

HOUSE BILL NO. 260

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES PETERSEN, TUCK, KAWASAKI, MILLER, AND GARA

Introduced: 1/17/12

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing a permanent absentee voting option for qualified voters; and
2 providing for an effective date."

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

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

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

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

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

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

13 (2) the voter applies to the division

14 (A) to obtain an absentee ballot; **or**

1 (B) for permanent absentee voter status under
 2 AS 15.20.085; or

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

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

6 **Sec. 15.20.085. Permanent absentee voting.** (a) A qualified voter may apply
 7 to the director for permanent absentee voting status in the same manner as provided
 8 for applying for an absentee ballot under AS 15.20.081, except that another individual
 9 may not apply for permanent absentee voting status on behalf of a qualified voter.

10 (b) A person may supply a permanent absentee voting application to a voter.
 11 However, the provisions of AS 15.20.081(a) that apply to the supplying and
 12 submission of an absentee ballot application also apply to the supplying and
 13 submission of a permanent absentee voting application.

14 (c) For each state primary, general, and special election, and each other
 15 election for which the state has responsibility for the conduct of the election, the
 16 director or an election supervisor shall send an absentee ballot to each voter designated
 17 as a permanent absentee voter for that election and who is otherwise qualified to vote
 18 in that election. The director or election supervisor shall send the ballot to the
 19 permanent mailing address set out on the official registration list unless the voter has
 20 notified the director or an election supervisor of a different address to which the ballot
 21 should be sent. The director or an election supervisor shall send the absentee ballots

22 (1) by first class, nonforwardable mail;

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

24 (3) with an accompanying explanation of the absentee voting
 25 procedure under AS 15.20.020 and notice that the voter's permanent absentee voting
 26 status will be removed if the voter does not vote or appear to vote in a primary,
 27 special, or general election for a period of four calendar years.

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

30 (e) Nothing in this section requires the director or an election supervisor to
 31 send an absentee ballot under (c) of this section to a permanent absentee voter after the

1 director or election supervisor receives actual notice that mail sent to the voter's
2 permanent mailing address or a different address provided by a voter under this
3 section is undeliverable to the voter at the address.

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

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

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

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

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

11 (3) early under AS 15.20.064; or

12 (4) by electronic transmission under AS 15.20.066.

13 (i) If a voter designated as a permanent absentee voter under this section does
14 not vote or appear to vote in a primary, special, or general election for a period of four
15 calendar years, the director shall remove the voter's permanent absentee voter status.

16 (j) In this section, "appear to vote" has the meaning given in AS 15.07.130(e).

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

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

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

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

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

29 (4) violates AS 15.20.081(a) or 15.20.085(b) by knowingly supplying
30 or encouraging or assisting another person to supply to a voter a permanent absentee
31 voting or [AN] absentee ballot application form with a political party or group

1 affiliation indicated if the voter is not already registered as affiliated with that political
 2 party or group, and the person has been previously convicted of unlawful interference
 3 with voting in the second degree under AS 15.56.035(a)(5);

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

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

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

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

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

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

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

25 (4) as a registration official

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

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

29 (5) violates AS 15.20.081(a) **or 15.20.085(b)** by knowingly supplying
 30 or encouraging or assisting another person to supply to a voter **a permanent absentee**
 31 **voting or** [AN] absentee ballot application form with a political party or group

1 affiliation indicated if the voter is not already registered as affiliated with that political
2 party or group;

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

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

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

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

18 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

19 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect January 1, 2013.