

CS FOR HOUSE BILL NO. 1()

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES TUCK, Drummond

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to absentee voting, voting, and voter registration; relating to**
2 **questioned ballots and questioned ballot procedures; relating to which primary election**
3 **ballot a voter may use; relating to early voting locations at which persons may vote**
4 **absentee ballots; relating to qualifications to vote at a municipal election; and providing**
5 **for an effective date."**

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

7 *** Section 1.** AS 15.05.010 is amended to read:

8 **Sec. 15.05.010. Voter qualification.** A person may vote at any election who

9 (1) is a citizen of the United States;

10 (2) is 18 years of age or older;

11 (3) has been a resident of the state and of the house district in which
12 the person seeks to vote for at least 30 days just before the election; and

13 (4) has registered [BEFORE THE ELECTION] as required under

1 AS 15.07 and is not registered to vote in another jurisdiction.

2 * **Sec. 2.** AS 15.07.060(a) is amended to read:

3 (a) Each applicant who requests registration or reregistration shall supply the
4 following information:

5 (1) the applicant's name and sex;

6 (2) if issued, the applicant's State of Alaska driver's license number or
7 State of Alaska identification card number, or the last four digits of the applicant's
8 social security number;

9 (3) the applicant's date of birth;

10 (4) the applicant's Alaska residence address;

11 (5) a statement of whether the applicant has previously been registered
12 to vote in another jurisdiction, and, if so, the jurisdiction and the address of the
13 previous registration;

14 (6) a declaration that the applicant will be 18 years of age or older
15 within 90 days after the date of registration;

16 (7) a declaration that the applicant is a citizen of the United States;

17 (8) the date of application;

18 (9) the applicant's signature, electronic signature, or mark;

19 (10) any former name under which the applicant was registered to vote
20 in the state;

21 (11) an attestation that the information provided by the applicant in (1)
22 - (10) of this subsection is true; and

23 (12) a certification that the applicant understands that a false statement
24 on the application may make the applicant subject to prosecution for a misdemeanor
25 under this title or AS 11.

26 * **Sec. 3.** AS 15.07.070(d) is amended to read:

27 (d) Qualified voters may register in person before a registration official or
28 through a voter registration agency at any time throughout the year. **A qualified voter**
29 **who registers** [, EXCEPT THAT A PERSON REGISTERING] within 30 days
30 preceding an election **or on the day of an election shall vote a questioned ballot** [IS
31 NOT ELIGIBLE TO VOTE] at that election. Upon receipt and approval of the

1 registration forms, the director or the election supervisor shall forward to the voter an
2 acknowledgment in the form of a registration card, and the voter's name shall
3 immediately be placed on the master register. Names of persons registering 30 or more
4 days before an election shall be placed on the official registration list for that election.

5 * **Sec. 4.** AS 15.07.070(h) is amended to read:

6 (h) The director shall design the form of the voter's certificate appearing on
7 the envelope that is used for voting an absentee in-person or questioned ballot so that **a**
8 **voter's choice to register as nonpartisan, undeclared, or as affiliated with a**
9 **political party or political group and** all information required for registration by
10 AS 15.07.060(a) may be obtained from a voter who votes an absentee in-person or
11 questioned ballot. If the voter voting an absentee in-person or questioned ballot has
12 completed all information on the voter registration portion of the absentee in-person or
13 questioned ballot voter's certificate, the director shall place the name of the voter on
14 the official registration list.

15 * **Sec. 5.** AS 15.07.090(b) is amended to read:

16 (b) A voter shall reregister if the voter's registration is cancelled as provided in
17 AS 15.07.130. **A voter who has reregistered under this subsection shall vote a**
18 **questioned ballot until** [THE REREGISTRATION IS EFFECTIVE FOR] the next
19 election that occurs at least 30 days after the date of reregistration.

20 * **Sec. 6.** AS 15.07.090(c) is amended to read:

21 (c) The director shall transfer the registration of a voter from one precinct to
22 another within a house district when requested by the voter. **If a** [THE] request **is not**
23 [SHALL BE] made 30 or more days before the election day, **a voter who has moved**
24 **to a new precinct shall vote a questioned ballot in the precinct in which the voter**
25 **resides.** The director shall transfer the registration of a voter from one house district to
26 another when requested by the voter. The voter must reside in the new house district
27 for at least 30 days in order to vote **a ballot for that district.**

28 * **Sec. 7.** AS 15.07.090(d) is amended to read:

29 (d) A person who claims to be a registered voter, but for whom no evidence of
30 registration in the precinct can be found, shall **vote a questioned ballot to be counted**
31 **in accordance with the procedure prescribed for questioned ballots** [BE

