

HOUSE CS FOR CS FOR SENATE BILL NO. 31(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/8/11

Referred: Judiciary

Sponsor(s): SENATORS THOMAS, FRENCH, MENARD, AND WIELECHOWSKI

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the counting of write-in votes."**

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

3 *** Section 1.** AS 15.15.360 is amended by adding a new subsection to read:

4 (d) Write-in votes shall be counted according to the following rules:

5 (1) writing in the name of a candidate whose name is printed on the
6 ballot does not invalidate a write-in vote unless the director determines, on the basis of
7 other evidence, that the ballot was so marked for the purpose of identifying the ballot;

8 (2) in order to vote for a write-in candidate, the voter must write in the
9 candidate's name in the space provided and fill in the oval opposite the candidate's
10 name in accordance with (a)(1) of this section;

11 (3) a vote for a write-in candidate, other than a write-in vote for
12 governor and lieutenant governor, shall be counted if the oval is filled in for that
13 candidate and if the name of the candidate, as it appears on the write-in declaration of
14 candidacy, or the last name of the candidate is written in the space provided;

15 (4) if the write-in vote is for governor and lieutenant governor, the vote

1 shall be counted if the oval is filled in and the names of the candidates for governor
2 and lieutenant governor, as they appear on the write-in declaration of candidacy, or the
3 last names of the candidates for governor and lieutenant governor, or the name of the
4 candidate for governor, as it appears on the write-in declaration of candidacy, or the
5 last name of the candidate for governor is written in the space provided;

6 (5) in counting votes for a write-in candidate, the director shall
7 disregard any abbreviation, misspelling, or other minor variation in the form of the
8 name of a candidate if the intention of the voter can be ascertained.

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

10 **Sec. 15.15.365. Counting of write-in votes in general election.** (a) Write-in
11 votes on a general election ballot shall be counted by candidate only if the aggregate
12 of all votes cast for all write-in candidates for the particular office is

13 (1) the highest number of votes received by any candidate for the
14 office; or

15 (2) the second highest number of votes received by any candidate and
16 the difference between the total number of votes received by the candidate having the
17 highest number of votes and the aggregate of all votes cast for all write-in candidates
18 for the office is less than the percentage necessary for a recount at the state's cost
19 under AS 15.20.450.

20 (b) Write-in votes that do not meet the requirements of this section may not be
21 individually counted under this section.

22 (c) If the director determines that the requirements of (a) of this section have
23 been met, the director shall establish the date for counting those write-in votes, and the
24 director, or a designee of the director, shall count all write-in ballots under
25 AS 15.15.360(d).

26 (d) This section does not apply to the counting of federal write-in absentee
27 ballots submitted under 42 U.S.C. 1973ff.

28 (e) Write-in ballots shall be counted by the director, or a designee of the
29 director, in a public place at the location where write-in ballots are sent for counting
30 following an election.

31 * **Sec. 3.** AS 15.15.360(a)(9), 15.15.360(a)(10), 15.15.360(a)(11), and 15.15.360(a)(12) are

1 repealed.