

CS FOR HOUSE BILL NO. 104(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/20/13

Referred: Judiciary

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to election practices and procedures; relating to public records;**
2 **relating to the election of an advisory school board in a regional educational attendance**
3 **area; and providing for an effective date."**

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

5 * **Section 1.** AS 14.08.071 is amended by adding a new subsection to read:

6 (e) The lieutenant governor may provide for the election of an advisory school
7 board established under AS 14.08.115. An election conducted under this subsection
8 shall be held on the first Tuesday in October. The lieutenant governor may adopt
9 regulations governing an election conducted under this subsection.

10 * **Sec. 2.** AS 15.05.011 is amended by adding a new subsection to read:

11 (e) Notwithstanding (b)(1) of this section, a person residing outside the United
12 States may register and vote absentee if

13 (1) the parent or legal guardian of the person was domiciled in the state
14 immediately before leaving the United States;

(2) the director determines that the person meets the requirements of (b)(2) - (5) of this section.

* **Sec. 3.** AS 15.10.170 is amended to read:

Sec. 15.10.170. Appointment and privileges of watchers. The precinct party committee, where an organized precinct committee exists, or the party district committee where no organized precinct committee exists, or the state party chairperson where neither a precinct nor a party district committee exists, may appoint one or more persons as watchers in each precinct and counting center for any election. Each candidate not representing a political party may appoint one or more watchers for each precinct or counting center in the candidate's respective district or the state for any election. Any organization or organized group that sponsors or opposes an initiative, referendum, or recall may have one or more persons as watchers at the polls and counting centers after first obtaining authorization from the director. A state party chairperson, a precinct party committee, a party district committee, or a candidate not representing a political party or organization or organized group may not have more than one watcher on duty at a time in any precinct or counting center. **A watcher must be registered to vote in the state.** The watcher may be present at a position inside the place of voting or counting that affords a full view of all action of the election officials taken from the time the polls are opened until the ballots are finally counted and the results certified by the election board or the data processing review board. The election board or the data processing review board may require each watcher to present written proof showing appointment by the precinct party committee, the party district committee, the organization or organized group, or the candidate the watcher represents that is signed by the chairperson of the precinct party committee, the party district committee, the state party chairperson, the organization or organized group, or the candidate representing no party.

* **Sec. 4.** AS 15.10.180 is amended to read:

Sec. 15.10.180. Appointment of state ballot counting review board. The director shall appoint two persons from the political party of which the governor is a member and two persons from the political party that received the second largest number of votes statewide in the preceding gubernatorial election to participate in the

state ballot counting review. The director may appoint additional individuals to participate in the state ballot counting review. **Appointees must be registered to vote in the state.** Each political party may present to the director a list of three or more names from which the director shall select the persons to represent the party. The list of names may be submitted in writing at least 30 days before the date of the election. The list of names shall be certified by the state chairperson of the political party or by the person authorized by the party bylaws to act in the absence of the chairperson.

* **Sec. 5.** AS 15.13.374(f) is amended to read:

(f) Advisory opinion requests and advisory opinions are public records subject to inspection and copying under AS 40.25, **except that the name of a person requesting an advisory opinion shall be kept confidential, and the commission shall redact the name of the requester from a request and from an advisory opinion before making the request and opinion public.**

* **Sec. 6.** AS 15.20.045 is amended by adding a new subsection to read:

(c) In a municipality in which the division will not be operating an absentee voting station, the director may designate the municipal clerk as an absentee voting official for the limited purpose of distributing absentee ballots to qualified voters under AS 15.20.061(a)(1) and qualified voters' representatives under AS 15.20.072. At least 15 days before the election, the director shall supply municipal clerks designated under this subsection with absentee ballots.

