

HOUSE BILL NO. 266

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 4/14/03

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to elections, questioned ballots and questioned voters, voter
2 registration, training of election officials, preparation of election materials, voter
3 identification, absentee voting, counting ballots, and the primary election; and providing
4 for an effective date."

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

6 * **Section 1.** AS 15.07.010 is amended to read:

7 **Sec. 15.07.010. Who may vote.** The precinct election officials at any election
8 shall allow a person to vote whose name is on the official registration list for that
9 precinct and who is qualified under AS 15.05. A person whose name is not on the
10 official registration list shall be allowed to vote a **provisional** [QUESTIONED] ballot.

11 * **Sec. 2.** AS 15.07.055 is amended by adding a new subsection to read:

12 (e) The director shall enter into an agreement with the Department of
13 Administration and the Department of Revenue to match identifying information
14 provided by a voter who initially registers by mail or by facsimile or other electronic

1 transmission approved by the director under AS 15.07.050, with existing identification
2 records

3 (1) maintained by the administrative component of the Department of
4 Administration that administers motor vehicle and driver's license laws and by the
5 administrative component of the Department of Revenue that administers the
6 permanent fund dividend laws; and

7 (2) bearing the same identifying number, name, and date of birth
8 provided on the registration.

9 * **Sec. 3.** AS 15.07.060(a) is amended to read:

10 (a) Each applicant who requests registration or reregistration shall supply the
11 following information:

12 (1) name and sex;

13 (2) **if issued, the applicant's State of Alaska driver's license**
14 **number or State of Alaska identification card number, or the last four digits of**
15 **the applicant's social security number;**

16 **(3) date of birth;**

17 **(4)** address and other necessary information establishing residence,
18 including the term of residence in the state and in the district, if requested;

19 **(5)** [(3)] whether the applicant has previously been registered to vote in
20 another jurisdiction, and, if so, the jurisdiction and the address of the previous
21 registration;

22 **(6)** [(4)] a declaration that the registrant will be 18 years of age or
23 older within 90 days of the date **of** [OR] registration;

24 **(7)** [(5)] a declaration that the registrant is a citizen of the United
25 States;

26 **(8)** [(6)] date of application;

27 **(9)** [(7)] signature or mark;

28 **(10)** [(8)] any former name under which the applicant was registered to
29 vote in the state;

30 **(11)** [(9)] an attestation that the information provided by the applicant
31 in **(1) - (10)** [(1) - (8)] of this subsection is true; and

1 **(12)** [(10)] a certification that the applicant understands that a false
 2 statement on the application may make the applicant subject to prosecution for a
 3 misdemeanor under this title or AS 11.

4 * **Sec. 4.** AS 15.07.060(b) is amended to read:

5 (b) If the applicant has been previously registered to vote in another
 6 jurisdiction, the [APPLICANT SHALL SURRENDER TO THE REGISTRATION
 7 OFFICIAL ANY VOTER REGISTRATION OR IDENTIFICATION CARD OR
 8 CREDENTIALS FROM THAT JURISDICTION THE APPLICANT MAY
 9 POSSESS. THE] director shall notify the chief elections officer in that jurisdiction
 10 that the applicant has registered to vote in Alaska **and** [,] request **that** that jurisdiction
 11 [TO] cancel the applicant's voter registration there [, AND RETURN THE
 12 APPLICANT'S VOTER REGISTRATION OR IDENTIFICATION CARD OR
 13 CREDENTIALS, IF ANY, TO THAT JURISDICTION].

14 * **Sec. 5.** AS 15.07.060(c) is amended to read:

15 (c) **Each applicant who requests** [IF APPLICATION FOR] registration [IS
 16 MADE] in person before a registration official [, THE APPLICANT] shall exhibit one
 17 form of identification to the official, including [BUT NOT LIMITED TO] a driver's
 18 license, **state identification card, current and valid photo identification,** birth
 19 certificate, passport, **or** hunting or fishing license. A registration official who knows
 20 the identity of the applicant may waive the identification requirement.