1 GRANTED THE RIGHT TO VOTE IN THE SAME MANNER AS THAT OF A
2 QUESTIONED VOTER AND THE BALLOT SHALL BE TREATED IN THE
3 SAME MANNER. THE BALLOT SHALL BE CONSIDERED TO BE A
4 "QUESTIONED BALLOT" AND SHALL BE SO DESIGNATED. THE DIRECTOR
5 OR THE DIRECTOR'S REPRESENTATIVE SHALL DETERMINE WHETHER
6 THE VOTER IS REGISTERED IN THE HOUSE DISTRICT BEFORE COUNTING
7 THE BALLOT. A VOTER WHO HAS FAILED TO OBTAIN A TRANSFER AS
8 PROVIDED IN (c) OF THIS SECTION SHALL VOTE A "QUESTIONED
9 BALLOT" IN THE PRECINCT IN WHICH THE VOTER RESIDES].

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

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

12 (1) the voter is present at a polling place or at an **early** [ABSENTEE]
13 voting station **designated under AS 15.20.045(b)** at a time when the polling place or
14 **early** [ABSENTEE] voting station is operating, for the purpose of casting a vote;

15 (2) the voter applies to the division to obtain an absentee ballot; or

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

18 * **Sec. 9.** AS 15.15.210 is amended to read:

19 **Sec. 15.15.210. Questioning of voters of suspect qualification; questioned**
20 **ballot procedures.** Every election official shall question, and every watcher and any
21 other person qualified to vote in the precinct may question, a person attempting to vote
22 if the questioner has good reason to suspect that the questioned person is not qualified
23 under AS 15.05. All questions regarding a person's qualifications to vote shall be
24 made in writing setting out the reason the person has been questioned. A questioned
25 person shall **complete the declaration required under (b) of this section** [,
26 BEFORE VOTING, SUBSCRIBE TO A DECLARATION IN A FORM PROVIDED
27 BY THE DIRECTOR ATTESTING TO THE FACT THAT IN EACH
28 PARTICULAR THE PERSON MEETS ALL THE QUALIFICATIONS OF A
29 VOTER, IS NOT DISQUALIFIED, AND HAS NOT VOTED AT THE SAME
30 ELECTION, AND CERTIFYING THAT THE PERSON UNDERSTANDS THAT A
31 FALSE STATEMENT ON THE DECLARATION MAY SUBJECT THE PERSON

1 TO PROSECUTION FOR A MISDEMEANOR UNDER THIS TITLE OR AS 11.
2 AFTER THE QUESTIONED PERSON HAS EXECUTED THE DECLARATION,
3 THE PERSON MAY VOTE]. If the questioned person refuses to execute the
4 declaration, the person may not vote.

5 * **Sec. 10.** AS 15.15.210 is amended by adding a new subsection to read:

6 (b) Each person voting a questioned ballot shall complete a declaration in a
7 form provided by the director attesting to the fact that the person is a qualified voter
8 and has not voted at the same election and certifying that the person understands that a
9 false statement on the declaration may subject the person to prosecution for a
10 misdemeanor under this title or AS 11. For state and local elections, the voter must
11 attest that the voter has been a 30-day resident of the election district in which the
12 voter is seeking to vote or that the voter is otherwise qualified to vote under
13 AS 15.20.211.

14 * **Sec. 11.** AS 15.15.215(a) is amended to read:

15 (a) A voter who casts a questioned ballot shall vote the ballot in the same
16 manner as prescribed for other voters. The voter shall insert the ballot into a secrecy
17 sleeve and put the secrecy sleeve into an envelope on which the **declaration required**
18 **by AS 15.15.210** [STATEMENT THE VOTER PREVIOUSLY SIGNED] is located.
19 The envelope shall be sealed and deposited in the ballot box. When the ballot box is
20 opened, the envelopes shall be segregated, counted, compared to the voting list, and
21 delivered to the official or body supervising the election. The merits of the question
22 shall be determined by this official or body in accordance with the procedure
23 prescribed for questioned votes in AS 15.20.207.

24 * **Sec. 12.** AS 15.20.045 is amended to read:

25 **Sec. 15.20.045. Designation of absentee voting officials and early voting**
26 **stations for voting absentee ballots.** (a) The director or election supervisor may
27 designate persons to act as absentee voting officials under AS 15.20.010 - 15.20.220 in
28 areas where election supervisors do not have offices. Magistrates may, with the
29 approval of the administrative director of the Alaska Court System, be designated
30 under this section. At least 15 days before the election the director shall supply each
31 absentee voting official with appropriate ballots.

