

CS FOR HOUSE BILL NO. 42 (STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 1/25/95

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES MARTIN, Mulder

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to absentee voting, to electronic transmission of absentee ballot
2 applications, and to delivery of ballots to absentee ballot applicants by electronic
3 transmission, and enacting a definition of the term 'state election' for purposes
4 of absentee voting."

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

6 * **Section 1.** AS 15.20 is amended by adding a new section to read:

7 Sec. 15.20.066. VOTING BY ELECTRONIC TRANSMISSION. (a) The
8 director shall adopt regulations applicable to the delivery of absentee ballots by
9 electronic transmission in a state election and to the use of electronic transmission
10 absentee voting in a state election by qualified voters. The regulations must

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

13 (2) ensure the accuracy and, to the greatest degree possible, the

1 integrity and secrecy of the ballot process.

2 (b) An absentee ballot that is completed and returned by the voter by
3 electronic transmission must

4 (1) contain the following statement: "I understand that by using
5 electronic transmission to return my marked ballot, I am voluntarily waiving my right
6 to a secret ballot.", followed by the voter's signature and date of signature; and

7 (2) be accompanied by a statement executed under oath as to the
8 voter's identity; the statement under oath must be witnessed by

9 (A) a commissioned or noncommissioned officer of the armed
10 forces of the United States;

11 (B) an official authorized by federal law or the law of the state
12 in which the absentee ballot is cast to administer an oath; or

13 (C) two United States citizens who are 18 years of age or older.

14 * **Sec. 2.** AS 15.20.081(a) is amended to read:

15 (a) A qualified voter may apply by mail **or by electronic transmission** to the
16 director for an absentee ballot. The application **must** [SHALL] include the address **or,**
17 **if the application requests delivery of an absentee ballot by electronic**
18 **transmission, the telephone electronic transmission number,** to which the absentee
19 ballot is to be returned, the applicant's full Alaska residence address, and the
20 applicant's signature. **However, a person** [PERSONS] residing outside the United
21 States and applying to vote absentee in federal elections in accordance with
22 AS 15.05.011 need not include an Alaska residence address in the application.

23 * **Sec. 3.** AS 15.20.081(b) is amended to read:

24 (b) An application **requesting delivery of** [FOR] an absentee ballot **to the**
25 **applicant** by mail must be received by the division of elections not less than **seven**
26 [FOUR] days before the election for which the absentee ballot is sought. **An**
27 **application for an absentee ballot for a state election from a qualified voter**
28 **requesting delivery of an absentee ballot to the applicant by electronic**
29 **transmission must be received by the division of elections not less than four days**
30 **before the election for which the absentee ballot is sought.** **An** [THE] absentee
31 ballot application **submitted by mail under this section** must permit the person to

1 register to vote under AS 15.07.070 and to request an absentee ballot for each state
2 election held within that calendar year for which the voter is eligible to vote. **An**
3 **absentee ballot application submitted by electronic transmission under this section**
4 **may not include a provision that permits a person to register to vote under**
5 **AS 15.07.070.**

6 * **Sec. 4.** AS 15.20.081(c) is amended to read:

7 (c) After receipt of an application [BY MAIL], the director shall send the
8 absentee ballot and other absentee voting material to the applicant by the most
9 expeditious mail service. **However, if the application requests that an absentee**
10 **ballot for a state election be sent by electronic transmission, the director shall**
11 **send the absentee ballot and other absentee voting material to the applicant by**
12 **electronic transmission. The absentee ballot and other absentee voting** [THE]
13 material shall be sent as soon as they are ready for distribution. **If the absentee ballot**
14 **and other absentee voting material are mailed to the applicant, the** [THE] return
15 envelope sent with the **ballot and other** materials shall be addressed to the election
16 supervisor in the district in which the voter is a resident.

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

18 (e) An absentee ballot must be marked on or before the date of the election.
19 Except as provided in (h) of this section, a voter who returns the **absentee** ballot **by**
20 **mail, whether provided to the voter** by mail **or by electronic transmission,** shall use
21 a mail service at least equal to first class and mail the ballot not later than the day of
22 the election to the election supervisor for the election district in which the voter seeks
23 to vote. Except as provided in AS 15.20.480, the ballot may not be counted unless it
24 is received by the close of business on the 10th day after the election. If the ballot is
25 postmarked, it must be postmarked on or before election day. After the day of the
26 election, [NO] ballots **may not** [SHALL] be accepted unless received by mail.

27 * **Sec. 6.** AS 15.20.081(g) is amended to read:

28 (g) The director shall maintain a record of the name of each voter to whom
29 an absentee ballot is sent **under this section** [BY MAIL]. The record must list the
30 date on which the ballot is mailed **or provided by electronic transmission** and the
31 date on which the ballot is received by the election supervisor and the dates on which

1 the ballot was executed and postmarked.

2 * **Sec. 7.** AS 15.20.082 is amended by adding a new subsection to read:

3 (e) The provisions of AS 15.20.066 and 15.20.081 relating to electronic
4 transmission absentee voting do not apply to the procedures established in this section.

5 * **Sec. 8.** AS 15.20.211(b) is amended to read:

6 (b) If a voter requested an absentee ballot [BY MAIL] and the proper absentee
7 ballot was not sent to the voter, the votes cast by the voter on the ballot received
8 which are for write-in candidates the voter could have voted for if the voter had
9 received and voted the proper absentee ballot shall be counted.

10 * **Sec. 9.** AS 15.20 is amended by adding a new section to read:

11 Sec. 15.20.225. DEFINITION OF "STATE ELECTION." In AS 15.20.010 -
12 15.20.225, "state election" means a primary, general, or special election a purpose of
13 which is to

14 (1) select, nominate, or elect a governor, a lieutenant governor, an
15 acting governor, a state senator, or a state representative;

16 (2) select, nominate, or elect delegates to a constitutional convention;

17 (3) approve or reject an initiative submitted under art. XI of the state
18 constitution and AS 15.45.190 - 15.45.200 or a referendum submitted under art. XI of
19 the state constitution and AS 15.45.420 - 15.45.440;

20 (4) recall an official identified in (1) of this section when authorized
21 by art. XI of the state constitution and AS 15.45.650 - 15.45.690;

22 (5) approve or reject a proposed constitutional amendment submitted
23 under AS 15.50; or

24 (6) ratify or reject a state general obligation bond when authorized by
25 AS 37.15.