

HOUSE BILL NO. 417

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE KOTT

Introduced: 2/16/00

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to elections for state legislative offices; and providing for an
2 effective date."

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

4 * **Section 1.** AS 15.15.030(5) is amended to read:

5 (5) The state general election ballot shall be printed on white paper
6 with the names of the candidates and their party designations placed in separate
7 sections under the office designation to which they were nominated. The party
8 affiliation, if any, shall be designated after the name of the candidate. The lieutenant
9 governor and the governor shall be included under the same section. Provision shall
10 be made for voting for write-in and no-party candidates within each section **except**
11 **sections designated for the office of state senator or state representative.**

12 * **Sec. 2.** AS 15.15.360(a) is amended to read:

13 (a) The election board shall count hand-marked ballots according to the
14 following rules.

1 (1) A voter may mark a ballot only by the use of cross-marks, "X"
 2 marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks,
 3 checks, or plus signs that are clearly spaced in the square opposite the name of the
 4 candidate the voter desires to designate.

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

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

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

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

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

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

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

21 (9) **For an office in which voting for write-in candidates is allowed**
 22 **by law,**

23 (A) **write-in** [WRITE-IN] votes are not invalidated by writing
 24 in the name of a candidate whose name is printed on the ballot unless the
 25 election board determines, on the basis of other evidence, that the ballot was
 26 so marked for the purpose of identifying the ballot;

27 (B) **stickers** [.

28 (10) STICKERS] bearing a candidate's name may be affixed to the
 29 ballot in place of writing in a candidate's name; **however, stickers** [IF WRITE-IN
 30 VOTES ARE OTHERWISE PERMITTED. STICKERS] may not be

31 (i) issued by members of the election board while

1 serving at the polls; **or**
 2 **(ii)** [. STICKERS MAY NOT BE] offered to voters
 3 within 200 feet of the polling place; **and**

4 **(C) in** [.

5 (11) IN] order to vote for a write-in candidate, the voter must write in
 6 the candidate's name in the space provided or place a sticker in the space and, in
 7 addition, mark the square opposite the candidate's name in accordance with (1) of this
 8 subsection.

9 **(10) For an office in which voting for write-in candidates is not**
 10 **allowed by law, votes for that office are invalidated by writing in the name of a**
 11 **candidate.**

12 * **Sec. 3.** AS 15.15.430(a) is amended to read:

13 (a) The review of ballot counting by the director shall include only

14 (1) a review and comparison of the tallies of hand-marked ballots in
 15 the election poll books with the precinct election certificates to correct any
 16 mathematical error in the count of hand-marked ballots;

17 (2) a review of

18 **(A)** the tallies of write-in votes **in contests in which write-in**
 19 **votes are allowed by law;** and

20 **(B)** [A REVIEW OF] election certificates as provided by law
 21 from precincts using punch-card ballots;

22 (3) a review of absentee and questioned ballots as prescribed by law.

23 * **Sec. 4.** AS 15.20.082(c) is amended to read:

24 (c) A special state absentee ballot prepared for the state general election or for
 25 a state special election shall, if the names of candidates are not yet certified, permit
 26 a voter to cast a ballot for all the candidates of a particular political party that expects
 27 to have candidates appear on the ballot; for this purpose, the director shall prepare the
 28 ballot with [PARTY BOXES AND] a blank line for each office to be voted on in that
 29 election. The voter may vote for a candidate for that office by writing in the name of
 30 a person and marking the box to the right of that name [OR THE VOTER MAY
 31 MARK ONE OF THE PARTY BOXES. IF THE VOTER PUTS A MARK IN A

1 PARTY BOX FOR THAT OFFICE, THE DIRECTOR SHALL COUNT THE MARK
 2 AS A VOTE CAST FOR THE CANDIDATE FOR THAT OFFICE NOMINATED BY
 3 THAT PARTY]. If the voter writes in a name for an office, the vote shall be counted
 4 as a write-in vote for that office, **but, if the ballot is for use in an election that**
 5 **involves the office of state senator or state representative, only if the vote is for**
 6 **a candidate for election to that office whose name appeared on the primary ballot.**

7 The director shall count the ballots under AS 15.15.360. The director shall provide
 8 the voter with

9 (1) the names of each candidate appearing on the primary election
 10 ballot; and

11 (2) **for elections for an office in which candidates may qualify by**
 12 **petition to appear on the general election ballot under AS 15.25.140 - 15.25.205,**
 13 the names of any candidates who have qualified by petition to appear on the general
 14 election ballot.

