

HOUSE BILL NO. 141

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KOTT, Porter, Cowdery

Introduced: 3/17/99

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for preferential voting in state and local elections."

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

3 * **Section 1.** AS 15.15.030 is amended by adding a new paragraph to read:

4 (14) The director shall design the ballot to accommodate preferential
5 voting for candidates for the offices of governor and lieutenant governor, for
6 candidates for the legislature, and for candidates for the United States Congress. The
7 ballot shall direct voters to mark candidates in order of preference and to mark as
8 many choices as they wish, but not to assign a particular ranking to more than one
9 candidate.

10 * **Sec. 2.** AS 15.15.350 is amended by adding a new subsection to read:

11 (c) When counting ballots, the election board shall first count the first choice
12 votes. If a candidate has obtained a majority of the first choice votes, further counting
13 is not necessary. If no candidate has obtained a majority of the first choice votes, then
14 the candidate receiving the least number of first choice votes is eliminated, and the
15 election board shall count the second choice votes of those voters who selected the

1 eliminated candidate as their first choice and add those second choice votes to the first
 2 choice votes for the remaining candidates. The election board shall continue this
 3 process of elimination until one candidate has a majority of the votes or is the sole
 4 remaining candidate. If a ballot has no more available preferences, that ballot shall be
 5 declared void. A ballot assigning a particular ranking to more than one candidate for
 6 an office shall be declared invalid when the double ranking is reached. If a ballot
 7 skips a ranking, then the election board shall count the next ranking.

8 * **Sec. 3.** AS 15.15.360(a) is amended to read:

9 (a) The election board shall count hand-marked ballots according to the
 10 following rules: [.]

11 (1) A voter may mark a ballot only by the use of cross-marks, "X"
 12 marks, diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks,
 13 checks, or plus signs that are clearly spaced in the square opposite the name of the
 14 candidate the voter desires to designate. **In addition, a voter may mark a ballot by**
 15 **the use of roman or arabic numerals that are clearly spaced in one of the squares**
 16 **opposite the name of the candidate that the voter desires to designate.**

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

19 (3) [IF A VOTER MARKS FEWER NAMES THAN THERE ARE
 20 PERSONS TO BE ELECTED TO THE OFFICE, A VOTE SHALL BE COUNTED
 21 FOR EACH CANDIDATE PROPERLY MARKED.]

22 (4) IF A VOTER MARKS MORE NAMES THAN THERE ARE
 23 PERSONS TO BE ELECTED TO THE OFFICE, THE VOTES FOR CANDIDATES
 24 FOR THAT OFFICE MAY NOT BE COUNTED.

25 (5) The mark specified in (1) of this subsection shall be counted only
 26 if it is substantially inside the square provided [,] or touching the square so as to
 27 indicate clearly that the voter intended the particular square to be designated.

28 ~~(4)~~ [(6)] Improper marks on the ballot may not be counted and do not
 29 invalidate marks for candidates properly made.

30 ~~(5)~~ [(7)] An erasure or correction invalidates only that section of the
 31 ballot in which it appears.

1 (6) [(8)] A vote marked for the candidate for President or Vice-
2 President of the United States is considered and counted as a vote for the election of
3 the presidential electors.

4 (7) [(9)] Write-in votes are not invalidated by writing in the name of
5 a candidate whose name is printed on the ballot unless the election board determines,
6 on the basis of other evidence, that the ballot was so marked for the purpose of
7 identifying the ballot.

8 (8) [(10)] Stickers bearing a candidate's name may be affixed to the
9 ballot in place of writing in a candidate's name if write-in votes are otherwise
10 permitted. Stickers may not be issued by members of the election board while serving
11 at the polls. Stickers may not be offered to voters within 200 feet of the polling place.

12 (9) [(11)] In order to vote for a write-in candidate, the voter must write
13 in the candidate's name in the space provided or place a sticker in the space and, in
14 addition, mark the square opposite the candidate's name in accordance with (1) of this
15 subsection.

16 * **Sec. 4.** AS 15.15.370 is amended to read:

17 **Sec. 15.15.370. Completion of ballot count.** When the count of ballots is
18 completed, and in no event later than the day after the election, the election board shall
19 make a certificate in duplicate of the results. The certificate includes the number of
20 votes cast for each candidate, **including the number of votes at each stage of the**
21 **elimination process, and the number of votes** for and against each proposition, yes
22 or no on each question, and any additional information prescribed by the director. The
23 election board shall, immediately upon completion of the certificate or as soon
24 thereafter as the local mail service permits, send in one sealed package to the director
25 one copy of the certificate and the register. In addition, all ballots properly cast shall
26 be mailed to the director in a separate, sealed package. Both packages, in addition to
27 an address on the outside, shall clearly indicate the precinct from which they come.
28 Each board shall, immediately upon completion of the certification and as soon
29 thereafter as the local mail service permits, send the duplicate certificate to the
30 respective election supervisor. The director may authorize election boards in precincts
31 in those areas of the state where distance and weather make mail communication

1 unreliable to forward their election results by telephone, telegram, or radio. The
 2 director may authorize the unofficial totaling of votes on a regional basis by election
 3 supervisors, tallying the votes as indicated on duplicate certificates. To assure
 4 adequate protection, the director shall prescribe the manner in which the ballots,
 5 registers, and all other election records and materials are thereafter preserved,
 6 transferred, and destroyed.

7 * **Sec. 5.** AS 15.20.730(b) is amended to read:

8 (b) The computer shall be programmed to count ballots as follows:

9 (1) a vote may be counted only if the punch is clearly spaced in **one**
 10 **of the squares** [SQUARE] following the name of the candidate the voter desires to
 11 select;

12 (2) if there is only one square marked for a team whose names are on
 13 separate lines, such as president and vice-president or governor and lieutenant
 14 governor, a punch in the square or elsewhere in the rectangle following the names
 15 shall be counted for that team;

16 (3) a failure to properly punch a ballot card as to one or more
 17 candidates does not itself invalidate the entire ballot;

18 (4) [IF A VOTER PUNCHES FEWER NAMES THAN THERE ARE
 19 PERSONS TO BE ELECTED TO THE OFFICE, A VOTE SHALL BE COUNTED
 20 FOR EACH CANDIDATE PROPERLY MARKED;

21 (5) IF A VOTER PUNCHES MORE NAMES THAN THERE ARE
 22 PERSONS TO BE ELECTED TO THE OFFICE, THE VOTES FOR CANDIDATES
 23 TO THAT OFFICE MAY NOT BE COUNTED;

24 (6)] improper marks on the ballots may not be counted and do not
 25 invalidate punches for candidates properly made;

26 **(5)** [(7)] an erasure or correction invalidates only that section of the
 27 ballot in which it appears;

28 **(6)** [(8)] a vote marked for the candidate for President of the United
 29 States is considered and counted as a vote for the election of presidential electors.

30 * **Sec. 6.** AS 29.26.060 is amended by adding a new subsection to read:

31 (d) A municipality may, by ordinance, provide for preferential voting under

1 which voters rank candidates in order of preference, and, if no candidate obtains a
2 majority of first-choice votes, votes are transferred in sequential tabulations according
3 to voters' preferences in the manner set out in AS 15.15.350(c).