* **Sec. 7.** AS 15.20.066(a) is amended to read:

(a) The director shall adopt regulations applicable to the delivery of absentee ballots by electronic transmission in a state election and to the use of electronic transmission absentee voting in a state election by qualified voters. The regulations must

(1) require the voter to comply with the same time deadlines as for voting in person on or before the closing hour of the polls;

(2) require the voter to comply with the same deadlines for applying for an absentee ballot as those set out for applying in person for an absentee ballot in AS 15.20.061(a)(1), except that a qualified voter who is an absent uniformed services voter or an overseas voter may apply to vote an

1 absentee ballot by electronic transmission at any time during a calendar year;
 2 and

3 (3) [(2)] ensure the accuracy and, to the greatest degree possible, the
 4 integrity and secrecy of the ballot process.

5 * **Sec. 8.** AS 15.20.081(c) is amended to read:

6 (c) After receipt of an application, the director shall send the absentee ballot
 7 and other absentee voting material to the applicant by the most expeditious mail
 8 service. However, if the application requests that an absentee ballot for a state election
 9 be sent by electronic transmission, the director shall send the absentee ballot and other
 10 absentee voting material to the applicant by electronic transmission. Except as
 11 provided in (k) of this section, the [THE] absentee ballot and other absentee voting
 12 material shall be sent as soon as they are ready for distribution. If the absentee ballot
 13 and other absentee voting material are mailed to the applicant, the return envelope sent
 14 with the ballot and other materials shall be addressed to the election supervisor in the
 15 district in which the voter is a resident.

16 * **Sec. 9.** AS 15.20.081(e) is amended to read:

17 (e) An absentee ballot must be marked on or before the date of the election. A
 18 [EXCEPT AS PROVIDED IN (h) OF THIS SECTION, A] voter who returns the
 19 absentee ballot by mail, whether provided to the voter by mail or by electronic
 20 transmission, shall use a mail service at least equal to first class and mail the ballot not
 21 later than the day of the election to the election supervisor for the house district in
 22 which the voter seeks to vote. Except as provided in AS 15.20.480, the ballot may not
 23 be counted unless it is received by the close of business on the 10th day after the
 24 election. If the ballot is postmarked, it must be postmarked on or before election day.
 25 After the day of the election, ballots may not be accepted unless received by mail.

26 * **Sec. 10.** AS 15.20.081 is amended by adding new subsections to read:

27 (k) In accordance with 42 U.S.C. 1973ff-1(a)(8)(A), if an application is
 28 received at least 45 days before an election and is from an absent uniformed services
 29 voter or an overseas voter, the director shall send an absentee ballot and other voting
 30 material to the applicant not later than 45 days before the election.

31 (l) If an application is received at least 45 days before an election and is from

a voter who notifies the director in writing that the voter expects to be living, working, or traveling outside the United States at the time of the election or expects to be living, working, or traveling in a remote area of the state where distance, terrain, or other natural conditions deny the voter reasonable access to a polling place at the time of the election, the director shall send an absentee ballot and other voting material to the applicant not later than 45 days before the election.

* **Sec. 11.** AS 15.20.220(b) is amended to read:

(b) The state review board shall review and count absentee ballots under AS 15.20.081(e) [AND (h)] and questioned ballots that have been forwarded to the director and that have not been reviewed or counted by a district counting board.

* **Sec. 12.** AS 15.25.020 is amended to read:

Sec. 15.25.020. Date of primary. The primary election is held on the second [FOURTH] Tuesday in August of every even-numbered year.

* **Sec. 13.** AS 15.25.055 is amended to read:

Sec. 15.25.055. Removal of name from primary ballot. A candidate's name must appear on the primary election ballot unless notice of the withdrawal from the primary is received by the director at least 52 [48] days before the date of the primary election.

* **Sec. 14.** AS 15.25.056(a) is amended to read:

(a) If an unopposed incumbent candidate for renomination dies, becomes disqualified from holding the office the candidate is seeking, or is certified as being incapacitated between June 1 of the election year and that date which is more than 54 [50] days before the date of the primary election, the candidate's place on the ballot may be filled by party petition. The petition shall state that the political party requests the name of the proposed candidate replace that of the incumbent on the primary election ballot and shall be accompanied by a declaration of candidacy from the person named in the petition. The petition must be received by the director not [NO] later than 14 days after the death, disqualification, or certification of incapacity of the incumbent or 52 [48] days before the primary election date, whichever time is earlier.