21 * **Sec. 6.** AS 15.07.060 is amended by adding new subsections to read:

22 (e) For an applicant requesting initial registration by mail, or by facsimile or
 23 other electronic transmission approved by the director under AS 15.07.050, the
 24 director shall verify the information provided in compliance with (a)(2) and (3) of this
 25 section through state agency records described in AS 15.07.055(e). If such an
 26 applicant cannot comply with the requirement of (a)(2) of this section because the
 27 applicant has not been issued any of the listed numbers, the applicant may instead
 28 submit a copy of one of the following forms of identification: a driver's license, state
 29 identification card, current and valid photo identification, birth certificate, passport, or
 30 hunting or fishing license.

31 (f) If an applicant who requests registration cannot comply with the

1 requirement of (a)(2) of this section because the applicant has not been issued any of
 2 the listed numbers, the division shall assign the applicant a unique identifying number.

3 * **Sec. 7.** AS 15.07.070(b) is amended to read:

4 (b) To register by mail or by facsimile or other electronic transmission
 5 approved by the director under AS 15.07.050, the director, the area election
 6 supervisor, or a voter registration agency shall furnish, at no cost to the voter, forms
 7 prepared by the director on which the registration information required under
 8 AS 15.07.060 shall be inserted by the voter, or by a person on behalf of the voter if the
 9 voter is physically incapacitated. The director may require proof of identification of
 10 the applicant as required by regulations adopted by the director under AS 44.62
 11 (Administrative Procedure Act). Upon receipt and approval of the completed
 12 registration forms the director or the election supervisor shall forward to the voter an
 13 acknowledgment [IN THE FORM OF A REGISTRATION CARD,] and the voter's
 14 name shall immediately be placed on the master register [LOCATED IN THE
 15 OFFICE OF THE DIRECTOR AND ON THE DISTRICT REGISTER LOCATED IN
 16 THE OFFICE OF THE ELECTION SUPERVISOR]. If the registration is denied, the
 17 voter shall immediately be informed in writing that registration was denied and the
 18 reason for denial. **When identifying information has been provided by the voter as**
 19 **required by this chapter, the election supervisor shall forward to the voter a**
 20 **registration card.**

21 * **Sec. 8.** AS 15.07.070(d) is amended to read:

22 (d) Qualified voters may register in person before a registration official or
 23 through a voter registration agency at any time throughout the year, except that a
 24 person registering within 30 days preceding an election **is not eligible to** [MAY NOT]
 25 vote at that election. Upon receipt and approval of the registration forms, the director
 26 or the election supervisor shall forward to the voter an acknowledgment in the form of
 27 a registration card and the voter's name shall immediately be placed on the master
 28 register [LOCATED IN THE OFFICE OF THE DIRECTOR AND ON THE
 29 DISTRICT REGISTER LOCATED IN THE OFFICE OF THE ELECTION
 30 SUPERVISOR]. Names of persons registering 30 or more days before an election
 31 shall be placed on the official registration list for that election.

1 * **Sec. 9.** AS 15.07.070(h) is amended to read:

2 (h) The director shall design the form of the voter's certificate appearing on
3 the envelope that is used for voting a **provisional and an absentee in-person**
4 [QUESTIONED] ballot so that all information required for registration by
5 AS 15.07.060(a) may be obtained from a voter who votes a **provisional or an**
6 **absentee in-person** [QUESTIONED] ballot. If the voter voting a **provisional or an**
7 **absentee in-person** [QUESTIONED] ballot has completed all information on the
8 voter registration portion of the **provisional or absentee in-person** [QUESTIONED]
9 ballot voter's certificate, the director shall place the name of the voter on the official
10 registration list.

11 * **Sec. 10.** AS 15.07.090(a) is amended to read:

12 (a) A voter whose name is changed by marriage or court order may vote under
13 the previous name, but a voter who desires to use a new name shall vote a **provisional**
14 [QUESTIONED] ballot.

