

**FREE CONFERENCE CS FOR SENATE BILL NO. 36**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FOURTH LEGISLATURE - SECOND SESSION**

**BY THE FREE CONFERENCE COMMITTEE**

**Offered: 3/3/06**

**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 facsimile, scanning,  
5 or other electronic transmission to the director for an absentee ballot **under this**  
6 **section**. Another individual may apply for an absentee ballot on behalf of a qualified  
7 voter if that individual is designated to act on behalf of the voter in a written general  
8 power of attorney or a written special power of attorney that authorizes the other  
9 individual to apply for an absentee ballot on behalf of the voter. The application must  
10 include the address or, if the application requests delivery of an absentee ballot by  
11 electronic transmission, the telephone electronic transmission number, to which the  
12 absentee ballot is to be returned, the applicant's full Alaska residence address, and the  
13 applicant's signature. However, a person residing outside the United States and  
14 applying to vote absentee in federal elections in accordance with AS 15.05.011 need  
15 not include an Alaska residence address in the application. A person may supply to a

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

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

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

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

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

5 (1) contain only that information required under regulations adopted  
6 by the director;

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

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

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

14 \* **Sec. 4.** AS 15.56.030(a) is amended to read:

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

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

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

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

26 **(4) violates AS 15.20.081(a) by knowingly supplying or**  
27 **encouraging or assisting another person to supply to a voter an absentee ballot**  
28 **application form with a political party or group affiliation indicated if the voter is**  
29 **not already registered as affiliated with that political party or group, and the**  
30 **person has been previously convicted of unlawful interference with voting in the**  
31 **second degree under AS 15.56.035(a)(5);**

1                   **(5) knowingly designs, marks, or encourages or assists another**  
 2 **person to design or mark an absentee ballot application in a manner that**  
 3 **suggests choice of one ballot over another as prohibited by AS 15.20.081(a), and**  
 4 **the person has been previously convicted of unlawful interference with voting in**  
 5 **the second degree under AS 15.56.035(a)(6); or**

6                   **(6) knowingly submits or encourages or assists another person to**  
 7 **submit an absentee ballot application to an intermediary who could control or**  
 8 **delay the submission of the application to the division of elections or who could**  
 9 **gather data from the application form as prohibited by AS 15.20.081(a), and the**  
 10 **person has been previously convicted for unlawful interference with voting in the**  
 11 **second degree under AS 15.56.035(a)(7).**

12 \* **Sec. 5.** AS 15.56.035(a) is amended to read:

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

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

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

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

23                               (4) as a registration official

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

26                                       (B) accepts a fee from an applicant applying for registration;

27                               **(5) violates AS 15.20.081(a) by knowingly supplying or**  
 28 **encouraging or assisting another person to supply to a voter an absentee ballot**  
 29 **application form with a political party or group affiliation indicated if the voter is**  
 30 **not already registered as affiliated with that political party or group;**

31                               **(6) knowingly designs, marks, or encourages or assists another**

1 **person to design or mark an absentee ballot application in a manner that**  
2 **suggests choice of one ballot over another as prohibited by AS 15.20.081(a); or**  
3 **(7) knowingly submits or encourages or assists another person to**  
4 **submit an absentee ballot application to an intermediary who could control or**  
5 **delay the submission of the application to the division of elections or who could**  
6 **gather data from the application form as prohibited by AS 15.20.081(a).**