

**CS FOR HOUSE BILL NO. 459(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/5/04

Referred: Finance

Sponsor(s): REPRESENTATIVES HARRIS, Gara, Crawford, Guttenberg, Hawker, Kott, Lynn, Coghill, Weyhrauch, Ogg, Dahlstrom, Chenault, Seaton, Stepovich, Kookesh, Kapsner, Croft

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to optically scanned and electronically generated ballots; and  
2 providing for an effective date."

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

4 \* **Section 1.** AS 15.15.030(13) is amended to read:

5 (13) **The** [NOTWITHSTANDING ANY OTHER PROVISION OF  
6 THIS TITLE, THE] director may provide for **the optical scanning of ballots**  
7 [VOTING BY USE OF ELECTRONIC BALLOTING EQUIPMENT OR  
8 OPTICALLY SCANNED BALLOTS] where the requisite equipment is available. [IF  
9 THE DIRECTOR PROVIDES FOR VOTING BY USE OF ELECTRONIC  
10 BALLOTING EQUIPMENT, THE DIRECTOR SHALL PROVIDE ELECTRONIC  
11 BALLOTING EQUIPMENT THAT WOULD ALLOW VOTERS WITH  
12 DISABILITIES, INCLUDING THOSE WHO ARE BLIND OR VISUALLY  
13 IMPAIRED, TO CAST PRIVATE, INDEPENDENT, AND VERIFIABLE  
14 BALLOTS.]

1 \* **Sec. 2.** AS 15.15.030 is amended by adding a new paragraph to read:

2 (14) The director may provide for voting by use of electronically  
3 generated ballots by a voter who requests to use a machine that produces electronically  
4 generated ballots.

5 \* **Sec. 3.** AS 15.15 is amended by adding a new section to read:

6 **Sec. 15.15.032. Use of electronically generated ballots.** (a) If the director  
7 provides for voting by use of electronically generated ballots, the director shall  
8 provide balloting equipment that would allow voters with disabilities, including those  
9 who are blind or visually impaired, to cast private, independent, and verifiable ballots.  
10 The director may not provide for more than one machine that produces electronically  
11 generated ballots in a precinct or in a regional supervisor's office, except where the  
12 director determines that additional machines are needed to accommodate the needs of  
13 individuals with disabilities, including individuals with physical limitations or visual  
14 impairments.

15 (b) Software for voting by use of electronically generated ballots shall be  
16 tested and certified under AS 15.20.900.

17 (c) The director shall provide for a paper record of each electronically  
18 generated ballot that can be

19 (1) reviewed and corrected by the voter at the time the vote is cast; and

20 (2) used for a recount of the votes cast at an election in which  
21 electronically generated ballots were used.

22 \* **Sec. 4.** AS 15.60.010 is amended by adding new paragraphs to read:

23 (38) "electronically generated ballot" means any ballot other than a  
24 paper ballot that is physically marked by the voter using a writing instrument or a  
25 mechanical device;

26 (39) "optically scanned ballot" means a paper ballot designed to be  
27 read by an optical scanning machine.

28 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
29 read:

30 TRANSITIONAL PROVISION. (a) Under AS 15.15.032(c), added by sec. 3 of this  
31 Act, for ballots cast in elections in 2004 and 2005, the director of elections shall provide for a

1 paper record only to the extent technologically feasible, and only to the extent that federal  
2 matching funds are available for equipment needed to provide a paper record.

3 (b) To the extent permitted, the director of elections shall expend federal funds  
4 available to implement the provisions of this Act to obtain the equipment necessary to provide  
5 a paper record of ballots electronically generated by equipment the state owns on the effective  
6 date of this Act, before additional machines that produce electronically generated ballots are  
7 purchased.

8 \* **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).