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CS FOR HOUSE BILL NO. 104(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to election practices and procedures; relating to the reporting of
2 election campaign contributions and expenditures; relating to public records; relating to
3 the election of an advisory school board in a regional educational attendance area; and
4 providing for an effective date."

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

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

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

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

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

14 (1) the parent or legal guardian of the person was domiciled in the state

1 immediately before leaving the United States; and

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

4 * Sec. 3. AS 15.10.170 is amended to read:

5 **Sec. 15.10.170. Appointment and privileges of watchers.** The precinct party
6 committee, where an organized precinct committee exists, or the party district
7 committee where no organized precinct committee exists, or the state party
8 chairperson where neither a precinct nor a party district committee exists, may appoint
9 one or more persons as watchers in each precinct and counting center for any election.
10 Each candidate not representing a political party may appoint one or more watchers
11 for each precinct or counting center in the candidate's respective district or the state for
12 any election. Any organization or organized group that sponsors or opposes an
13 initiative, referendum, or recall may have one or more persons as watchers at the polls
14 and counting centers after first obtaining authorization from the director. A state party
15 chairperson, a precinct party committee, a party district committee, or a candidate not
16 representing a political party or organization or organized group may not have more
17 than one watcher on duty at a time in any precinct or counting center. A watcher must
18 be a United States citizen. The watcher may be present at a position inside the place
19 of voting or counting that affords a full view of all action of the election officials taken
20 from the time the polls are opened until the ballots are finally counted and the results
21 certified by the election board or the data processing review board. The election board
22 or the data processing review board may require each watcher to present written proof
23 showing appointment by the precinct party committee, the party district committee,
24 the organization or organized group, or the candidate the watcher represents that is
25 signed by the chairperson of the precinct party committee, the party district
26 committee, the state party chairperson, the organization or organized group, or the
27 candidate representing no party.

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

29 **Sec. 15.10.180. Appointment of state ballot counting review board.** The
30 director shall appoint two persons from the political party of which the governor is a
31 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 state ballot counting review. The director may appoint additional individuals to participate in the state ballot counting review. **Appointees must be United States citizens.** Each political party may present to the director a list of three or more names from which the director shall select the persons to represent the party. The list of names may be submitted in writing at least 30 days before the date of the election. The list of names shall be certified by the state chairperson of the political party or by the person authorized by the party bylaws to act in the absence of the chairperson.

* Sec. 5. AS 15.13.074(c) is amended to read:

(c) A person or group may not make a contribution

(1) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 when the office is to be filled at a general election before the date that is 18 months before the general election;

(2) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a special election or municipal election before the date that is 18 months before the date of the regular municipal election or that is before the date of the proclamation of the special election at which the candidate or individual seeks election to public office; or

(3) to any candidate later than the 45th day

(A) after the date of the primary election if the candidate was **on the ballot and was** not nominated at the primary election; or

(B) after the date of the general election, or after the date of a municipal or municipal runoff election.

* Sec. 6. AS 15.13.110 is amended by adding a new subsection to read:

(j) Before the primary election, a candidate seeking nomination by petition under AS 15.25.140 - 15.25.200 for the office of governor, lieutenant governor, state senator, or state representative shall file the reports under (a)(1) and (2) of this section.

* Sec. 7. AS 15.13.374(f) is amended to read:

(f) Advisory opinion requests and advisory opinions are public records subject

1 to inspection and copying under AS 40.25, except that if a person requesting an
2 advisory opinion requests that the person's name be kept confidential, the
3 person's name shall be kept confidential and the commission shall redact the
4 name of the requester from the request and from the advisory opinion before
5 making the request and opinion public.

6 * Sec. 8. AS 15.20.045 is amended by adding a new subsection to read:

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

13 * Sec. 9. AS 15.20.066(a) is amended to read:

14 (a) The director shall adopt regulations applicable to the delivery of absentee
15 ballots by electronic transmission in a state election and to the use of electronic
16 transmission absentee voting in a state election by qualified voters. The regulations
17 must

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

20 (2) require the voter to comply with the same deadlines for
21 applying for an absentee ballot as those set out for applying in person for an
22 absentee ballot in AS 15.20.061(a)(1), except that a qualified voter who is an
23 absent uniformed services voter or an overseas voter may apply to vote an
24 absentee ballot by electronic transmission at any time during a calendar year;
25 and

26 (3) [(2)] ensure the accuracy and, to the greatest degree possible, the
27 integrity and secrecy of the ballot process.

28 * Sec. 10. AS 15.20.081(c) is amended to read:

29 (c) After receipt of an application, the director shall send the absentee ballot
30 and other absentee voting material to the applicant by the most expeditious mail
31 service. However, if the application requests that an absentee ballot for a state election

1 be sent by electronic transmission, the director shall send the absentee ballot and other
2 absentee voting material to the applicant by electronic transmission. Except as
3 provided in (k) of this section, the [THE] absentee ballot and other absentee voting
4 material shall be sent as soon as they are ready for distribution. If the absentee ballot
5 and other absentee voting material are mailed to the applicant, the return envelope sent
6 with the ballot and other materials shall be addressed to the election supervisor in the
7 district in which the voter is a resident.

8 * Sec. 11. AS 15.20.081(e) is amended to read:

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

18 * Sec. 12. AS 15.20.081 is amended by adding new subsections to read:

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

23 (l) If an application is received at least 45 days before an election and is from
24 a voter who notifies the director in writing that the voter expects to be living, working,
25 or traveling outside the United States at the time of the election or expects to be living,
26 working, or traveling in a remote area of the state where distance, terrain, or other
27 natural conditions deny the voter reasonable access to a polling place at the time of the
28 election, the director shall send an absentee ballot and other voting material to the
29 applicant not later than 45 days before the election.