* **Sec. 15.** AS 15.25.056(c) is amended to read:

(c) The death, disqualification, or certification of incapacity of the incumbent

1 within 52 [48] days before or on the primary election date does not affect the counting
 2 and review of the ballots. If the result of the counting and review discloses that the
 3 candidate, if the candidate had lived, would have been nominated, the candidate shall
 4 be declared nominated. The vacancy may be filled by party petition as provided in
 5 AS 15.25.110 - 15.25.130.

6 * **Sec. 16.** AS 15.25.110 is amended to read:

7 **Sec. 15.25.110. Filling vacancies by party petition.** If a candidate of a
 8 political party nominated at the primary election dies, withdraws, resigns, becomes
 9 disqualified from holding the office for which the candidate is nominated, or is
 10 certified as being incapacitated in the manner prescribed by this section after the
 11 primary election and 64 [48] days or more before the general election, the vacancy
 12 may be filled by party petition. The central committee of any political party or any
 13 party district committee may certify as being incapacitated any candidate nominated
 14 by their respective party by presenting to the director a sworn statement made by a
 15 panel of three licensed physicians, not more than two of whom may be of the same
 16 political party, that the candidate is physically or mentally incapacitated to an extent
 17 that would in the panel's judgment prevent the candidate from active service during
 18 the term of office if elected. The director shall place the name of the person nominated
 19 by party petition on the general election ballot. The name of a candidate disqualified
 20 under this section may not appear on the general election ballot.

21 * **Sec. 17.** AS 15.25.120 is amended to read:

22 **Sec. 15.25.120. Requirements for party petition.** Party petitions for the
 23 nomination of candidates shall state in substance that the political party desires and
 24 intends to support the named candidate for the named office and requests that the
 25 name of the proposed candidate be placed on the general election ballot. The petition
 26 may be filed not [NO] later than 64 [48] days before the date of the general election.

27 * **Sec. 18.** AS 15.25.200 is amended to read:

28 **Sec. 15.25.200. Withdrawal of candidate's name.** If a candidate nominated
 29 by petition dies or withdraws after the petition has been filed and 64 [48] days or more
 30 before the general election, the director may not place the name of the candidate on
 31 the general election ballot.

1 * **Sec. 19.** AS 15.35.135(b) is amended to read:

2 (b) The name of a candidate for retention for supreme court justice, judge of
3 the court of appeals, superior court judge, or district court judge must appear on the
4 general election ballot unless notice under (a) of this section of withdrawal of
5 candidacy is received by the director at least 64 [48] days before the date of the
6 general election.

7 * **Sec. 20.** AS 15.58.030 is amended by adding a new subsection to read:

8 (h) The lieutenant governor shall prepare and publish on the division's Internet
9 website the photograph and statement of a candidate for an office designated under
10 (a), (b), or (g) of this section. The lieutenant governor shall indicate that the
11 photograph and statement are provided and paid for by the candidate. The photograph
12 and statement of a candidate shall be published on the website within one week after
13 the photograph and statement are received by the lieutenant governor.

14 * **Sec. 21.** AS 15.80.010 is amended by adding new paragraphs to read:

15 (43) "absent uniformed services voter" has the meaning given in 42
16 U.S.C. 1973ff-6;

17 (44) "overseas voter" has the meaning given in 42 U.S.C. 1973ff-6.

18 * **Sec. 22.** AS 29.20.380 is amended by adding a new subsection to read:

19 (c) The municipal clerk may act as an absentee voting official under
20 AS 15.20.045(c) for the limited purpose of distributing absentee ballots to qualified
21 voters or qualified voters' representatives under AS 15.20.072 in a municipality in
22 which the division of elections will not be operating an absentee voting station.

23 * **Sec. 23.** AS 15.20.081(h), 15.20.081(i), and 15.20.082 are repealed.

24 * **Sec. 24.** This Act takes effect January 1, 2014.