15 * **Sec. 11.** AS 15.07.090(d) is amended to read:

16 (d) A person who claims to be a registered voter, but for whom no evidence of
17 registration in the precinct can be found, shall be granted the right to vote in the same
18 manner as that of a **provisional** [QUESTIONED] voter and the ballot shall be treated
19 in the same manner. The ballot shall be considered to be a "**provisional**
20 [QUESTIONED] ballot" and shall be so designated. The director or the director's
21 representative shall determine whether the voter is registered in the house district
22 before counting the ballot. A voter who has failed to obtain a transfer as provided in
23 (c) of this section shall vote a "**provisional** [QUESTIONED] ballot" in the precinct in
24 which the voter resides.

25 * **Sec. 12.** AS 15.10.107 is amended to read:

26 **Sec. 15.10.107. Staff training.** The director shall, before each primary
27 election in even-numbered years, provide for a comprehensive training program for
28 election officials, both the full-time members of the staff of the division of elections
29 and those who are appointed as members of election boards under AS 15.10.120 -
30 15.10.140 and other temporary election employees. The director shall [ANNUALLY]
31 prepare and, not later than **March 1** [JANUARY 10], file with the lieutenant governor

1 a plan that describes the comprehensive training program for election officials to be
2 provided to those officials during that calendar year.

3 * **Sec. 13.** AS 15.15.040 is amended by adding a new subsection to read:

4 (c) The director shall provide materials, forms, and supplies for each polling
5 place, including information regarding the date of the election and hours the polling
6 place will be open, instructions on how to cast a provisional ballot, instructions for
7 first-time voters who initially registered by mail, general information on voting rights,
8 prohibitions on acts of fraud and misrepresentation, and who to contact to report
9 violations.

10 * **Sec. 14.** AS 15.15.198 is amended to read:

11 **Sec. 15.15.198. Voters not on official registration list.** (a) If a voter's name
12 does not appear on the official registration list in the precinct in which the voter seeks
13 to vote, the election official shall affirmatively advise the voter that the voter may cast
14 a **provisional** [QUESTIONED] ballot, and the voter shall be allowed to vote a
15 **provisional** [QUESTIONED] ballot. **At the time the voter casts a provisional**
16 **ballot, the voter shall be given written information stating that the voter will be**
17 **able to ascertain whether the ballot was counted and, if not counted, the reason**
18 **the ballot was not counted.**

19 (b) A person whose registration is inactive under AS 15.07.130(b) and who
20 votes a **provisional** [QUESTIONED] or absentee ballot shall have the ballot counted
21 if

22 (1) the person was registered to vote in the last four calendar years;

23 (2) the person signs a statement to that effect; and

24 (3) the earlier registration is verified by the director.

25 * **Sec. 15.** AS 15.15.215(a) is amended to read:

26 (a) A voter who casts a **provisional** [QUESTIONED] ballot shall vote the
27 ballot in the same manner as prescribed for other voters. The voter shall insert the
28 ballot into a secrecy sleeve and put the secrecy sleeve into an envelope on which the
29 statement the voter previously signed is located. The envelope shall be sealed and
30 deposited in the ballot box. When the ballot box is opened, the envelopes shall be
31 segregated, counted, compared to the voting list, and delivered to the official or body

1 supervising the election. The merits of the question shall be determined by this
 2 official or body in accordance with the procedure prescribed for **provisional**
 3 [QUESTIONED] votes in AS 15.20.207.

4 * **Sec. 16.** AS 15.15.225 is amended to read:

5 **Sec. 15.15.225. Voter identification at polls.** (a) Before being allowed to
 6 vote, each voter shall exhibit to an election official one form of identification,
 7 including

8 **(1) an official voter registration card, driver's license, state**
 9 **identification card, current and valid photo identification,** birth certificate,
 10 passport, **or** hunting or fishing license; **or**

11 **(2) an original or a copy of a current utility bill, bank statement,**
 12 **paycheck, government check, or other government document; an item exhibited**
 13 **under this paragraph must show the name and current address of the voter** [, OR
 14 OTHER FORM OF IDENTIFICATION AS PRESCRIBED BY REGULATION].

