

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 141

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KOTT, Porter, Cowdery, Green

Introduced: 3/24/99

Referred: State Affairs, Finance

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 the voter to mark candidates in order of preference and to mark as
8 many choices as the voter wishes, but not to assign a particular ranking to more than
9 one 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, or there is a tie vote between all remaining candidates. If a ballot
 5 has no more available preferences, that ballot shall be declared void. A ballot
 6 assigning a particular ranking to more than one candidate for an office shall be
 7 declared invalid when the double ranking is reached. If a ballot skips a ranking, then
 8 the election board shall count the next ranking. If there is a tie vote between all
 9 remaining candidates, the procedures in AS 15.15.460 and AS 15.20.430 - 15.20.530
 10 shall be followed.

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

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

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

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

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

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

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

31 **(4)** [(6)] Improper marks on the ballot may not be counted and do not

1 invalidate marks for candidates properly made.

2 (5) [(7)] An erasure or correction invalidates only that section of the
3 ballot in which it appears.

4 (6) [(8)] A vote marked for the candidate for President or Vice-
5 President of the United States is considered and counted as a vote for the election of
6 the presidential electors.

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

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

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

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

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

1 thereafter as the local mail service permits, send the duplicate certificate to the
 2 respective election supervisor. The director may authorize election boards in precincts
 3 in those areas of the state where distance and weather make mail communication
 4 unreliable to forward their election results by telephone, telegram, or radio. The
 5 director may authorize the unofficial totaling of votes on a regional basis by election
 6 supervisors, tallying the votes as indicated on duplicate certificates. To assure
 7 adequate protection, the director shall prescribe the manner in which the ballots,
 8 registers, and all other election records and materials are thereafter preserved,
 9 transferred, and destroyed.

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

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

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

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

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

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

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

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

29 **(5)** [(7)] an erasure or correction invalidates only that section of the
 30 ballot in which it appears;

31 **(6)** [(8)] a vote marked for the candidate for President of the United

1 States is considered and counted as a vote for the election of presidential electors.

2 * **Sec. 6.** AS 15.25.060 is amended to read:

3 **Sec. 15.25.060. Preparation and distribution of ballots.** The primary
4 election ballot shall be prepared and distributed by the director in the manner
5 prescribed for general election ballots except as specifically provided otherwise for the
6 primary election. The director shall print the ballot on white paper and place the
7 names of all candidates who have properly filed in groups according to offices filed
8 for **and** [, WITHOUT REGARD TO] party affiliation. The order of the placement of
9 the names for each office shall be as provided for the general election ballot. Blank
10 spaces may not be provided on the ballot for the writing or pasting in of names.

11 * **Sec. 7.** AS 15.25.060 is amended by adding a new subsection to read:

12 (b) The director shall include instructions on primary election ballots directing
13 the voter to mark candidates for an office within a single political party in order of
14 preference and to mark as many choices as the voter wishes within a single political
15 party, but not to assign a particular ranking to more than one candidate or to rank
16 candidates from more than one party.

17 * **Sec. 8.** AS 15.25.100 is amended to read:

18 **Sec. 15.25.100. Placement of nominees on general election ballot. Except**
19 **when an election results in a tie vote,** [THE] director shall place the name of the
20 candidate receiving **a majority** [THE HIGHEST NUMBER] of votes for an office by
21 a political party on the general election ballot.

22 * **Sec. 9.** AS 29.26.060 is amended by adding a new subsection to read:

23 (d) A municipality may, by ordinance, provide for preferential voting under
24 which voters rank candidates in order of preference, and, if no candidate obtains a
25 majority of first-choice votes, votes are transferred in sequential tabulations according
26 to voters' preferences in the manner set out in AS 15.15.350(c).