

HOUSE BILL NO. 87

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/19/05

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to absentee voting by mail or electronic transmission; relating to**
2 **unlawful interference with an election; relating to election recounts; and providing for**
3 **an effective date."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 SHORT TITLE. Sections 2, 3, and 5 of this Act may be known as the Absentee Voter
8 Protection Act of 2005.

9 * **Sec. 2.** AS 15.20.081(a) is amended to read:

10 (a) A qualified voter may apply by mail or by electronic transmission to the
11 director for an absentee ballot. **The voter must submit the application directly to**
12 **the division of elections.** The application must include the address or, if the
13 application requests delivery of an absentee ballot by electronic transmission, the
14 telephone electronic transmission number, to which the absentee ballot is to be

1 returned, the applicant's full Alaska residence address, and the applicant's signature.
 2 However, a person residing outside the United States and applying to vote absentee in
 3 federal elections in accordance with AS 15.05.011 need not include an Alaska
 4 residence address in the application.

5 * **Sec. 3.** AS 15.20.081(b) is amended to read:

6 (b) An application requesting delivery of an absentee ballot to the applicant by
 7 mail must be received by the division of elections not less than **10** [SEVEN] days
 8 before the election for which the absentee ballot is sought. An application for an
 9 absentee ballot for a state election from a qualified voter requesting delivery of an
 10 absentee ballot to the applicant by electronic transmission must be received by the
 11 division of elections not later than 5:00 p.m. Alaska time on the day before the
 12 election for which the absentee ballot is sought. An absentee ballot application
 13 submitted by mail under this section must permit the person to register to vote under
 14 AS 15.07.070 and to request an absentee ballot for each state election held within that
 15 calendar year for which the voter is eligible to vote. An absentee ballot application
 16 submitted by electronic transmission under this section may not include a provision
 17 that permits a person to register to vote under AS 15.07.070.

18 * **Sec. 4.** AS 15.20.450 is amended to read:

19 **Sec. 15.20.450. Requirements of deposit and recount cost.** The application
 20 must include a deposit in cash, by certified check, or by bond with a surety approved
 21 by the director. The amount of the deposit is **\$2,500** [\$300] for each precinct, **\$10,000**
 22 [\$750] for each house district, and **\$50,000** [\$10,000] for the entire state. If the
 23 recount includes an office for which candidates received a tie vote, or the difference
 24 between the number of votes cast was 20 or less or was less than .5 percent of the total
 25 number of votes cast for the two candidates for the contested office, or a question or
 26 proposition for which there was a tie vote on the issue, or the difference between the
 27 number of votes cast in favor of or opposed to the issue was 20 or less or was less than
 28 .5 percent of the total votes cast in favor of or opposed to the issue, the application
 29 need not include a deposit, and the state shall bear the cost of the recount. If, on the
 30 recount, a candidate other than the candidate who received the original election
 31 certificate is declared elected, or if the vote on recount is determined to be four percent

1 or more in excess of the vote reported by the state review for the candidate applying
 2 for the recount or in favor of or opposed to the question or proposition as stated in the
 3 application, the entire deposit shall be refunded. If the entire deposit is not refunded,
 4 the director shall refund any money remaining after the cost of the recount has been
 5 paid from the deposit. **If the cost of the recount exceeds the amount of the deposit,**
 6 **the recount applicant shall pay the remainder upon notification by the state of**
 7 **the amount due.**

8 * **Sec. 5.** AS 15.56.060(a) is amended to read:

9 (a) A person commits the crime of unlawful interference with an election if
 10 the person

11 (1) induces or attempts to induce an election official to fail in the
 12 official's duty by force, threat, intimidation, or offers of reward;

13 (2) intentionally changes, attempts to change, or causes to be changed
 14 an official election document including ballots, tallies and returns;

15 (3) intentionally delays, attempts to delay, or causes to be delayed the
 16 sending of the certificate, register, ballots, or other materials whether original or
 17 duplicate, required to be sent by AS 15.15.370; [OR]

18 (4) is contracted or employed by the state to print or reproduce in any
 19 manner an official ballot, and the person knowingly

20 (A) personally appropriates, or gives or delivers to, or permits
 21 to be taken by anyone other than a person authorized by the director, official
 22 ballots; or

23 (B) prints or reproduces or has printed or reproduced official
 24 ballots in a form or with a content other than that prescribed by law or as
 25 directed by the director; **or**

26 **(5) intentionally changes, attempts to change, or causes to be**
 27 **changed, an absentee ballot application prepared by another person without**
 28 **authorization by the person.**

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