15 * **Sec. 5.** AS 15.20.730(a) is amended to read:

16 (a) A vote for a candidate whose name is not printed on the ballot shall be
 17 counted only if **the candidate seeks election to an office in which write-in votes are**
 18 **allowed by law,** the name is written in, the square following it is punched, and the
 19 number of punches does not exceed the number of offices available. A write-in vote
 20 for a candidate whose name is also printed on the ballot may be counted only if **the**
 21 **candidate seeks election to an office in which write-in votes are allowed by law,**
 22 the square following the written name is punched, the square following the printed
 23 name is not punched, and the number of punches does not exceed the number of
 24 offices available.

25 * **Sec. 6.** AS 15.25.070 is amended to read:

26 **Sec. 15.25.070. Special provisions on counting ballots.** A voter may [NOT]
 27 vote for a person whose name is not on the ballot **only for the office of state senator**
 28 **or state representative.** Votes cast for a person whose name is not on the ballot **for**
 29 **any other office** may not be counted, but writing in a candidate's name does not
 30 invalidate the entire ballot.

31 * **Sec. 7.** AS 15.25.100 is amended to read:

1 **Sec. 15.25.100. Placement of nominees on general election ballot. For all**
 2 **offices except the office of state senator or state representative, the** [THE] director
 3 shall place the name of the candidate receiving the highest number of votes for an
 4 office by a political party on the general election ballot.

5 * **Sec. 8.** AS 15.25.100 is amended by adding a new subsection to read:

6 (b) For each election to the office of state senator or state representative, the
 7 director shall place on the general election ballot only the names of the candidates
 8 receiving the highest number of votes and the second highest number of votes for the
 9 office, regardless of the political party affiliation of those candidates. If, at the
 10 primary election, one candidate receives a majority of the votes cast for that office, the
 11 director shall place on the general election ballot only the name of that candidate.

12 * **Sec. 9.** AS 15.25.170 is amended to read:

13 **Sec. 15.25.170. Required number of signatures for district-wide office.**

14 Petitions for the nomination of candidates for the office of state senator or state
 15 representative shall be signed by qualified voters of the election or senate district in
 16 which the proposed nominee desires to be a candidate equal in number to at least one
 17 percent of the number of voters who cast ballots in the proposed nominee's respective
 18 election or senate district in the preceding **primary** [GENERAL] election. A
 19 nominating petition may not contain less than 50 signatures for any district.

20 * **Sec. 10.** AS 15.25.180(a) is amended to read:

21 (a) The petition must state in substance

- 22 (1) the full name of the candidate;
- 23 (2) the full residence address of the candidate, and the date on which
 24 residency at that address began;
- 25 (3) the full mailing address of the candidate;
- 26 (4) the name of the political group, if any, supporting the candidate;
- 27 (5) if the candidacy is for the office of state senator or state
 28 representative, the election or senate district of which the candidate is a resident;
- 29 (6) the office for which the candidate is nominated;
- 30 (7) the date of the election at which the candidate seeks election;
- 31 (8) the length of residency in the state and in the district of the

1 candidate;

2 (9) that the subscribers are qualified voters of the state or election or
3 senate district in which the candidate resides;

4 (10) that the subscribers request that **if the petition is submitted for**
5 **the offices of**

6 **(A) state senator or state representative,** the candidate's name
7 be placed on the primary election ballot;

8 **(B) governor, lieutenant governor, United States senator, or**
9 **United States representative, the candidate's name be placed on the general**
10 **election ballot;**

11 (11) that the proposed candidate accepts the nomination and will serve
12 if elected, with the statement signed by the proposed candidate;

13 (12) the name of the candidate as the candidate wishes it to appear on
14 the ballot; and

15 (13) that the candidate is not a candidate for any other office to be
16 voted on at the primary or general election and that the candidate is not a candidate
17 for this office under any other nominating petition or declaration of candidacy.

18 * **Sec. 11.** AS 15.25.205(a) is amended to read:

19 (a) Except as provided in (b) of this section **and in AS 15.25.100,** of the
20 names of persons that appear on the primary election ballot under AS 15.25.190, the
21 director shall place on the general election ballot the name of the candidate of each
22 political group that receives the greatest number of votes for an office.

23 * **Sec. 12.** This Act takes effect January 1, 2001.