

**SENATE BILL NO. 31**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY SENATORS THOMAS, FRENCH, MENARD, AND WIELECHOWSKI

Introduced: 1/19/11

Referred: State Affairs, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1    **"An Act relating to the counting of write-in votes."**

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

3        \* **Section 1.** AS 15.15.360(a) is amended to read:

4               (a) The election board shall count ballots according to the following rules:

5                       (1) A voter may mark a ballot only by filling in, making "X" marks,  
6               diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks, checks, or  
7               plus signs that are clearly spaced in the oval opposite the name of the candidate,  
8               proposition, or question that the voter desires to designate.

9                       (2) A failure to properly mark a ballot as to one or more candidates  
10              does not itself invalidate the entire ballot.

11                      (3) If a voter marks fewer names than there are persons to be elected to  
12              the office, a vote shall be counted for each candidate properly marked.

13                      (4) If a voter marks more names than there are persons to be elected to  
14              the office, the votes for candidates for that office may not be counted.

15                      (5) The mark specified in (1) of this subsection shall be counted only if

1 it is substantially inside the oval provided, or touching the oval so as to indicate  
2 clearly that the voter intended the particular oval to be designated.

3 (6) Improper marks on the ballot may not be counted and do not  
4 invalidate marks for candidates properly made.

5 (7) An erasure or correction invalidates only that section of the ballot  
6 in which it appears.

7 (8) A vote marked for the candidate for President or Vice-President of  
8 the United States is considered and counted as a vote for the election of the  
9 presidential electors.

10 (9) Write-in votes are not invalidated by writing in the name of a  
11 candidate whose name is printed on the ballot unless the election board determines, on  
12 the basis of other evidence, that the ballot was so marked for the purpose of  
13 identifying the ballot.

14 (10) In order to vote for a write-in candidate, the voter must write in  
15 the candidate's name in the space provided and fill in the oval opposite the candidate's  
16 name in accordance with (1) of this subsection.

17 (11) A vote for a write-in candidate, other than a write-in vote for  
18 governor and lieutenant governor, shall be counted if the oval is filled in for that  
19 candidate and if the name, as it appears on the write-in declaration of candidacy, of the  
20 candidate or the last name of the candidate is written in the space provided.

21 (12) If the write-in vote is for governor and lieutenant governor, the  
22 vote shall be counted if the oval is filled in and the names, as they appear on the write-  
23 in declaration of candidacy, of the candidates for governor and lieutenant governor or  
24 the last names of the candidates for governor and lieutenant governor, or the name, as  
25 it appears on the write-in declaration of candidacy, of the candidate for governor or the  
26 last name of the candidate for governor is written in the space provided.

27 **(13) In counting votes for a write-in candidate, the election board**  
28 **shall disregard any abbreviation, misspelling, or other minor variation in the**  
29 **form of the name of a candidate if the intention of the voter can be ascertained.**