

CS FOR SENATE BILL NO. 31(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 2/4/11

Referred: Rules

Sponsor(s): SENATORS THOMAS, FRENCH, MENARD, AND WIELECHOWSKI

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 is amended by adding a new subsection to read:

4 (d) Write-in votes shall be counted according to the following rules:

5 (1) writing in the name of a candidate whose name is printed on the
6 ballot does not invalidate a write-in vote unless the director determines, on the basis of
7 other evidence, that the ballot was so marked for the purpose of identifying the ballot;

8 (2) in order to vote for a write-in candidate, the voter must write in the
9 candidate's name in the space provided and fill in the oval opposite the candidate's
10 name in accordance with (a)(1) of this section;

11 (3) a vote for a write-in candidate, other than a write-in vote for
12 governor and lieutenant governor, shall be counted if the oval is filled in for that
13 candidate and if the name of the candidate, as it appears on the write-in declaration of
14 candidacy, or the last name of the candidate is written in the space provided;

15 (4) if the write-in vote is for governor and lieutenant governor, the vote

1 shall be counted if the oval is filled in and the names of the candidates for governor
 2 and lieutenant governor, as they appear on the write-in declaration of candidacy, or the
 3 last names of the candidates for governor and lieutenant governor, or the name of the
 4 candidate for governor, as it appears on the write-in declaration of candidacy, or the
 5 last name of the candidate for governor is written in the space provided;

6 (5) in counting votes for a write-in candidate, the director shall
 7 disregard any abbreviation, misspelling, or other minor variation in the form of the
 8 name of a candidate if the intention of the voter can be ascertained.

9 * **Sec. 2.** AS 15.15 is amended by adding a new section to read:

10 **Sec. 15.15.365. Counting of write-in votes in general election.** (a) Write-in
 11 votes on a general election ballot shall be counted by candidate only if the aggregate
 12 of all votes cast for all write-in candidates for the particular office is

13 (1) the highest number of votes received by any candidate for the
 14 office; or

15 (2) the second highest number of votes received by any candidate and
 16 the difference between the total number of votes received by the candidate having the
 17 highest number of votes and the aggregate of all votes cast for all write-in candidates
 18 for the office is less than the percentage necessary for a recount at the state's cost
 19 under AS 15.20.450.

20 (b) Write-in votes that do not meet the requirements of this section may not be
 21 individually counted under this section.

22 (c) If the director determines that the requirements of (a) of this section have
 23 been met, the director shall establish the place and date for counting those write-in
 24 votes, and the director, or a designee of the director, shall count all write-in ballots
 25 under AS 15.15.360(d).

26 (d) This section does not apply to the counting of federal write-in absentee
 27 ballots submitted under 42 U.S.C. 1973ff.

28 * **Sec. 3.** AS 15.15.360(a)(9), 15.15.360(a)(10), 15.15.360(a)(11), and 15.15.360(a)(12) are
 29 repealed.