

CS FOR HOUSE BILL NO. 1(JUD)(efd fld)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 5/1/17

Offered: 4/19/17

Sponsor(s): REPRESENTATIVES TUCK, Drummond, Grenn, Kawasaki, Gara, Josephson, Tarr

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

(1) the applicant's name and sex;

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

(3) the applicant's date of birth;

(4) the applicant's Alaska residence address;

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

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

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

(8) the date of application;

(9) the applicant's signature, electronic signature under (g) of this section, or mark;

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

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

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

* **Sec. 3.** AS 15.07.060(b) is amended to read:

(b) Every registration form must include space for an applicant who is registered in another jurisdiction to specify that jurisdiction and a notice that the director will notify the chief elections officer in that jurisdiction. If the applicant has been previously registered to vote in another jurisdiction, the director shall notify

1 the chief elections officer in that jurisdiction that the applicant has registered to vote in
 2 Alaska and request that that jurisdiction cancel the applicant's voter registration there.

3 * **Sec. 4.** AS 15.07.060 is amended by adding a new subsection to read:

4 (g) In accordance with AS 09.80.150(b), the director of the division shall
 5 determine the form of an electronic signature that may be used to register or reregister
 6 under (a) of this section and the process used to obtain the electronic signature.

7 * **Sec. 5.** AS 15.07.070(d) is amended to read:

8 (d) Qualified voters may register in person before a registration official or
 9 through a voter registration agency at any time throughout the year. **A qualified voter**
 10 **who registers** [, EXCEPT THAT A PERSON REGISTERING] within 30 days
 11 preceding an election **or on the day of an election shall vote an absentee or**
 12 **questioned ballot** [IS NOT ELIGIBLE TO VOTE] at that election. Upon receipt and
 13 approval of the registration forms, the director or the election supervisor shall forward
 14 to the voter an acknowledgment in the form of a registration card, and the voter's name
 15 shall immediately be placed on the master register. Names of persons registering 30 or
 16 more days before an election shall be placed on the official registration list for that
 17 election.

18 * **Sec. 6.** AS 15.07.070(h) is amended to read:

19 (h) The director shall design the form of the voter's certificate appearing on
 20 the envelope that is used for voting an absentee in-person, **special needs**, or
 21 questioned ballot so that **a voter's choice to register as nonpartisan, as undeclared,**
 22 **or as affiliated with a political party or political group and** all information required
 23 for registration by AS 15.07.060(a) may be obtained from a voter who votes an
 24 absentee in-person, **special needs**, or questioned ballot. If the voter voting an absentee
 25 in-person, **special needs**, or questioned ballot has completed all information on the
 26 voter registration portion of the absentee in-person, **special needs**, or questioned ballot
 27 voter's certificate, the director shall place the name of the voter on the official
 28 registration list.

29 * **Sec. 7.** AS 15.07.070 is amended by adding a new subsection to read:

30 (i) In this section, "absentee or questioned ballot" includes a special needs
 31 ballot voted under AS 15.20.072.

1 * **Sec. 8.** AS 15.07.090(b) is amended to read:

2 (b) A voter shall reregister if the voter's registration is cancelled as provided in
3 AS 15.07.130. **A person who has reregistered under this subsection shall vote an**
4 **absentee or questioned ballot until** [THE REREGISTRATION IS EFFECTIVE
5 FOR] the next election that occurs at least 30 days after the date of reregistration.