1 (b) The director may designate by regulation adopted under AS 44.62
 2 (Administrative Procedure Act) locations at which early [ABSENTEE] voting stations
 3 will be operated **for persons who vote absentee ballots** on or after the 15th day
 4 before an election up to and including the date of the election. The director shall
 5 supply these [ABSENTEE] voting stations with absentee ballots for all house districts
 6 in the state and shall designate absentee voting officials to serve at the [ABSENTEE]
 7 voting stations. **A designation as an early voting station under this subsection**
 8 **remains in effect unless**

9 **(1) the location is no longer available for use as an early voting**
 10 **station; or**

11 **(2) the director determines that the location is no longer**
 12 **appropriate for use as an early voting station and makes that determination**
 13 **available to the public in writing.**

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

20 * **Sec. 13.** AS 15.20.050 is amended to read:

21 **Sec. 15.20.050. Requirement of full public notice.** The director shall give
 22 full public notice of the dates and manner of voting absentee and may select any
 23 means of communication permitted to be used in giving notice of the date and time of
 24 the general election. The director shall give notice under this section of the location of
 25 early [ABSENTEE] voting stations **designated under AS 15.20.045(b)** at least 45
 26 days before each election.

27 * **Sec. 14.** AS 15.20.061(a) is amended to read:

28 (a) A qualified voter may apply in person for an absentee ballot to the
 29 following election officials at the times specified:

30 (1) to an absentee voting official on or after the 15th day before an
 31 election up to and including the date of the election;

1 (2) to an election supervisor on or after the 15th day before an election
2 up to and including the date of the election;

3 (3) to an absentee voting official at an **early** [ABSENTEE] voting
4 station designated under AS 15.20.045(b) on or after the 15th day before an election
5 up to and including the date of the election;

6 (4) to an absentee voting official in the precinct in which no volunteers
7 can be located to serve on the election board on or after the 15th day before an election
8 up to and including election day.

9 * **Sec. 15.** AS 15.20.072(b) is amended to read:

10 (b) The voter may, through a representative, request a special needs ballot
11 from the following election officials at the times specified:

12 (1) from an absentee voting official on or after the 15th day before an
13 election, up to and including election day;

14 (2) from an election supervisor on or after the 15th day before an
15 election up to and including election day;

16 (3) from an absentee voting official at an **early** [ABSENTEE] voting
17 station designated under AS 15.20.045(b) on or after the 15th day before an election
18 up to and including the date of the election; or

19 (4) from a member of the precinct election board on election day.

20 * **Sec. 16.** AS 15.20.081 is amended by adding a new subsection to read:

21 (m) An absentee ballot application must include an option for a qualified voter
22 to choose to receive absentee ballots by mail for future regularly scheduled state
23 elections. The division may not require a voter who chooses this option to reapply for
24 an absentee ballot by mail unless

25 (1) the voter has not voted an absentee ballot for a period of four years;

26 or

27 (2) mail addressed to the voter from the division has been returned to
28 the division as undeliverable.

29 * **Sec. 17.** AS 15.25.060(b) is amended to read:

30 (b) A voter may vote only one primary election ballot. A voter may vote a
31 political party ballot only if the voter is registered as affiliated with that party, is

1 allowed to participate in the party primary under the party's bylaws, or is registered as
2 nonpartisan or undeclared rather than as affiliated with a particular political party and
3 the party's bylaws do not restrict participation by nonpartisan or undeclared voters in
4 the party's primary. For the purpose of determining which primary election ballot a
5 voter may use, a voter's party affiliation is considered to be the affiliation registered
6 with the director as of the 30th day before the primary election. If a voter changes
7 party affiliation within the 30 days before the primary election, the voter [VOTER'S
8 PREVIOUS PARTY AFFILIATION] shall **vote a questioned ballot at the primary**
9 **election with the voter's new party affiliation indicated on the voter's certificate**
10 **that appears on the envelope used for voting a questioned ballot under**
11 **AS 15.07.070(h). Nothing under this subsection restricts the right of a political**
12 **party to limit who may participate in its primary election** [BE USED FOR THE
13 DETERMINATION UNDER THIS SUBSECTION].

14 * **Sec. 18.** AS 15.80.010 is amended by adding a new paragraph to read:

15 (46) "electronic signature" has the meaning given in AS 09.80.190.

16 * **Sec. 19.** AS 29.20.380(c) is amended 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 **early** [ABSENTEE] voting
21 station **under AS 15.20.045(b)**.

22 * **Sec. 20.** AS 29.26.050 is amended by adding a new subsection to read:

23 (d) Except as a municipality may require for elections held only in specific
24 local election districts or service areas under (b) of this section, a person who has lived
25 within the municipality for at least 30 days, but who has not registered to vote in state
26 elections at a residence address within the municipality at least 30 days before a
27 municipal election, shall vote a questioned ballot in that election under AS 15.15.210.

28 * **Sec. 21.** AS 29.26.050(a)(3) is repealed.

29 * **Sec. 22.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 TRANSITIONAL PROVISIONS: REGULATIONS. The director of elections may

1 adopt or amend regulations as necessary to implement the changes made by this Act. The
2 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
3 effective date of the law implemented by the regulations.

4 * **Sec. 23.** This Act takes effect January 1, 2018.