15 (b) An election official may waive the identification requirement if the
 16 election official knows the identity of the voter. **The identification requirement may**
 17 **not be waived for voters who are first-time voters who initially registered by mail**
 18 **or by facsimile or other electronic transmission approved by the director under**
 19 **AS 15.07.050, and did not provide identification as required in AS 15.07.060.**

20 (c) A voter who cannot exhibit a required form of identification shall be
 21 allowed to vote a **provisional** [QUESTIONED] ballot.

22 * **Sec. 17.** AS 15.15.350(a) is amended to read:

23 (a) The director may adopt regulations prescribing the manner in which the
 24 precinct ballot count is accomplished so as to assure accuracy in the count and to
 25 expedite the process. The election board shall account for all ballots by completing a
 26 ballot statement containing (1) the number of official ballots received; (2) the number
 27 of official ballots voted; (3) the number of official ballots spoiled; (4) the number of
 28 official ballots unused and destroyed. The board shall count the number of
 29 **provisional** [QUESTIONED] ballots and shall compare that number to the number of
 30 **provisional** [QUESTIONED] voters in the register. Discrepancies shall be noted and
 31 the numbers included in the certificate prescribed by AS 15.15.370. The election

1 board, in hand-count precincts, shall count the ballots in a manner that allows watchers
2 to see the ballots when opened and read. A person handling the ballot after it has been
3 taken from the ballot box and before it is placed in the envelope for mailing may not
4 have a marking device in hand or remove a ballot from the immediate vicinity of the
5 polls.

6 * **Sec. 18.** AS 15.15.360(a) is amended to read:

7 (a) The election board shall count ballots [IN HAND-COUNT PRECINCTS]
8 according to the following rules:

9 (1) A voter may mark a ballot only by filling in, making "X" marks,
10 diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks, checks, or
11 plus signs that are clearly spaced in the oval opposite the name of the candidate,
12 proposition, or question that the voter desires to designate.

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

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

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

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

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

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

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

29 (9) Write-in votes are not invalidated by writing in the name of a
30 candidate whose name is printed on the ballot unless the election board determines, on
31 the basis of other evidence, that the ballot was so marked for the purpose of

1 identifying the ballot.

2 (10) In order to vote for a write-in candidate, the voter must write in
3 the candidate's name in the space provided and fill in the oval opposite the candidate's
4 name in accordance with (1) of this subsection.

5 (11) A vote for a write-in candidate, other than a write-in vote for
6 governor and lieutenant governor, shall be counted if the oval is filled in for that
7 candidate and if the name, as it appears on the write-in declaration of candidacy, of the
8 candidate or the last name of the candidate is written in the space provided.

9 (12) If the write-in vote is for governor and lieutenant governor, the
10 vote shall be counted if the oval is filled in and the names, as they appear on the write-
11 in declaration of candidacy, of the candidates for governor and lieutenant governor or
12 the last names of the candidates for governor and lieutenant governor, or the name, as
13 it appears on the write-in declaration of candidacy, of the candidate for governor or the
14 last name of the candidate for governor is written in the space provided.

15 * **Sec. 19.** AS 15.15.380 is amended to read:

16 **Sec. 15.15.380. Payment of election board members.** The director shall pay
17 each election board member for time spent at election duties, including the receiving
18 of instructions. Election board chairpersons and the chairperson and members of the
19 absentee ballot, **provisional** [QUESTIONED] ballot, and state ballot counting review
20 boards shall be paid for time spent at their election duties. The director shall set the
21 compensation to be paid under this section by regulation.

22 * **Sec. 20.** AS 15.15.430(a) is amended to read:

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

24 (1) the precinct registers, tallies, and ballots cast; and

25 (2) absentee and **provisional** [QUESTIONED] ballots as prescribed by
26 law.

