

HOUSE BILL NO. 104

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/6/13

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

13 (1) the parent or legal guardian of the person was domiciled in the state
14 immediately before leaving the United States;

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

* **Sec. 3.** AS 15.20.045 is amended by adding a new subsection to read:

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

* **Sec. 4.** AS 15.20.066(a) is amended to read:

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

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

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

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

* **Sec. 5.** AS 15.20.081(c) is amended to read:

(c) After receipt of an application, the director shall send the absentee ballot and other absentee voting material to the applicant by the most expeditious mail service. However, if the application requests that an absentee ballot for a state election be sent by electronic transmission, the director shall send the absentee ballot and other absentee voting material to the applicant by electronic transmission. Except as provided in (k) of this section, the [THE] absentee ballot and other absentee voting

1 material shall be sent as soon as they are ready for distribution. If the absentee ballot
 2 and other absentee voting material are mailed to the applicant, the return envelope sent
 3 with the ballot and other materials shall be addressed to the election supervisor in the
 4 district in which the voter is a resident.

5 * **Sec. 6.** AS 15.20.081(e) is amended to read:

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

15 * **Sec. 7.** AS 15.20.081 is amended by adding a new subsection to read:

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

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

26 * **Sec. 8.** AS 15.20.220(b) is amended to read:

27 (b) The state review board shall review and count absentee ballots under
 28 AS 15.20.081(e) [AND (h)] and questioned ballots that have been forwarded to the
 29 director and that have not been reviewed or counted by a district counting board.

30 * **Sec. 9.** AS 15.25.020 is amended to read:

31 **Sec. 15.25.020. Date of primary.** The primary election is held on the second

1 [FOURTH] Tuesday in August of every even-numbered year.

2 * **Sec. 10.** AS 15.25.055 is amended to read:

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

7 * **Sec. 11.** AS 15.25.056(a) is amended to read:

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

18 * **Sec. 12.** AS 15.25.056(c) is amended to read:

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

25 * **Sec. 13.** AS 15.25.110 is amended to read:

26 **Sec. 15.25.110. Filling vacancies by party petition.** If a candidate of a
27 political party nominated at the primary election dies, withdraws, resigns, becomes
28 disqualified from holding the office for which the candidate is nominated, or is
29 certified as being incapacitated in the manner prescribed by this section after the
30 primary election and 64 [48] days or more before the general election, the vacancy
31 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. 14.** 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. 15.** 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. 16.** 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. 17.** AS 15.80.010 is amended by adding new paragraphs to read:

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

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

* **Sec. 18.** AS 29.20.380 is amended by adding a new subsection to read:

(c) The municipal clerk may act as an absentee voting official under

1 AS 15.20.045(c) for the limited purpose of distributing absentee ballots to qualified
2 voters or qualified voters' representatives under AS 15.20.072 in a municipality in
3 which the division of elections will not be operating an absentee voting station.

4 * **Sec. 19.** AS 15.20.081(h), 15.20.081(i), and 15.20.082 are repealed.

5 * **Sec. 20.** This Act takes effect January 1, 2014.