30 * Sec. 13. AS 15.20.203(i) is amended to read:

31 (i) The director shall mail the materials described in (h) of this section to the

voter not later than

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

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

* Sec. 14. AS 15.20.203(j) is amended to read:

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

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

and

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

* Sec. 15. AS 15.20.207(i) is amended to read:

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

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

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

* Sec. 16. AS 15.20.207(k) is amended to read:

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

(1) 10 days after certification of the results of a primary election, or a special election under AS 15.40.140 that is followed by a special runoff election;
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 15.20.211(d) is amended to read:

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

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

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

* Sec. 18. AS 15.20.211(f) is amended to read:

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

(1) 10 days after certification of the results of a primary election, or a special election under AS 15.40.140 that is followed by a special runoff election;
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. 19. 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. 20. AS 15.25.020 is amended to read:

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

3 * **Sec. 21.** AS 15.25.055 is amended to read:

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

8 * **Sec. 22.** AS 15.25.056(a) is amended to read:

9 (a) If an unopposed incumbent candidate for renomination dies, becomes
10 disqualified from holding the office the candidate is seeking, or is certified as being
11 incapacitated between June 1 of the election year and that date which is more than 54
12 [50] days before the date of the primary election, the candidate's place on the ballot
13 may be filled by party petition. The petition shall state that the political party requests
14 the name of the proposed candidate replace that of the incumbent on the primary
15 election ballot and shall be accompanied by a declaration of candidacy from the
16 person named in the petition. The petition must be received by the director not [NO]
17 later than 14 days after the death, disqualification, or certification of incapacity of the
18 incumbent or 52 [48] days before the primary election date, whichever time is earlier.

19 * **Sec. 23.** AS 15.25.056(c) is amended to read:

20 (c) The death, disqualification, or certification of incapacity of the incumbent
21 within 52 [48] days before or on the primary election date does not affect the counting
22 and review of the ballots. If the result of the counting and review discloses that the
23 candidate, if the candidate had lived, would have been nominated, the candidate shall
24 be declared nominated. The vacancy may be filled by party petition as provided in
25 AS 15.25.110 - 15.25.130.

26 * **Sec. 24.** AS 15.25.110 is amended to read:

27 **Sec. 15.25.110. Filling vacancies by party petition.** If a candidate of a
28 political party nominated at the primary election dies, withdraws, resigns, becomes
29 disqualified from holding the office for which the candidate is nominated, or is
30 certified as being incapacitated in the manner prescribed by this section after the
31 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. 25. 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. 26. 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. 27. 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. 28. 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, the governor shall, by proclamation, call a special election under AS 15.40.142(a) [TO BE HELD ON A DATE NOT LESS THAN 60, NOR MORE THAN 90, DAYS

1 AFTER THE DATE THE VACANCY OCCURS]. However, if the vacancy occurs on
2 a date that is less than 60 days before or is on or after the date of the primary election
3 in the general election year during which a candidate to fill the office is regularly
4 elected, the governor may not call a special election.

5 * **Sec. 29.** AS 15.40 is amended by adding new sections to read:

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

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

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

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

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

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

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

31 * **Sec. 30.** AS 15.40.160 is amended to read:

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

3 **(1) special election; and**

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

6 * **Sec. 31.** AS 15.40.165 is amended to read:

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

13 * **Sec. 32.** AS 15.40.170 is amended to read:

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

20 * **Sec. 33.** AS 15.40.220 is amended to read:

21 **Sec. 15.40.220. General provisions for conduct of special election and**
22 **special runoff election.** Unless specifically provided otherwise, all provisions
23 regarding the conduct of the general election shall govern the conduct of the special
24 election **and the special runoff election** of the United States senator or United States
25 representative, including provisions concerning voter qualifications; provisions
26 regarding the duties, powers, rights, and obligations of the director, of other election
27 officials, and of municipalities; provision for notification of the election; provision for
28 payment of election expenses; provisions regarding employees being allowed time
29 from work to vote; provisions for the counting, reviewing, and certification of returns;
30 **provision for running as, voting for, and counting ballots for, a write-in**
31 **candidate;** provisions for the determination of the votes and of recounts, contests, and

1 appeal; and provision for absentee voting.

2 * **Sec. 34.** AS 15.45.190 is amended to read:

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

6 (1) the petition has been filed;

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

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

10 * **Sec. 35.** AS 15.45.420 is amended to read:

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

15 * **Sec. 36.** AS 15.58.010 is amended to read:

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

22 * **Sec. 37.** AS 15.58.020(b) is amended to read:

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

27 * **Sec. 38.** AS 15.58.030 is amended by adding a new subsection to read:

28 (h) The lieutenant governor shall prepare and publish on the division's Internet
29 website the photograph and statement of a candidate for an office designated under
30 (a), (b), or (g) of this section. The lieutenant governor shall indicate that the
31 photograph and statement are provided and paid for by the candidate. A photograph

1 and a statement of a candidate that have been timely filed with the lieutenant governor
2 shall be published on the website at least 15 days before an election at which the
3 candidate will appear on the ballot.

4 * Sec. 39. AS 15.80.010(8) is amended to read:

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

9 * Sec. 40. AS 15.80.010 is amended by adding new paragraphs to read:

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

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

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

16 * Sec. 41. AS 29.20.380 is amended by adding a new subsection to read:

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

21 * Sec. 42. AS 15.20.081(h), 15.20.081(i), and 15.20.082 are repealed.

22 * Sec. 43. This Act takes effect January 1, 2014.