27 * **Sec. 21.** AS 15.20.081(f) is amended to read:

28 (f) The director **shall** [MAY] require a voter casting an absentee ballot by mail
29 to provide proof of identification or other information to aid in the establishment of
30 the voter's identity as prescribed by regulations adopted under the Administrative
31 Procedure Act (AS 44.62). **If the voter is a first-time voter who initially registered**

1 **by mail or by facsimile or other electronic transmission approved by the director**
 2 **under AS 15.07.050 and has not met the identification requirements set out in**
 3 **AS 15.07.060, the voter must provide one of the following forms of proof of**
 4 **identification:**

5 **(1) a copy of a driver's license, state identification card, current**
 6 **and valid photo identification, birth certificate, passport, or hunting or fishing**
 7 **license; or**

8 **(2) a copy of a current utility bill, bank statement, paycheck,**
 9 **government check, or other government document; an item provided under this**
 10 **paragraph must show the name and current address of the voter.**

11 * **Sec. 22.** AS 15.20.081 is amended by adding a new subsection to read:

12 (i) An absentee ballot application submitted by an absent uniformed services
 13 voter or by an absent overseas voter qualifying under AS 15.05.011 is valid through
 14 the next two regularly scheduled general elections for federal office after the date the
 15 application is submitted. In this subsection, "absent uniformed services voter" has the
 16 meaning given in 42 U.S.C. 1973ff-6.

17 * **Sec. 23.** AS 15.20.082(a) is amended to read:

18 (a) The director shall prepare special absentee ballots under this section for
 19 use in a state primary election, a state general election, and a state special election
 20 when the voter notifies the director in writing that the voter expects to be living,
 21 working, or traveling outside the United States **at the time of the election, or in a**
 22 **remote area of the state where distance, terrain, or other natural conditions deny**
 23 **the voter reasonable access to a polling place** at the time of the election. The
 24 director shall prepare the ballot so that it may be sent to the absentee voter 60 days
 25 before the date of the election. The director shall list on the ballot the different races
 26 to be voted on at the particular election on a statewide basis and, if the director
 27 prepares the ballot without the names of candidates printed on the ballot, the director
 28 shall provide the voter with information described in (c) of this section.

29 * **Sec. 24.** AS 15.20.190(a) is amended to read:

30 (a) Thirty days before the date of an election, the election supervisors shall
 31 appoint, in the same manner provided for the appointment of election officials

1 prescribed in AS 15.10, district absentee ballot counting boards and district
 2 **provisional** [QUESTIONED] ballot counting boards, each composed of at least four
 3 members. At least one member of each board must be a member of the same political
 4 party of which the governor is a member, and at least one member of each board must
 5 be a member of the political party whose candidate for governor received the second
 6 largest number of votes in the preceding gubernatorial election. The district boards
 7 shall assist the election supervisors in counting the absentee and **provisional**
 8 [QUESTIONED] ballots and shall receive the same compensation paid election
 9 officials under AS 15.15.380.

10 * **Sec. 25.** AS 15.20.203(b) is amended to read:

11 (b) An absentee ballot may not be counted if

12 (1) the voter has failed to properly execute the certificate;

13 (2) an official or the witnesses authorized by law to attest the voter's
 14 certificate fail to execute the certificate, except that an absentee ballot cast in person
 15 and accepted by an absentee voting official or election supervisor may be counted
 16 despite failure of the absentee voting official or election supervisor to properly sign
 17 and date the voter's certificate as attesting official as required under AS 15.20.061(c);

18 (3) the ballot is not attested on or before the date of the election;

19 (4) the ballot, if postmarked, is not postmarked on or before the date of
 20 the election; [OR]

21 (5) after the day of election, the ballot was delivered by a means other
 22 than mail; **or**

