

**SENATE BILL NO. 162**

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

BY SENATOR ELTON

Introduced: 4/27/07

Referred: State Affairs, Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act establishing that a general election may be conducted by mail."**

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

3 \* **Section 1.** AS 15.07.130(e) is amended to read:

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

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

8 (2) the voter applies to the division to obtain an absentee ballot; or

9 (3) in **a general election conducted by mail under AS 15.15.501 -**  
10 **15.15.526 or in** an election conducted by mail under AS 15.20.800, a voter who has  
11 not received a ballot by mail makes a timely request to the division for a ballot.

12 \* **Sec. 2.** AS 15.15 is amended by adding new sections to read:

13 **Article 2. Conducting General Election by Mail.**

14 **Sec. 15.15.501. General elections conducted by mail.** In addition to  
15 conducting a general election under AS 15.15.010 - 15.15.498, the director may

1 conduct the general election by mail.

2 **Sec. 15.15.506. Statutes applicable only to elections conducted by mail;**  
 3 **conduct of elections.** (a) AS 15.15.501 - 15.15.526 apply only to conduct of the  
 4 general election by mail.

5 (b) The director shall adopt regulations to provide for the conduct of state  
 6 general elections by mail.

7 (c) The regulations adopted by the director under this subsection must specify  
 8 the dates and times the places of deposit of marked ballots must be open and the  
 9 security requirements for the places of deposit. At a minimum, the places designated  
 10 under this subsection shall be open until at least 8:00 p.m., local time. At each place of  
 11 deposit designated under this subsection, a sign stating that the location is an official  
 12 ballot drop site shall be prominently displayed.

13 **Sec. 15.15.511. Procedures for conducting election by mail.** (a) Except as  
 14 provided in (b) and (c) of this section, the director shall mail by nonforwardable mail  
 15 an official ballot with a return identification envelope addressed to the district's  
 16 election supervisor of the voter's precinct and a secrecy envelope. The ballot, return  
 17 envelope, and secrecy envelope shall be mailed not later than the 22nd day before the  
 18 date of the general election. The director shall mail the ballot and other documents to  
 19 each person whose name appears on the official registration list prepared under  
 20 AS 15.07.125 for that general election. The ballot shall be sent to the address stated on  
 21 the official registration list unless

22 (1) the voter has notified the director of a different address to which  
 23 the ballot should be sent; or

24 (2) the address on the official registration list has been identified as  
 25 being an undeliverable address.

26 (b) Notwithstanding (a) of this section, if the director determines that a person  
 27 whose name appears on the official registration list prepared under AS 15.07.125 for a  
 28 general election does not receive daily mail service from the United States Postal  
 29 Service, the director shall mail by nonforwardable mail an official ballot with a return  
 30 identification envelope and a secrecy envelope to the person not later than the 30th  
 31 day before the date of the election.

1 (c) Notwithstanding (a) of this section, in the case of a ballot to be mailed to a  
2 person with an address outside this state, the director may employ procedures  
3 specified under AS 15.20.010 - 15.20.225.

4 (d) On receipt of any ballot described in this section, the voter shall mark the  
5 ballot, sign the return identification envelope supplied with the ballot, and comply  
6 with the instructions provided with the ballot. The voter may return the marked ballot  
7 to the district's election supervisor for the voter's precinct by return mail or by  
8 depositing the ballot at any place of deposit designated by the director. The ballot must  
9 be returned in the return identification envelope. If the voter returns the ballot by mail,  
10 the voter shall provide the postage. A ballot must be received by the district's election  
11 supervisor for the voter's precinct, the designated place of deposit, or at any location  
12 described in AS 15.15.531 or 15.15.536 not later than the end of the period determined  
13 under regulations established by the director.

14 **Sec. 15.15.516. Replacement ballots.** (a) If a ballot mailed to the voter under  
15 AS 15.15.511 is destroyed, spoiled, lost, or not received by the person, the person may  
16 obtain a replacement ballot. Replacement ballots shall be issued and processed as  
17 described in AS 15.15.511 and this section. The director shall keep a record of each  
18 replacement ballot provided under this section.

19 (b) Notwithstanding any deadline for mailing ballots in AS 15.15.511, a  
20 replacement ballot may be mailed to the voter or made available to the voter at a  
21 location in the precinct in which the election is conducted. The director shall designate  
22 the locations.

23 (c) To vote a replacement ballot, the voter shall complete and sign a  
24 replacement ballot request form. The request for a replacement ballot request form  
25 may be made electronically, by telephone, in writing, in person, or by other means  
26 designated in regulations adopted by the director.

27 (d) The replacement ballot request form shall be mailed or made available to  
28 the voter.

29 (e) On receiving a request for a replacement ballot, the director shall

30 (1) verify the registration of the voter and ensure that another ballot  
31 has not been returned by the voter;

1 (2) note in the official registration list that the person has requested a  
2 replacement ballot;

3 (3) mark the return identification envelope addressed to the district's  
4 election supervisor for the voter's precinct clearly so that it may be readily identified  
5 by the election supervisor as a replacement ballot; and

6 (4) issue the replacement ballot by mail or other means provided for in  
7 regulations adopted under this article.

8 (f) The completed and signed replacement ballot request form and the voted  
9 replacement ballot must be received by an election supervisor, a place of deposit  
10 designated by the director, or at any location designated by the director not later than  
11 8:00 p.m. on the date of the general election.

12 (g) On receiving a voted replacement ballot, the election supervisor shall  
13 verify that a completed and signed replacement ballot request has been received by the  
14 director or is included with the voted replacement ballot. If a request form has been  
15 completed and signed by the voter and received by the director or election supervisor,  
16 the election supervisor shall process the replacement ballot. The election supervisor  
17 may not process the replacement ballot if the request form has not been

18 (1) completed or signed by the voter; and

19 (2) received by the director or the election supervisor.

20 **Sec. 15.15.521. Counting of ballots in a general election conducted by mail.**

21 (a) A ballot may be counted only if

22 (1) it is returned to the election supervisor for the voter's precinct in the  
23 return identification envelope;

24 (2) the envelope is signed by the person to whom the ballot is issued;  
25 and

26 (3) the signature is verified as provided (b) of this section.

27 (b) The election supervisor shall verify the signature of each voter on the  
28 return identification envelope with the signature on the voter's registration card,  
29 according to procedures provided by regulations adopted by the director. The election  
30 supervisor may assign the duty described in this subsection to the district questioned  
31 ballot counting board.

1 (c) If the election supervisor or district questioned ballot counting board  
2 determines that a voter to whom a replacement ballot has been issued has voted more  
3 than once, the election board shall count only one ballot cast by that voter.

4 (d) The election supervisor

5 (1) may employ personnel as necessary to open envelopes, prepare  
6 ballots for counting, and count ballots; and

7 (2) train personnel as provided under AS 15.10.107 and appointed  
8 under AS 15.10.140.

9 (e) The provisions of AS 15.20.207 applicable to district questioned ballot  
10 review apply to the counting of ballots under this section.

11 **Sec. 15.15.526. Preparation for counting ballots delivered by mail.** Not  
12 sooner than the seventh day before the date of an election, in preparation for counting  
13 ballots delivered by mail, the election supervisor

14 (1) may begin opening return identification and secrecy envelopes of  
15 ballots delivered by mail and received; and

16 (2) may take any other actions that are necessary to allow the counting  
17 of ballots delivered by mail to begin on election day.