and mail at least one election pamphlet to each household identified from the official registration list. The pamphlet shall be prepared on a regional basis as determined by the lieutenant governor.

* Sec. 36. AS 15.58.020(b) is amended to read:

(b) Each primary, special, or special runoff election pamphlet shall contain only the information specified in (a)(6) and (a)(9) of this section for each ballot measure scheduled to appear on the primary, [OR] special, or special runoff election ballot.

* Sec. 37. AS 15.58.030 is amended by adding a new subsection to read:

(h) The lieutenant governor shall prepare and publish on the division's Internet website the photograph and statement of a candidate for an office designated under

(a), (b), or (g) of this section. The lieutenant governor shall indicate that the photograph and statement are provided and paid for by the candidate. A photograph and a statement of a candidate that have been timely filed with the lieutenant governor shall be published on the website at least 15 days before an election at which the candidate will appear on the ballot.

* Sec. 38. AS 15.80.010(8) is amended to read:

(8) "federal election" means a general, special, special runoff, or primary election held solely or in part for the purpose of selecting, nominating, or electing a candidate for the office of President, Vice-President, presidential elector, United States senator, or United States representative;

* Sec. 39. AS 15.80.010 is amended by adding new paragraphs to read:

(43) "absent uniformed services voter" has the meaning given in 42 U.S.C. 1973ff-6;

(44) "overseas voter" has the meaning given in 42 U.S.C. 1973ff-6.

(45) "special runoff election" means a runoff election for a United States senator or United States representative held because no candidate for the office received over 50 percent of the votes cast at the special election for that office;

* Sec. 40. AS 29.20.380 is amended by adding a new subsection to read:

(c) The municipal clerk may act as an absentee voting official under AS 15.20.045(c) for the limited purpose of distributing absentee ballots to qualified voters or qualified voters' representatives under AS 15.20.072 in a municipality in which the division of elections will not be operating an absentee voting station.

* Sec. 41. AS 15.20.081(h), 15.20.081(i), and 15.20.082 are repealed.

* Sec. 42. This Act takes effect January 1, 2014.