23 **(6) the voter voted**

24 **(A) in person and is a**

25 **(i) first-time voter who initially registered by mail or**
 26 **by facsimile or other electronic transmission approved by the**
 27 **director under AS 15.07.050, has not provided the identification**
 28 **required by AS 15.15.225(a), was not eligible for waiver of the**
 29 **identification requirement under AS 15.15.225(b), and has not**
 30 **provided the identifiers required in AS 15.07.060(a)(2) and (3) that**
 31 **can be verified through state agency records described in**

1 AS 15.07.055(e); or

2 (ii) voter other than one described in (i) of this
 3 subparagraph, did not provide identification described in
 4 AS 15.15.225(a), was not personally known by the election official,
 5 and has not provided the identifiers required in AS 15.07.060(a)(2)
 6 and (3); or

7 (B) by mail or electronic transmission, is a first-time voter
 8 who initially registered by mail, or by facsimile or other electronic
 9 transmission approved by the director under AS 15.07.050, to vote, has
 10 not met the identification requirements set out in AS 15.07.060, and does
 11 not submit with the ballot a copy of a

12 (i) driver's license, state identification card, current
 13 and valid photo identification, birth certificate, passport, or
 14 hunting or fishing license; or

15 (ii) current utility bill, bank statement, paycheck,
 16 government check, or other government document; an item
 17 described in this subparagraph must show the name and current
 18 address of the voter.

19 * **Sec. 26.** AS 15.20.203(h) is repealed and reenacted to read:

20 (h) The director shall make available through a free access system to each
 21 absentee voter a system to check to see whether the voter's ballot was counted and, if
 22 not counted, the reason why the ballot was not counted. The director shall make this
 23 information available through the free access system not less than 10 days after
 24 certification of the results of a primary election and not less than 30 days after
 25 certification of the results of a general or special election.

26 * **Sec. 27.** AS 15.20.205 is amended to read:

27 **Sec. 15.20.205. Time of district provisional [QUESTIONED] ballot**
 28 **counting review.** (a) On the second day following the day of the election, the
 29 election supervisor or the supervisor's designee, in the presence and with the
 30 assistance of the district provisional [QUESTIONED] ballot counting board, shall
 31 review all voter certificates of provisional [QUESTIONED] ballots received by that

1 date. The review of **provisional** [QUESTIONED] ballots shall continue at times
2 designated by the election supervisor until completed.

3 (b) Counting of **provisional** [QUESTIONED] ballots which have been
4 reviewed shall begin on the third day following the day of the election and shall
5 continue at times designated by the election supervisor until all **provisional**
6 [QUESTIONED] ballots reviewed and eligible for counting have been counted. The
7 counting teams shall report the count to the district **provisional** [QUESTIONED]
8 ballot counting board.

9 (c) The district **provisional** [QUESTIONED] ballot counting board may
10 certify the **provisional** [QUESTIONED] ballot totals as soon as the count is
11 completed but no later than the 15th day following the election.

12 (d) **Provisional** [QUESTIONED] ballots received after certification of the
13 count shall be forwarded immediately to the director by the most expeditious service.

14 * **Sec. 28.** AS 15.20.207(a) is amended to read:

15 (a) The district **provisional** [QUESTIONED] ballot counting board shall
16 examine each **provisional** [QUESTIONED] ballot envelope and shall determine
17 whether the **provisional** [QUESTIONED] voter is qualified to vote at the election and
18 whether the **provisional** [QUESTIONED] ballot has been properly cast.

