

CS FOR HOUSE BILL NO. 459(STA) am S

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Amended: 5/9/04

Offered: 4/5/04

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

SENATORS Ellis, Elton, Lincoln, Guess

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to optically scanned and electronically generated ballots and to early
2 voting; and 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 15.20.064(a) is amended to read:

23 (a) **For 15 days before an election and on election day, a** [A] qualified voter
24 who meets the requirements set out in this section may vote **in locations designated**
25 **by the director** [EARLY IN THE OFFICE OF AN ELECTION SUPERVISOR ON
26 OR AFTER THE 15TH DAY BEFORE AN ELECTION UP TO AND INCLUDING
27 ELECTION DAY].

28 * **Sec. 5.** AS 15.20.064(b) is amended to read:

29 (b) The election supervisor or other election official shall issue a ballot to the
30 voter upon

31 (1) exhibition of proof of identification as required in AS 15.15.225;

1 (2) verification that the voter's residence address appearing on the
 2 official registration list is current [AND WITHIN THE ELECTION SUPERVISOR'S
 3 JURISDICTION]; and

4 (3) the voter's signing the early voting register.

5 * **Sec. 6.** AS 15.60.010 is amended by adding new paragraphs to read:

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

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

11 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
 12 read:

13 TRANSITIONAL PROVISION. (a) Under AS 15.15.032(c), added by sec. 3 of this
 14 Act, for ballots cast in elections in 2004 and 2005, the director of elections shall provide for a
 15 paper record only to the extent technologically feasible, and only to the extent that federal
 16 matching funds are available for equipment needed to provide a paper record.

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

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