

**HOUSE BILL NO. 277**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES BUCH, LYNN, HOLMES, CHENAULT, AND GRUENBERG

Introduced: 1/15/08

Referred: State Affairs, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act establishing a permanent absentee voting option for qualified voters."**

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

3 \* **Section 1.** AS 15.07.127 is amended by adding a new subsection to read:

4 (b) The director shall maintain the list under (a) of this section so that the  
5 names of persons who have the status of permanent absentee voters under  
6 AS 15.20.085 may be readily identified.

7 \* **Sec. 2.** AS 15.07.130(e) is amended to read:

8 (e) For purposes of (b) and (d) of this section, a voter "appears to vote" if

9 (1) the voter is present at a polling place or at an absentee voting  
10 station at a time when the polling place or absentee voting station is operating, for the  
11 purpose of casting a vote;

12 (2) the voter applies to the division

13 (A) to obtain an absentee ballot; or

14 (B) for permanent absentee voter status under

15 AS 15.20.085; or

1 (3) in an election conducted by mail under AS 15.20.800, a voter who  
2 has not received a ballot by mail makes a timely request to the division for a ballot.

3 \* **Sec. 3.** AS 15.20 is amended by adding a new section to read:

4 **Sec. 15.20.085. Permanent absentee voting.** (a) A qualified voter may apply  
5 to the director in person, by mail, or by facsimile, scanning, or other electronic  
6 transmission, as provided in AS 15.07.070, for permanent absentee voting status. The  
7 application must include the address to which absentee ballots are to be returned, the  
8 applicant's full Alaska residence address, and the applicant's signature.

9 (b) A person may supply to a voter a permanent absentee voting application  
10 form with a political party or group affiliation indicated only if the voter is already  
11 registered as affiliated with the political party or group indicated. Only the voter may  
12 mark the voter's choice of primary ballot on the permanent absentee voting  
13 application. A person supplying a permanent absentee voting application form may  
14 not design or mark the application in a manner that suggests choice of one ballot over  
15 another, except that ballot choices may be listed on an application as authorized by the  
16 division. The application must be made on a form prescribed or approved by the  
17 director. The voter or registration official shall submit the application directly to the  
18 division of elections. In this subsection, "directly to the division of elections" has the  
19 meaning given in AS 15.20.081(a). However, nothing in this subsection is intended to  
20 prohibit a voter from giving a completed permanent absentee voting application to a  
21 friend, relative, or associate for transfer to the United States Postal Service or a private  
22 commercial delivery service for delivery to the division.

23 (c) For each state primary, general, and special election, and each other  
24 election for which the state has responsibility for the conduct of the election, the  
25 director or an election supervisor shall send an absentee ballot to each voter designated  
26 as a permanent absentee voter for that election and who is otherwise qualified to vote  
27 in that election. The director or election supervisor shall send the ballot to the  
28 permanent mailing address set out on the official registration list unless the voter has  
29 notified the director or an election supervisor of a different address to which the ballot  
30 should be sent. The director or an election supervisor shall send the absentee ballots

31 (1) by first class, nonforwardable mail;

1 (2) not later than the 15th day before the election; and

2 (3) with an accompanying explanation of the absentee voting  
3 procedure under AS 15.20.020.

4 (d) The director shall make available a change of address form for permanent  
5 absentee voters.

6 (e) Nothing in this section requires the director or an election supervisor to  
7 send an absentee ballot under (c) of this section to a permanent absentee voter after the  
8 director or election supervisor receives actual notice that mail sent to the voter's  
9 permanent mailing address or a different address provided by a voter under this  
10 section is undeliverable to the voter at the address.

11 (f) A permanent absentee voter to whom a ballot is provided under this section  
12 may cast the ballot under AS 15.20.081(d) and (e).

13 (g) Ballots voted under this section shall be reviewed under procedures  
14 established for the review of absentee ballots under AS 15.20.201 and 15.20.203.

15 (h) Nothing in this section limits a voter's eligibility to vote

16 (1) in person at a precinct under AS 15.15.195 or 15.15.198;

17 (2) in person before an absentee voting official under AS 15.20.061;

18 (3) early under AS 15.20.064; or

19 (4) by electronic transmission under AS 15.20.066.

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

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

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

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

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

1 (4) violates AS 15.20.081(a) or 15.20.085(b) by knowingly supplying  
 2 or encouraging or assisting another person to supply to a voter a permanent absentee  
 3 voting or [AN] absentee ballot application form with a political party or group  
 4 affiliation indicated if the voter is not already registered as affiliated with that political  
 5 party or group, and the person has been previously convicted of unlawful interference  
 6 with voting in the second degree under AS 15.56.035(a)(5);

7 (5) knowingly designs, marks, or encourages or assists another person  
 8 to design or mark a permanent absentee voting or [AN] absentee ballot application  
 9 in a manner that suggests choice of one ballot over another as prohibited by  
 10 AS 15.20.081(a) or 15.20.085(b), and the person has been previously convicted of  
 11 unlawful interference with voting in the second degree under AS 15.56.035(a)(6); or

12 (6) knowingly submits or encourages or assists another person to  
 13 submit a permanent absentee voting or [AN] absentee ballot application to an  
 14 intermediary who could control or delay the submission of the application to the  
 15 division of elections or who could gather data from the application form as prohibited  
 16 by AS 15.20.081(a) or 15.20.085(b), and the person has been previously convicted of  
 17 unlawful interference with voting in the second degree under AS 15.56.035(a)(7).

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

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

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

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

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

28 (4) as a registration official

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

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

1 (5) violates AS 15.20.081(a) **or 15.20.085(b)** by knowingly supplying  
2 or encouraging or assisting another person to supply to a voter **a permanent absentee**  
3 **voting or** [AN] absentee ballot application form with a political party or group  
4 affiliation indicated if the voter is not already registered as affiliated with that political  
5 party or group;

6 (6) knowingly designs, marks, or encourages or assists another person  
7 to design or mark **a permanent absentee voting or** [AN] absentee ballot application  
8 in a manner that suggests choice of one ballot over another as prohibited by  
9 AS 15.20.081(a) **or 15.20.085(b)**; or

10 (7) knowingly submits or encourages or assists another person to  
11 submit **a permanent absentee voting or** [AN] absentee ballot application to an  
12 intermediary who could control or delay the submission of the application to the  
13 division of elections or who could gather data from the application form as prohibited  
14 by AS 15.20.081(a) **or 15.20.085(b)**.

15 \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to  
16 read:

17 TRANSITIONAL PROVISIONS: REGULATIONS. The director of elections may  
18 proceed to adopt or amend regulations as necessary to implement the changes made by this  
19 Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not  
20 before the effective date of this Act.