19 * **Sec. 29.** AS 15.20.207(b) is amended to read:

20 (b) A **provisional** [QUESTIONED] ballot may not be counted if the voter
21 **(1) has failed to properly execute the certificate;**
22 **(2) is a first-time voter who initially registered by mail or by**
23 **facsimile or other electronic transmission approved by the director under**
24 **AS 15.07.050, has not provided the identification required by AS 15.15.225(a),**
25 **was not eligible for waiver of the identification requirement under**
26 **AS 15.15.225(b), and has not provided the identifiers required in**
27 **AS 15.07.060(a)(2) and (3) that can be verified through state agency records**
28 **described in AS 15.07.055(e); or**
29 **(3) is a voter other than one described in (2) of this subsection, did**
30 **not provide identification described in AS 15.15.225(a), was not personally**
31 **known by the election official, and has not provided the identifiers required in**

1 **AS 15.07.060(a)(2) and (3).**

2 * **Sec. 30.** AS 15.20.207(c) is amended to read:

3 (c) Any person present at the district **provisional** [QUESTIONED] ballot
4 review may challenge the name of a **provisional** [QUESTIONED] voter when read
5 from the voter's certificate on the envelope if the person has good reason to suspect
6 that the **provisional** [QUESTIONED] voter is not qualified to vote, is disqualified, or
7 has voted at the same election. The person making the challenge shall specify the
8 basis of the challenge in writing. The district **provisional** [QUESTIONED] ballot
9 counting board by majority vote may refuse to accept and count the **provisional**
10 [QUESTIONED] ballot of a person properly challenged under grounds listed in (b) of
11 this section.

12 * **Sec. 31.** AS 15.20.207(d) is amended to read:

13 (d) The election supervisor shall place all rejected **provisional**
14 [QUESTIONED] ballots in a separate envelope with statements of challenge. The
15 envelope shall be labeled "rejected **provisional** [QUESTIONED] ballots" and shall be
16 forwarded to the director with the election certificates and other returns.

17 * **Sec. 32.** AS 15.20.207(e) is amended to read:

18 (e) If a **provisional** [QUESTIONED] ballot is not rejected, the envelope shall
19 be opened and the secrecy sleeve containing the **provisional** [QUESTIONED] ballot
20 shall be placed in a container and mixed with other secrecy sleeves containing
21 **provisional** [QUESTIONED] ballots.

22 * **Sec. 33.** AS 15.20.207(f) is amended to read:

23 (f) The secrecy sleeves shall be drawn from the container, the **provisional**
24 [QUESTIONED] ballots shall be removed from the secrecy sleeves, and the
25 **provisional** [QUESTIONED] ballots counted at the times specified in AS 15.20.205
26 and according to the rules for determining properly marked ballots in AS 15.15.360.

27 * **Sec. 34.** AS 15.20.207(g) is amended to read:

28 (g) Upon completion of the **provisional** [QUESTIONED] ballot review, the
29 election supervisor shall prepare an election certificate for execution by the district
30 **provisional** [QUESTIONED] ballot counting board, and shall forward the original
31 certificate and returns to the director as soon as the count is completed but no later

1 than the 16th day following the election.

2 * **Sec. 35.** AS 15.20.207(h) is repealed and reenacted to read:

3 (h) The director shall make available through a free access system to each
4 provisional voter a system to check to see whether the voter's ballot was counted and,
5 if not counted, the reason why the ballot was not counted. The director shall make this
6 information available through the free access system not less than 10 days after
7 certification of the results of a primary election and not less than 30 days after the
8 certification of the results of a general or special election.

9 * **Sec. 36.** AS 15.20.220 is amended to read:

10 **Sec. 15.20.220. Procedure for state review.** (a) When the director and
11 appointed party representatives have completed the review of ballots cast at the voting
12 precincts, they shall proceed to review the absentee and **provisional** [QUESTIONED]
13 ballot votes certified by the district counting boards. The review of the absentee and
14 **provisional** [QUESTIONED] ballot vote certified by the district counting boards shall
15 be accomplished by reviewing the tallies of the recorded vote to check for
16 mathematical error and by comparing the totals with the election certificate of results.

17 (b) The state review board shall review and count absentee ballots under
18 AS 15.20.081(e) and (h) and **provisional** [QUESTIONED] ballots that have been
19 forwarded to the director and that have not been reviewed or counted by a district
20 counting board.