6 * **Sec. 9.** AS 15.07.090(c) is amended to read:

7 (c) The director shall transfer the registration of a voter from one precinct to
8 another within a house district when requested by the voter. **If a** [THE] request **is not**
9 [SHALL BE] made 30 or more days before the election day, **a person who has**
10 **moved to a new precinct shall vote an absentee or questioned ballot.** The director
11 shall transfer the registration of a voter from one house district to another when
12 requested by the voter. The voter must reside in the new house district for at least 30
13 days in order to vote **a ballot for that district.**

14 * **Sec. 10.** AS 15.07.090(d) is amended to read:

15 (d) A person who claims to be a registered voter, but for whom no evidence of
16 registration in the precinct can be found, shall **vote an absentee or questioned ballot**
17 [BE GRANTED THE RIGHT TO VOTE IN THE SAME MANNER AS THAT OF A
18 QUESTIONED VOTER AND THE BALLOT SHALL BE TREATED IN THE
19 SAME MANNER. THE BALLOT SHALL BE CONSIDERED TO BE A
20 "QUESTIONED BALLOT" AND SHALL BE SO DESIGNATED. THE DIRECTOR
21 OR THE DIRECTOR'S REPRESENTATIVE SHALL DETERMINE WHETHER
22 THE VOTER IS REGISTERED IN THE HOUSE DISTRICT BEFORE COUNTING
23 THE BALLOT. A VOTER WHO HAS FAILED TO OBTAIN A TRANSFER AS
24 PROVIDED IN (c) OF THIS SECTION SHALL VOTE A "QUESTIONED
25 BALLOT" IN THE PRECINCT IN WHICH THE VOTER RESIDES].

26 * **Sec. 11.** AS 15.07.090 is amended by adding a new subsection to read:

27 (e) In this section, "absentee or questioned ballot" includes a special needs
28 ballot voted under AS 15.20.072.

29 * **Sec. 12.** AS 15.07.130(e) is amended to read:

30 (e) For purposes of (b) and (d) of this section, a voter "appears to vote" if
31 (1) the voter is present at a polling place or at an **early** [ABSENTEE]

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

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

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

6 * **Sec. 13.** AS 15.10.170 is amended to read:

7 **Sec. 15.10.170. Appointment and privileges of watchers.** (a) **In a general**
 8 **election, special election, or special runoff election under AS 15.40.141, a** [THE]
 9 precinct party committee, where an organized precinct committee exists, or the party
 10 district committee where no organized precinct committee exists, or the state party
 11 **chair** [CHAIRPERSON] where neither a precinct nor a party district committee
 12 exists, may appoint one or more [PERSONS AS] watchers in each precinct and
 13 counting center. **A** [FOR ANY ELECTION. EACH] candidate not representing a
 14 political party may appoint one or more watchers for each precinct or counting center
 15 in the candidate's respective district or the state [FOR ANY ELECTION]. Any
 16 organization or organized group that sponsors or opposes **a ballot proposition** [AN
 17 INITIATIVE, REFERENDUM,] or recall may have one or more [PERSONS AS]
 18 watchers at the polls and counting centers after first obtaining authorization from the
 19 director. A state party **chair** [CHAIRPERSON], a precinct party committee, a party
 20 district committee, or a candidate not representing a political party or organization or
 21 organized group may not have more than one watcher on duty at a time in any precinct
 22 or counting center. [A WATCHER MUST BE A UNITED STATES CITIZEN. THE
 23 WATCHER MAY BE PRESENT AT A POSITION INSIDE THE PLACE OF
 24 VOTING OR COUNTING THAT AFFORDS A FULL VIEW OF ALL ACTION OF
 25 THE ELECTION OFFICIALS TAKEN FROM THE TIME THE POLLS ARE
 26 OPENED UNTIL THE BALLOTS ARE FINALLY COUNTED AND THE
 27 RESULTS CERTIFIED BY THE ELECTION BOARD OR THE DATA
 28 PROCESSING REVIEW BOARD. THE ELECTION BOARD OR THE DATA
 29 PROCESSING REVIEW BOARD MAY REQUIRE EACH WATCHER TO
 30 PRESENT WRITTEN PROOF SHOWING APPOINTMENT BY THE PRECINCT
 31 PARTY COMMITTEE, THE PARTY DISTRICT COMMITTEE, THE

1 ORGANIZATION OR ORGANIZED GROUP, OR THE CANDIDATE THE
 2 WATCHER REPRESENTS THAT IS SIGNED BY THE CHAIRPERSON OF THE
 3 PRECINCT PARTY COMMITTEE, THE PARTY DISTRICT COMMITTEE, THE
 4 STATE PARTY CHAIRPERSON, THE ORGANIZATION OR ORGANIZED
 5 GROUP, OR THE CANDIDATE REPRESENTING NO PARTY.]

