

CS FOR HOUSE BILL NO. 266(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/25/03
Referred: Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

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 15.07.055 is amended by adding a new subsection to read:

7 (e) The director shall enter into an agreement with the Department of
8 Administration and the Department of Revenue to match identifying information
9 provided by a voter who initially registers by mail or by facsimile or other electronic
10 transmission approved by the director under AS 15.07.050 with existing identification
11 records

12 (1) maintained by the administrative component of the Department of
13 Administration that administers motor vehicle and driver's license laws and by the
14 administrative component of the Department of Revenue that administers the

1 permanent fund dividend laws; and

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

4 * **Sec. 2.** AS 15.07.060(a) is amended to read:

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

7 (1) name and sex;

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

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

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

14 **(5)** [(3)] whether the applicant has previously been registered to vote in
15 another jurisdiction, and, if so, the jurisdiction and the address of the previous
16 registration;

17 **(6)** [(4)] a declaration that the registrant will be 18 years of age or
18 older within 90 days of the date of registration;

19 **(7)** [(5)] a declaration that the registrant is a citizen of the United
20 States;

21 **(8)** [(6)] date of application;

22 **(9)** [(7)] signature or mark;

23 **(10)** [(8)] any former name under which the applicant was registered to
24 vote in the state;

25 **(11)** [(9)] an attestation that the information provided by the applicant
26 in **(1) - (10)** [(1) - (8)] of this subsection is true; and

27 **(12)** [(10)] a certification that the applicant understands that a false
28 statement on the application may make the applicant subject to prosecution for a
29 misdemeanor under this title or AS 11.

30 * **Sec. 3.** AS 15.07.060(b) is amended to read:

31 (b) If the applicant has been previously registered to vote in another

1 jurisdiction, the [APPLICANT SHALL SURRENDER TO THE REGISTRATION
 2 OFFICIAL ANY VOTER REGISTRATION OR IDENTIFICATION CARD OR
 3 CREDENTIALS FROM THAT JURISDICTION THE APPLICANT MAY
 4 POSSESS. THE] director shall notify the chief elections officer in that jurisdiction
 5 that the applicant has registered to vote in Alaska **and** [,] request **that** that jurisdiction
 6 [TO] cancel the applicant's voter registration there [, AND RETURN THE
 7 APPLICANT'S VOTER REGISTRATION OR IDENTIFICATION CARD OR
 8 CREDENTIALS, IF ANY, TO THAT JURISDICTION].

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

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

16 * **Sec. 5.** AS 15.07.060 is amended by adding new subsections to read:

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

26 (f) If an applicant who requests registration cannot comply with the
 27 requirement of (a)(2) of this section because the applicant has not been issued any of
 28 the listed numbers, the division shall assign the applicant a unique identifying number.

29 * **Sec. 6.** AS 15.07.070(b) is amended to read:

30 (b) To register by mail or by facsimile or other electronic transmission
 31 approved by the director under AS 15.07.050, the director, the area election

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

16 * **Sec. 7.** AS 15.07.070(d) is amended to read:

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

27 * **Sec. 8.** AS 15.07.070(h) is amended to read:

28 (h) The director shall design the form of the voter's certificate appearing on
 29 the envelope that is used for voting **an absentee in-person or** [A] questioned ballot so
 30 that all information required for registration by AS 15.07.060(a) may be obtained from
 31 a voter who votes **an absentee in-person or** [A] questioned ballot. If the voter voting

1 **an absentee in-person or** [A] questioned ballot has completed all information on the
 2 voter registration portion of the **absentee in-person or** questioned ballot voter's
 3 certificate, the director shall place the name of the voter on the official registration list.

4 * **Sec. 9.** AS 15.10.107 is amended to read:

5 **Sec. 15.10.107. Staff training.** The director shall, before each primary
 6 election in even-numbered years, provide for a comprehensive training program for
 7 election officials, both the full-time members of the staff of the division of elections
 8 and those who are appointed as members of election boards under AS 15.10.120 -
 9 15.10.140 and other temporary election employees. The director shall [ANNUALLY]
 10 prepare and, not later than **March 1** [JANUARY 10], file with the lieutenant governor
 11 a plan that describes the comprehensive training program for election officials to be
 12 provided to those officials during that calendar year.

13 * **Sec. 10.** AS 15.15.040 is amended by adding a new subsection to read:

14 (c) The director shall provide materials, forms, and supplies for each polling
 15 place, including information regarding the date of the election and hours the polling
 16 place will be open, instructions on how to cast a questioned ballot, instructions for
 17 first-time voters who initially registered by mail, general information on voting rights,
 18 prohibitions on acts of fraud and misrepresentation, and whom to contact to report
 19 violations.

