

**HOUSE CS FOR CS FOR SENATE BILL NO. 36(JUD) am H**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 5/5/05

Offered: 4/29/05

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

4 (a) A qualified voter may apply in person, by mail, or by electronic  
5 transmission to the director for an absentee ballot under this section. The application  
6 must include the address or, if the application requests delivery of an absentee ballot  
7 by electronic transmission, the telephone electronic transmission number, to which the  
8 absentee ballot is to be returned, the applicant's full Alaska residence address, and the  
9 applicant's signature. However, a person residing outside the United States and  
10 applying to vote absentee in federal elections in accordance with AS 15.05.011 need  
11 not include an Alaska residence address in the application. A person may supply to a  
12 voter an absentee ballot application form with a political party or group  
13 affiliation indicated only if the voter is already registered as affiliated with the  
14 political party or group indicated. Only the voter or the individual designated by  
15 the voter in a written power of attorney under this subsection may mark the

1 voter's choice of primary ballot on an application. A person supplying an  
 2 absentee ballot application form may not design or mark the application in a  
 3 manner that suggests choice of one ballot over another, except that ballot choices  
 4 may be listed on an application as authorized by the division. The application  
 5 must be made on a form prescribed or approved by the director. The voter or  
 6 registration official shall submit the application directly to the division of  
 7 elections. For purposes of this subsection, "directly to the division of elections"  
 8 means that an application may not be submitted to any intermediary that could  
 9 control or delay the submission of the application to the division or gather data  
 10 on the applicant from the application form. However, nothing in this subsection  
 11 is intended to prohibit a voter from giving a completed absentee ballot  
 12 application to a friend, relative, or associate for transfer to the United States  
 13 Postal Service or a private commercial delivery service for delivery to the  
 14 division.

15 \* **Sec. 2.** AS 15.20.081(b) is amended to read:

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

28 \* **Sec. 3.** AS 15.20.081 is amended by adding a new subsection to read:

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

1 application form

2 (1) contain only that information required under regulations adopted  
3 by the director;

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

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

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

11 \* **Sec. 4.** AS 15.25.060 is amended by adding a new subsection to read:

12 (c) If a voter is not voting in person and has requested an absentee ballot or  
13 special needs ballot but has not indicated a choice of ballot, the director shall provide  
14 the voter with the ballot listing the candidates of the political party or group with  
15 which the voter is affiliated, as determined under (b) of this section. If the voter did  
16 not indicate affiliation with a political party or group when registering to vote, the  
17 director shall provide the voter with the ballot offering the greatest range of candidates  
18 from different political parties and groups.

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

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

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

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

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

31 **(4) encourages or assists in a violation of AS 15.20.081 and has**

1        **been previously convicted for unlawful interference with voting in the second**  
 2        **degree under AS 15.56.035(a)(5).**

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

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

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

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

11                        (3) knowingly solicits or encourages, directly or indirectly, a registered  
 12       voter who is no longer qualified to vote under AS 15.05.010, to vote in an election;

13       [OR]

14                        (4) as a registration official

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

17                                (B) accepts a fee from an applicant applying for registration; **or**

18       **(5) encourages or assists in a violation of AS 15.20.081.**