

HOUSE BILL NO. 86

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GARA, Tarr, Gruenberg, Kawasaki, Tuck, Josephson, Drummond, Nageak, Kito III

Introduced: 1/28/13

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to voter registration and questioned ballots, and permitting a voter to
2 register up to or on the day of an election."

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

4 * **Section 1.** AS 15.05.010 is amended to read:

5 **Sec. 15.05.010. Voter qualification.** A person may vote at any election who

6 (1) is a citizen of the United States;

7 (2) is 18 years of age or older;

8 (3) has been a resident of the state and of the house district in which
9 the person seeks to vote for at least 30 days just before the election; and

10 (4) has registered [BEFORE THE ELECTION] as required under AS
11 15.07 and is not registered to vote in another jurisdiction.

12 * **Sec. 2.** AS 15.07.070(d) is amended to read:

13 (d) Qualified voters may register in person before a registration official or
14 through a voter registration agency at any time throughout the year. **A qualified voter**

1 **who registers** [, EXCEPT THAT A PERSON REGISTERING] within 30 days
 2 preceding an election **or on the day of an election shall vote a questioned ballot** [IS
 3 NOT ELIGIBLE TO VOTE] at that election. Upon receipt and approval of the
 4 registration forms, the director or the election supervisor shall forward to the voter an
 5 acknowledgment in the form of a registration card, and the voter's name shall
 6 immediately be placed on the master register. Names of persons registering 30 or more
 7 days before an election shall be placed on the official registration list for that election.

8 * **Sec. 3.** AS 15.07.090(d) is repealed and reenacted to read:

9 (d) A voter who has failed to request a transfer as provided in (c) of this
 10 section or a person who claims to be a registered voter, but for whom no evidence of
 11 registration in the precinct can be found, shall vote a questioned ballot. The director or
 12 the director's representative shall determine whether a voter for whom no evidence of
 13 registration in the precinct is found is registered in that house district before counting
 14 the ballot.

15 * **Sec. 4.** AS 15.15 is amended by adding a new section to read:

16 **Sec. 15.15.212. Election day voting by questioned ballot outside a voter's**
 17 **house district.** (a) Notwithstanding AS 15.05.010(3), a qualified voter who has been a
 18 resident of the state and of a house district for at least 30 days before an election, but
 19 who is absent from that house district on election day, may vote a questioned ballot at
 20 a polling place outside that district on election day.

21 (b) For purposes of (a) of this section, the director shall

22 (1) supply all polling places with ballots for all house districts in the
 23 state; the director may provide the ballots under AS 15.15.032, 15.15.050, or AS
 24 15.20.030;

25 (2) provide each voting official with a means of determining, by
 26 address, the appropriate house district ballot for a qualified voter voting a questioned
 27 ballot under this section; and

28 (3) provide each polling place with a separate ballot box for questioned
 29 ballots cast under this section.

30 * **Sec. 5.** AS 15.15.215(a) is amended to read:

31 (a) A voter who casts a questioned ballot **in the voter's house district** shall

1 vote the ballot in the same manner as prescribed for other voters. The voter shall insert
2 the ballot into a secrecy sleeve and put the secrecy sleeve into an envelope on which
3 the statement the voter previously signed is located. The envelope shall be sealed and
4 deposited in the ballot box. When the ballot box is opened, the envelopes shall be
5 segregated, counted, compared to the voting list, and delivered to the official or body
6 supervising the election. The merits of the question shall be determined by this official
7 or body in accordance with the procedure prescribed for questioned **ballots** [VOTES]
8 in AS 15.20.207.

9 * **Sec. 6.** AS 15.15.215 is amended by adding a new subsection to read:

10 (c) A voter who casts a questioned ballot at a polling place outside the voter's
11 house district under AS 15.15.212 shall vote the ballot in the same manner prescribed
12 for other voters. The voter shall insert the ballot into a secrecy sleeve and put the
13 secrecy sleeve into an envelope on which the statement the voter previously signed is
14 located. The envelope shall be sealed and deposited in a ballot box provided by the
15 director under AS 15.15.212(b) for out-of-district questioned ballots. When the ballot
16 box is opened, the envelopes shall be segregated, counted, and delivered to the
17 director.

18 * **Sec. 7.** AS 15.15.350(a) is amended to read:

19 (a) The director may adopt regulations prescribing the manner in which the
20 precinct ballot count is accomplished so as to ensure accuracy in the count and to
21 expedite the process. The election board shall account for all ballots by completing a
22 ballot statement containing (1) the number of official ballots received; (2) the number
23 of official ballots voted; (3) the number of official ballots spoiled; (4) the number of
24 official ballots unused and either destroyed or returned for destruction to the elections
25 supervisor or the election supervisor's designee. The board shall count the number of
26 questioned ballots **cast by voters registered to vote in the house district** and
27 compare that number to the number of questioned voters in the register. Discrepancies
28 shall be noted and the numbers included in the certificate prescribed by AS 15.15.370.
29 The election board, in hand-count precincts, shall count the ballots in a manner that
30 allows watchers to see the ballots when opened and read. A person handling the ballot
31 after it has been taken from the ballot box and before it is placed in the envelope for

1 mailing may not have a marking device in hand or remove a ballot from the immediate
2 vicinity of the polls.

3 * **Sec. 8.** AS 15.15 is amended by adding a new section to read:

4 **Sec. 15.15.367. Counting and review of out-of-district questioned ballots.**

5 The director shall examine each questioned ballot cast under AS 15.15.212 in the
6 manner provided in AS 15.20.207(b). If a questioned ballot is not rejected, it shall be
7 counted, subject to AS 15.15.360. A questioned ballot cast under AS 15.15.212 may
8 be challenged by an appointed party representative when that ballot is reviewed under
9 AS 15.20.220(b). The director shall follow the procedures provided by AS
10 15.20.207(h) - (k) for ballots reviewed under this section.

11 * **Sec. 9.** AS 15.15.198(b) is repealed.