20 * **Sec. 11.** AS 15.15.198(a) is amended to read:

21 (a) If a voter's name does not appear on the official registration list in the
 22 precinct in which the voter seeks to vote, the election official shall affirmatively
 23 advise the voter that the voter may cast a questioned ballot, and the voter shall be
 24 allowed to vote a questioned ballot. **At the time the voter casts a questioned ballot,**
 25 **the voter shall be given written information stating that the voter will be able to**
 26 **ascertain whether the ballot was counted and, if not counted, the reason the**
 27 **ballot was not counted.**

28 * **Sec. 12.** AS 15.15.225(a) is amended to read:

29 (a) Before being allowed to vote, each voter shall exhibit to an election official
 30 one form of identification, including

31 **(1)** an official voter registration card, driver's license, **state**

1 **identification card, current and valid photo identification,** birth certificate,
2 passport, **or** hunting or fishing license; **or**

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

7 * **Sec. 13.** AS 15.15.225(b) is amended to read:

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

13 * **Sec. 14.** AS 15.15.360(a) is amended to read:

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

16 (1) A voter may mark a ballot only by filling in, making "X" marks,
17 diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks, checks, or
18 plus signs that are clearly spaced in the oval opposite the name of the candidate,
19 proposition, or question 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 persons to be elected to
23 the office, a vote shall be counted for each candidate properly marked.

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

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

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

31 (7) An erasure or correction invalidates only that section of the ballot

1 in which it appears.

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

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

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

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

16 (12) If the write-in vote is for governor and lieutenant governor, the
17 vote shall be counted if the oval is filled in and the names, as they appear on the write-
18 in declaration of candidacy, of the candidates for governor and lieutenant governor or
19 the last names of the candidates for governor and lieutenant governor, or the name, as
20 it appears on the write-in declaration of candidacy, of the candidate for governor or the
21 last name of the candidate for governor is written in the space provided.

22 * **Sec. 15.** AS 15.20.081(f) is amended to read:

23 (f) The director **shall** [MAY] require a voter casting an absentee ballot by mail
24 to provide proof of identification or other information to aid in the establishment of
25 the voter's identity as prescribed by regulations adopted under **AS 44.62 (** [THE]
26 **Administrative Procedure Act)**. **If the voter is a first-time voter who initially**
27 **registered by mail or by facsimile or other electronic transmission approved by**
28 **the director under AS 15.07.050 and has not met the identification requirements**
29 **set out in AS 15.07.060, the voter must provide one of the following forms of**
30 **proof of identification:**

31 **(1) a copy of a driver's license, state identification card, current**

1 and valid photo identification, birth certificate, passport, or hunting or fishing
 2 license; or

3 (2) a copy of a current utility bill, bank statement, paycheck,
 4 government check, or other government document; an item provided under this
 5 paragraph must show the name and current address of the voter [(AS 44.62)].

6 * **Sec. 16.** AS 15.20.081 is amended by adding a new subsection to read:

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

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

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

24 * **Sec. 18.** AS 15.20.203(b) is amended to read:

25 (b) An absentee ballot may not be counted if
 26 (1) the voter has failed to properly execute the certificate;
 27 (2) an official or the witnesses authorized by law to attest the voter's
 28 certificate fail to execute the certificate, except that an absentee ballot cast in person
 29 and accepted by an absentee voting official or election supervisor may be counted
 30 despite failure of the absentee voting official or election supervisor to properly sign
 31 and date the voter's certificate as attesting official as required under AS 15.20.061(c);

1 (3) the ballot is not attested on or before the date of the election;
 2 (4) the ballot, if postmarked, is not postmarked on or before the date of
 3 the election; [OR]
 4 (5) after the day of election, the ballot was delivered by a means other
 5 than mail; **or**

6 **(6) the voter voted**

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

8 **(i) first-time voter who initially registered by mail or**
 9 **by facsimile or other electronic transmission approved by the**
 10 **director under AS 15.07.050, has not provided the identification**
 11 **required by AS 15.15.225(a), was not eligible for waiver of the**
 12 **identification requirement under AS 15.15.225(b), and has not**
 13 **provided the identifiers required in AS 15.07.060(a)(2) and (3) that**
 14 **can be verified through state agency records described in**
 15 **AS 15.07.055(e); or**

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

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

26 **(i) driver's license, state identification card, current**
 27 **and valid photo identification, birth certificate, passport, or**
 28 **hunting or fishing license; or**

29 **(ii) current utility bill, bank statement, paycheck,**
 30 **government check, or other government document; an item**
 31 **described in this sub-subparagraph must show the name and**

1 **current address of the voter.**

2 * **Sec. 19.** AS 15.20.203 is amended by adding a new subsection to read:

3 (j) The director shall make available through a free access system to each
4 absentee voter a system to check to see whether the voter's ballot was counted and, if
5 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
8 certification of the results of a general or special election.