6 (b) In [ADDITION TO THE WATCHERS APPOINTED UNDER (a) OF
 7 THIS SECTION, IN] a primary election, [SPECIAL ELECTION UNDER
 8 AS 15.40.140, OR SPECIAL RUNOFF ELECTION UNDER AS 15.40.141,] each
 9 candidate may appoint one or more persons as watchers for [WATCHER IN] each
 10 precinct and counting center in the candidate's respective district. Any
 11 organization or organized group that sponsors or opposes a ballot proposition or
 12 recall may have one or more watchers at the polls and counting centers after first
 13 obtaining authorization from the director.

14 * **Sec. 14.** AS 15.10.170 is amended by adding a new subsection to read:

15 (c) A watcher appointed under this section may be present at a position inside
 16 the place of voting or counting that affords a full view of all action of the election
 17 officials taken from the time the polls are opened until the ballots are finally counted
 18 and the results certified by the election board or the data processing review board. The
 19 election board or the data processing review board may require each watcher to
 20 present written proof showing appointment by the respective precinct party committee,
 21 party district committee, organization or organized group, or candidate the watcher
 22 represents that is signed by the respective chair of the precinct party committee, party
 23 district committee, state party chair, organization or organized group, or candidate. A
 24 watcher must be a United States citizen.

25 * **Sec. 15.** AS 15.15.210 is amended to read:

26 **Sec. 15.15.210. Questioning of voters of suspect qualification; questioned**
 27 **ballot procedures.** Every election official shall question, and every watcher and any
 28 other person qualified to vote in the precinct may question, a person attempting to vote
 29 if the questioner has good reason to suspect that the questioned person is not qualified
 30 under AS 15.05. All questions regarding a person's qualifications to vote shall be
 31 made in writing setting out the reason the person has been questioned. A questioned

1 person shall complete the declaration required under (b) of this section [,
 2 BEFORE VOTING, SUBSCRIBE TO A DECLARATION IN A FORM PROVIDED
 3 BY THE DIRECTOR ATTESTING TO THE FACT THAT IN EACH
 4 PARTICULAR THE PERSON MEETS ALL THE QUALIFICATIONS OF A
 5 VOTER, IS NOT DISQUALIFIED, AND HAS NOT VOTED AT THE SAME
 6 ELECTION, AND CERTIFYING THAT THE PERSON UNDERSTANDS THAT A
 7 FALSE STATEMENT ON THE DECLARATION MAY SUBJECT THE PERSON
 8 TO PROSECUTION FOR A MISDEMEANOR UNDER THIS TITLE OR AS 11.
 9 AFTER THE QUESTIONED PERSON HAS EXECUTED THE DECLARATION,
 10 THE PERSON MAY VOTE]. If the questioned person refuses to execute the
 11 declaration, the person may not vote.

12 * **Sec. 16.** AS 15.15.210 is amended by adding a new subsection to read:

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

21 * **Sec. 17.** AS 15.15.215(a) is amended to read:

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

31 * **Sec. 18.** AS 15.20.030 is amended to read:

