

HOUSE BILL NO. 406

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE FAIRCLOUGH

Introduced: 2/19/08

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a requirement for competitive bidding on contracts for the**
2 **preparation of election ballots."**

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

4 *** Section 1.** AS 15.15.030 is amended to read:

5 **Sec. 15.15.030. Preparation of official ballot.** The director shall prepare all
6 official ballots to facilitate fairness, simplicity, and clarity in the voting procedure, to
7 reflect most accurately the intent of the voter, and to expedite the administration of
8 elections. The following directives shall be followed when applicable:

9 (1) The director shall determine the size of the ballot, the type of print,
10 necessary additional instruction notes to voters, and other similar matters of form not
11 provided by law.

12 (2) The director shall number ballots in series to assure simplicity and
13 secrecy and to prevent fraud.

14 (3) The director may contract for the preparation of the ballots on a

1 regional basis if necessary and **shall** [MAY] contract for the preparation of ballots **by**
2 [WITHOUT] obtaining competitive bids **as provided in AS 15.15.031**.

3 (4) The director may not include on the ballot as a part of a candidate's
4 name, any honorary or assumed title or prefix but may include in the candidate's name
5 any nickname or familiar form of a proper name of the candidate.

6 (5) The names of the candidates and their party designations shall be
7 placed in separate sections on the state general election ballot under the office
8 designation to which they were nominated. The party affiliation, if any, shall be
9 designated after the name of the candidate. The lieutenant governor and the governor
10 shall be included under the same section. Provision shall be made for voting for write-
11 in and no-party candidates within each section. Paper ballots for the state general
12 election shall be printed on white paper.

13 (6) The names of the candidates for each office shall be set out in the
14 same order on ballots printed for use in each house district. The director shall
15 randomly determine the order of the names of the candidates for state representative
16 for each house district. The director shall rotate the order of placement of the names of
17 candidates for governor, lieutenant governor, United States senator, United States
18 representative, and state senator on the ballot for each house district.

19 (7) The general election ballot shall be designed with the names of
20 candidates of each political party, and of any independent candidates qualified under
21 AS 15.30.026, for the office of President and Vice-President of the United States
22 placed in the same section on the ballot rather than the names of electors of President
23 and Vice-President.

24 (8) The general or special election ballot shall be designed with the
25 title and proposition for any initiative, referendum, or constitutional amendment
26 formulated as prescribed by law and placed on the ballot in the manner prescribed by
27 the director. When placed on the ballot, a state ballot proposition or ballot question
28 shall carry the number that was assigned to the petition for the proposition or question.
29 Provision shall be made for marking the proposition "Yes" or "No."

30 (9) The general or special election ballot shall be designed with the
31 question of whether a constitutional convention shall be called placed on the ballot in

1 the following manner: "Shall there be a constitutional convention?" Provision shall be
2 made for marking the question "Yes" or "No."

3 (10) A nonpartisan ballot shall be designed for each judicial district in
4 which a justice or judge is seeking retention in office. The ballot shall be divided into
5 four parts and each part must bear a heading indicating the court to which the
6 candidate is seeking approval. Within each part, the question of whether the justice or
7 judge shall be approved or rejected shall be set out in substantially the following
8 manner: (A) "Shall be retained as justice of the supreme court for 10 years?";
9 (B) "Shall be retained as judge of the court of appeals for eight years?"; (C)
10 "Shall be retained as judge of the superior court for six years?"; or (D) "Shall
11 be retained as judge of the district court for four years?" Provision shall be
12 made for marking each question "Yes" or "No."

13 (11) When the legislature by law authorizes a state debt for capital
14 improvements, the director shall place the question of whether the specific
15 authorization shall be ratified by placing the ballot title and question on the next
16 general election ballot, or on the special election ballot if a special election is held for
17 the purpose of ratifying the state debt for capital improvements before the time of the
18 next general election. Unless specifically provided otherwise in the Act authorizing
19 the debt, the ballot title shall, by the use of a few words in a succinct manner, indicate
20 the general subject of the Act. The question shall, by the use of a few sentences in a
21 succinct manner, give a true and impartial summary of the Act authorizing the state
22 debt. The question of whether state debt shall be contracted shall be assigned a letter
23 of the alphabet on the ballot. Provision shall be made for marking the question
24 substantially as follows:

25 "Bonds. Yes" or "Bonds No,"

26 followed by an appropriate oval.

27 (12) [REPEALED

28 (13)] The director may provide for the optical scanning of ballots
29 where the requisite equipment is available.

30 **(13)** [(14)] The director may provide for voting by use of electronically
31 generated ballots by a voter who requests to use a machine that produces electronically

1 generated ballots.

2 * **Sec. 2.** AS 15.15 is amended by adding a new section to read:

3 **Sec. 15.15.031. Contracts for the preparation of election ballots.** (a) Except
4 as provided in (b) of this section, the director shall award a contract for the preparation
5 of election ballots based on the solicited bids with reasonable promptness by written
6 notice to the lowest responsible and responsive bidder whose bid conforms in all
7 material respects to the requirements and criteria set out in the invitation to bid.

8 (b) The director shall award a contract based on solicited bids to the lowest
9 responsive and responsible bidder after an Alaska bidder preference of five percent. In
10 this subsection, "Alaska bidder" means a person who

11 (1) holds a current Alaska business license;

12 (2) submits a bid for ballot preparation under the name as appearing on
13 the person's current Alaska business license;

14 (3) has maintained a place of business in the state staffed by the bidder
15 or an employee of the bidder for a period of six months immediately preceding the
16 date of the bid;

17 (4) is

18 (A) incorporated or qualified to do business under the laws of
19 the state;

20 (B) a sole proprietorship and the proprietor is a resident of the
21 state;

22 (C) a limited liability company organized under AS 10.50 and
23 all members are residents of the state; or

24 (D) a partnership under former AS 32.05, AS 32.06, or
25 AS 32.11 and all partners are residents of the state; and

26 (5) if a joint venture, is composed entirely of ventures that qualify
27 under (1) - (4) of this subsection.

28 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 **APPLICABILITY.** This Act applies to contracts for the preparation of ballots for
31 elections conducted on or after January 1, 2009.