9 * **Sec. 20.** AS 15.20.207(b) is amended to read:

10 (b) A questioned ballot may not be counted if the voter

11 **(1) has failed to properly execute the certificate;**

12 **(2) is a first-time voter who initially registered by mail or by**
13 **facsimile or other electronic transmission approved by the director under**
14 **AS 15.07.050, has not provided the identification required by AS 15.15.225(a),**
15 **was not eligible for waiver of the identification requirement under**
16 **AS 15.15.225(b), and has not provided the identifiers required in**
17 **AS 15.07.060(a)(2) and (3) that can be verified through state agency records**
18 **described in AS 15.07.055(e); or**

19 **(3) is a voter other than one described in (2) of this subsection, did**
20 **not provide identification described in AS 15.15.225(a), was not personally**
21 **known by the election official, and has not provided the identifiers required in**
22 **AS 15.07.060(a)(2) and (3).**

23 * **Sec. 21.** AS 15.20.207 is amended by adding a new subsection to read:

24 (k) The director shall make available through a free access system to each
25 voter voting a questioned ballot a system to check to see whether the voter's ballot was
26 counted and, if not counted, the reason why the ballot was not counted. The director
27 shall make this information available through the free access system not less than 10
28 days after certification of the results of a primary election and not less than 30 days
29 after the certification of the results of a general or special election.

30 * **Sec. 22.** AS 15.20.211 is amended by adding a new subsection to read:

31 (f) The director shall make available through a free access system to each

1 voter whose ballot was subject to partial counting under this section a system to check
 2 to see whether the voter's ballot was partially counted and, if not counted, the reason
 3 why the ballot was not counted. The director shall make this information available
 4 through the free access system not less than 10 days after certification of the results of
 5 a primary election and not less than 30 days after the certification of the results of a
 6 general or special election.

7 * **Sec. 23.** AS 15.20.480 is amended to read:

8 **Sec. 15.20.480. Procedure for recount.** In conducting the recount, the
 9 director shall review all ballots, whether the ballots were counted at the precinct or by
 10 computer or by the district absentee counting board or the questioned ballot counting
 11 board, to determine which ballots, or part of ballots, were properly marked and which
 12 ballots are to be counted in the recount, and shall check the accuracy of the original
 13 count, the precinct certificate, and the review. The director shall count absentee
 14 ballots received before the completion of the recount. For administrative purposes, the
 15 director may join and include two or more applications in a single review and count of
 16 votes. The rules in AS 15.15.360 governing the counting of ballots [IN HAND-
 17 COUNT PRECINCTS] shall be followed in the recount when a ballot is challenged on
 18 the basis of a question regarding the voter's intent to vote for the candidate,
 19 proposition, or question. The ballots and other election material must remain in the
 20 custody of the director during the recount, and the highest degree of care shall be
 21 exercised to protect the ballots against alteration or mutilation. The recount shall be
 22 completed within 10 days. The director may employ additional personnel necessary to
 23 assist in the recount.

24 * **Sec. 24.** AS 15.25.010 is amended to read:

25 **Sec. 15.25.010. Provision for primary election.** Candidates for the elective
 26 state executive and state and national legislative offices shall be nominated in a
 27 primary election by direct vote of the people in the manner prescribed by this chapter.
 28 The director shall prepare and provide a primary election ballot for each political
 29 party. A voter registered as affiliated with a political party may vote that party's
 30 ballot. A voter registered as unaffiliated [NONPARTISAN OR UNDECLARED]
 31 rather than as affiliated with a particular political party may vote the political party

1 ballot of the voter's choice unless prohibited from doing so under AS 15.25.014. A
2 voter registered as affiliated with a political party may not vote the ballot of a different
3 political party unless permitted to do so under AS 15.25.014.

4 * **Sec. 25.** AS 15.25.014(b) is amended to read:

5 (b) Once a political party timely submits a notice and bylaws under (a) of this
6 section and the director finds that the party has met the requirements of this chapter
7 and other applicable laws, the director shall permit a voter registered as affiliated with
8 another party to vote the party's ballot if the voter is permitted by the party's bylaws to
9 participate in the selection of the party's candidates and may not permit a voter
10 registered as **unaffiliated** [NONPARTISAN OR UNDECLARED] to vote a party's
11 ballot if the party's bylaws restrict participation by **unaffiliated** [NONPARTISAN OR
12 UNDECLARED] voters in the party's primary. However, for a subsequent primary
13 election, the party shall timely submit another notice, bylaws, documentation, and
14 other information under (a) of this section if the party's bylaws regarding who may
15 participate in the primary election for selection of the party's candidates change.

16 * **Sec. 26.** AS 15.25.060(b) is amended to read:

17 (b) A voter may vote only one primary election ballot. A voter may vote a
18 political party ballot only if the voter is registered as affiliated with that party, is
19 allowed to participate in the party primary under the party's bylaws, or is registered as
20 **unaffiliated** [NONPARTISAN OR UNDECLARED] rather than as affiliated with a
21 particular political party and the party's bylaws do not restrict participation by
22 **unaffiliated** [NONPARTISAN OR UNDECLARED] voters in the party's primary.
23 For the purpose of determining which primary election ballot a voter may use, a
24 voter's party affiliation is considered to be the affiliation registered with the director as
25 of the 30th day before the primary election. If a voter changes party affiliation within
26 the 30 days before the primary election, the voter's previous party affiliation shall be
27 used for the determination under this subsection.

28 * **Sec. 27.** AS 15.15.360(c) is repealed.

29 * **Sec. 28.** This Act takes effect immediately under AS 01.10.070(c).