1 **Sec. 15.20.030. Preparation of ballots, envelopes, and other material.** The
 2 director shall provide ballots for use as absentee ballots in all districts. The director
 3 shall provide a secrecy sleeve in which the voter shall initially place the marked ballot,
 4 and shall provide an envelope with the prescribed voter's certificate on it, in which the
 5 secrecy sleeve with ballot enclosed shall be placed. The director shall prescribe the
 6 form of and prepare the voter's certificate, envelopes, and other material used in
 7 absentee voting. The voter's certificate shall include a declaration, for use when
 8 required, that the voter is a qualified voter in all respects, a blank for the voter's
 9 signature, a certification that the affiant properly executed the marking of the ballot
 10 and gave the voter's identity, blanks for the attesting official or witness, and a place for
 11 recording the date the envelope was sealed and witnessed. **For state and local**
 12 **elections, the voter's certificate declaration must include an attestation that the**
 13 **voter has been a 30-day resident of the election district in which the voter is**
 14 **seeking to vote or is otherwise qualified to vote under AS 15.20.211.** The envelope
 15 with the voter's certificate must include a notice that false statements made by the
 16 voter or by the attesting official or witness on the certificate are punishable by law.

17 * **Sec. 19.** AS 15.20.045 is amended to read:

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

25 (b) The director may designate by regulation adopted under AS 44.62
 26 (Administrative Procedure Act) locations at which **early** [ABSENTEE] voting stations
 27 will be operated **for persons who vote absentee ballots** on or after the 15th day
 28 before an election up to and including the date of the election. The director shall
 29 supply **these** [ABSENTEE] voting stations with **absentee** ballots for all house districts
 30 in the state and shall designate absentee voting officials to serve at **the** [ABSENTEE]
 31 voting stations. **A designation as an early voting station under this subsection**

1 remains in effect unless

2 (1) the location is no longer available for use as an early voting
 3 station; or

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

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

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

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

20 * **Sec. 21.** AS 15.20.061(a) is amended to read:

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

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

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

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

30 (4) to an absentee voting official in the precinct in which no volunteers
 31 can be located to serve on the election board on or after the 15th day before an election

up to and including election day.

* **Sec. 22.** AS 15.20.064 is amended by adding a new subsection to read:

(e) If a voter's eligibility to vote cannot be verified by the election supervisor or other election official under (b) of this section, the voter shall vote an absentee ballot in the manner provided in AS 15.20.061.

* **Sec. 23.** AS 15.20.072(b) is amended to read:

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

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

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

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

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

* **Sec. 24.** AS 15.20.081(b) is amended to read:

(b) An application requesting delivery of an absentee ballot to the applicant by mail must be received by the division of elections not less than 10 days before the election for which the absentee ballot is sought. An application for an absentee ballot for a state election from a qualified voter requesting delivery of an absentee ballot to the applicant by electronic transmission must be received by the division of elections not later than 5:00 p.m. Alaska time on the day before the election for which the absentee ballot is sought. An absentee ballot application submitted by mail under this section must permit the person to register to vote under AS 15.07.070, **to declare an affiliation under AS 15.07.075, if any,** and to request an absentee ballot for each state election held within that calendar year for which the voter is eligible to vote. An absentee ballot application submitted by electronic transmission under this section **shall** [MAY NOT] include a provision that permits a person to register to vote under AS 15.07.070.

* **Sec. 25.** AS 15.20.081 is amended by adding a new subsection to read:

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

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

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

* **Sec. 26.** AS 15.25.060(b) is amended to read:

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

* **Sec. 27.** AS 15.80.010 is amended by adding a new paragraph to read:

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

* **Sec. 28.** AS 29.20.380(c) is amended 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 **early** [ABSENTEE] voting

1 station under AS 15.20.045(b).

2 * **Sec. 29.** AS 29.26.050 is amended by adding a new subsection to read:

3 (d) Except as a municipality may require for elections held only in specific
4 local election districts or service areas under (b) of this section, a person who has lived
5 within the municipality for at least 30 days, but who has not registered to vote in state
6 elections at a residence address within the municipality at least 30 days before a
7 municipal election, shall vote an absentee, special needs, or questioned ballot in that
8 election.

9 * **Sec. 30.** AS 29.26.050(a)(3) is repealed.

10 * **Sec. 31.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

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