21 * **Sec. 37.** AS 15.20.480 is amended to read:

22 **Sec. 15.20.480. Procedure for recount.** In conducting the recount, the
23 director shall review all ballots, whether the ballots were counted at the precinct or by
24 computer or by the district absentee counting board or the **provisional**
25 [QUESTIONED] ballot counting board, to determine which ballots, or part of ballots,
26 were properly marked and which ballots are to be counted in the recount, and shall
27 check the accuracy of the original count, the precinct certificate, and the review. The
28 director shall count absentee ballots received before the completion of the recount.
29 For administrative purposes, the director may join and include two or more
30 applications in a single review and count of votes. The rules in AS 15.15.360
31 governing the counting of ballots [IN HAND-COUNT PRECINCTS] shall be

1 followed in the recount when a ballot is challenged on the basis of a question
 2 regarding the voter's intent to vote for the candidate, proposition, or question. The
 3 ballots and other election material must remain in the custody of the director during
 4 the recount, and the highest degree of care shall be exercised to protect the ballots
 5 against alteration or mutilation. The recount shall be completed within 10 days. The
 6 director may employ additional personnel necessary to assist in the recount.

7 * **Sec. 38.** AS 15.25.010 is amended to read:

8 **Sec. 15.25.010. Provision for primary election.** Candidates for the elective
 9 state executive and state and national legislative offices shall be nominated in a
 10 primary election by direct vote of the people in the manner prescribed by this chapter.
 11 The director shall prepare and provide a primary election ballot for each political
 12 party. A voter registered as affiliated with a political party may vote that party's
 13 ballot. A voter registered as **unaffiliated** [NONPARTISAN OR UNDECLARED]
 14 rather than as affiliated with a particular political party may vote the political party
 15 ballot of the voter's choice unless prohibited from doing so under AS 15.25.014. A
 16 voter registered as affiliated with a political party may not vote the ballot of a different
 17 political party unless permitted to do so under AS 15.25.014.

18 * **Sec. 39.** AS 15.25.014(b) is amended to read:

19 (b) Once a political party timely submits a notice and bylaws under (a) of this
 20 section and the director finds that the party has met the requirements of this chapter
 21 and other applicable laws, the director shall permit a voter registered as affiliated with
 22 another party to vote the party's ballot if the voter is permitted by the party's bylaws to
 23 participate in the selection of the party's candidates and may not permit a voter
 24 registered as **unaffiliated** [NONPARTISAN OR UNDECLARED] to vote a party's
 25 ballot if the party's bylaws restrict participation by **unaffiliated** [NONPARTISAN OR
 26 UNDECLARED] voters in the party's primary. However, for a subsequent primary
 27 election, the party shall timely submit another notice, bylaws, documentation, and
 28 other information under (a) of this section if the party's bylaws regarding who may
 29 participate in the primary election for selection of the party's candidates change.

30 * **Sec. 40.** AS 15.25.060(b) is amended to read:

31 (b) A voter may vote only one primary election ballot. A voter may vote a

1 political party ballot only if the voter is registered as affiliated with that party, is
2 allowed to participate in the party primary under the party's bylaws, or is registered as
3 **unaffiliated** [NONPARTISAN OR UNDECLARED] rather than as affiliated with a
4 particular political party and the party's bylaws do not restrict participation by
5 **unaffiliated** [NONPARTISAN OR UNDECLARED] voters in the party's primary.
6 For the purpose of determining which primary election ballot a voter may use, a
7 voter's party affiliation is considered to be the affiliation registered with the director as
8 of the 30th day before the primary election. If a voter changes party affiliation within
9 the 30 days before the primary election, the voter's previous party affiliation shall be
10 used for the determination under this subsection.

11 * **Sec. 41.** AS 15.15.360(c); AS 15.20.203(i), 15.20.207(i), 15.20.207(j), 15.20.211(c),
12 15.20.211(d), and 15.20.211(e) are repealed.

13 * **Sec. 42.** This Act takes effect immediately under AS 01.10.070(c).