

HOUSE CS FOR CS FOR SENATE BILL NO. 36(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/18/05

Referred: Judiciary

Sponsor(s): SENATOR THERRIAULT

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to absentee ballots."**

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

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

5 INTENT. The legislature understands and intends that, in AS 15.20.081(a), as
6 amended by sec. 2 of this Act, the requirement that an application be submitted "directly to
7 the division of elections" means that an application may not be submitted to any intermediary
8 that could control or delay the submission of the application to the division or gather data on
9 the applicant from the application form. Nothing in this Act is intended to prohibit a voter
10 from giving a completed absentee ballot application to a friend, relative, or associate for
11 transfer to the United States Postal Service or a private commercial delivery service for
12 delivery to the division.

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

14 (a) A qualified voter may apply in person, by mail, or by electronic
15 transmission to the director for an absentee ballot under this section. The application

1 must include the address or, if the application requests delivery of an absentee ballot
 2 by electronic transmission, the telephone electronic transmission number, to which the
 3 absentee ballot is to be returned, the applicant's full Alaska residence address, and the
 4 applicant's signature. However, a person residing outside the United States and
 5 applying to vote absentee in federal elections in accordance with AS 15.05.011 need
 6 not include an Alaska residence address in the application. **The application must be**
 7 **made on a form prescribed or approved by the director. The voter shall submit**
 8 **the application directly to the division of elections.**

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

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

22 * **Sec. 4.** AS 15.20.081 is amended by adding a new subsection to read:

23 (j) The director shall adopt regulations under AS 44.62 (Administrative
 24 Procedure Act) specifying the information required to be included on an absentee
 25 ballot application form. The regulations must require that an absentee ballot
 26 application form

27 (1) contain only that information required under regulations adopted
 28 by the director;

29 (2) conceal the personal information of the individual requesting
 30 delivery of an absentee ballot while the application is in the custody of the United
 31 States Postal Service or other person delivering the application to the division; and

1 (3) specify that the form is to be returned by the voter directly to the
2 division, and not to another person providing the form; and

3 (4) if not prepared by the division, be approved by the director before
4 distribution to the public.

5 * **Sec. 5.** AS 15.56.030(a) is amended to read:

6 (a) A person commits the crime of unlawful interference with voting in the
7 first degree if the person

8 (1) uses, threatens to use, or causes to be used force, coercion,
9 violence, or restraint, or inflicts, threatens to inflict, or causes to be inflicted damage,
10 harm, or loss, upon or against another person to induce or compel that person to vote
11 or refrain from voting in an election;

12 (2) knowingly pays, offers to pay, or causes to be paid money or other
13 valuable thing to a person to vote or refrain from voting in an election; [OR]

14 (3) solicits, accepts, or agrees to accept money or other valuable thing
15 with the intent to vote for or refrain from voting for a candidate at an election or for an
16 election proposition or question; or

17 **(4) encourages or assists in a violation of AS 15.20.081 and has**
18 **been previously convicted for unlawful interference with voting in the second**
19 **degree under AS 15.56.035(a)(5).**

20 * **Sec. 6.** AS 15.56.035(a) is amended to read:

21 (a) A person commits the crime of unlawful interference with voting in the
22 second degree if the person

23 (1) has an official ballot in possession outside of the voting room
24 unless the person is an election official or other person authorized by law or local
25 ordinance, or by the director or chief municipal elections official in a local election;

26 (2) makes, or knowingly has in possession, a counterfeit of an official
27 election ballot;

28 (3) knowingly solicits or encourages, directly or indirectly, a registered
29 voter who is no longer qualified to vote under AS 15.05.010, to vote in an election;
30 [OR]

31 (4) as a registration official

1 (A) knowingly refuses to register a person who is entitled to
2 register under AS 15.07.030; or

3 (B) accepts a fee from an applicant applying for registration; **or**
4 **(5) encourages or assists in a violation of AS 15.20.081.**