

**CS FOR HOUSE BILL NO. 104(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 3/20/13**

**Referred: Rules**

**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 the reporting of**  
2 **election campaign contributions and expenditures; relating to public records; relating to**  
3 **the election of an advisory school board in a regional educational attendance area; and**  
4 **providing for an effective date."**

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

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

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

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

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

14 (1) the parent or legal guardian of the person was domiciled in the state

1 immediately before leaving the United States; and

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

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

5 **Sec. 15.10.170. Appointment and privileges of watchers.** The precinct party  
6 committee, where an organized precinct committee exists, or the party district  
7 committee where no organized precinct committee exists, or the state party  
8 chairperson where neither a precinct nor a party district committee exists, may appoint  
9 one or more persons as watchers in each precinct and counting center for any election.  
10 Each candidate not representing a political party may appoint one or more watchers  
11 for each precinct or counting center in the candidate's respective district or the state for  
12 any election. Any organization or organized group that sponsors or opposes an  
13 initiative, referendum, or recall may have one or more persons as watchers at the polls  
14 and counting centers after first obtaining authorization from the director. A state party  
15 chairperson, a precinct party committee, a party district committee, or a candidate not  
16 representing a political party or organization or organized group may not have more  
17 than one watcher on duty at a time in any precinct or counting center. **A watcher must**  
18 **be a United States citizen.** The watcher may be present at a position inside the place  
19 of voting or counting that affords a full view of all action of the election officials taken  
20 from the time the polls are opened until the ballots are finally counted and the results  
21 certified by the election board or the data processing review board. The election board  
22 or the data processing review board may require each watcher to present written proof  
23 showing appointment by the precinct party committee, the party district committee,  
24 the organization or organized group, or the candidate the watcher represents that is  
25 signed by the chairperson of the precinct party committee, the party district  
26 committee, the state party chairperson, the organization or organized group, or the  
27 candidate representing no party.

28 \* **Sec. 4.** AS 15.10.170 is amended by adding a new subsection to read:

29 (b) In addition to the watchers appointed under (a) of this section, in a primary  
30 election, special election under AS 15.40.140, or special runoff election under  
31 AS 15.40.141, each candidate may appoint one watcher in each precinct and counting

1 center.

2 \* **Sec. 5.** AS 15.10.180 is amended to read:

3 **Sec. 15.10.180. Appointment of state ballot counting review board.** The  
 4 director shall appoint two persons from the political party of which the governor is a  
 5 member and two persons from the political party that received the second largest  
 6 number of votes statewide in the preceding gubernatorial election to participate in the  
 7 state ballot counting review. The director may appoint additional individuals to  
 8 participate in the state ballot counting review. **Appointees must be United States**  
 9 **citizens.** Each political party may present to the director a list of three or more names  
 10 from which the director shall select the persons to represent the party. The list of  
 11 names may be submitted in writing at least 30 days before the date of the election. The  
 12 list of names shall be certified by the state chairperson of the political party or by the  
 13 person authorized by the party bylaws to act in the absence of the chairperson.

14 \* **Sec. 6.** AS 15.13.074(c) is amended to read:

15 (c) A person or group may not make a contribution

16 (1) to a candidate or an individual who files with the commission the  
 17 document necessary to permit that individual to incur certain election-related expenses  
 18 as authorized by AS 15.13.100 when the office is to be filled at a general election  
 19 before the date that is 18 months before the general election;

20 (2) to a candidate or an individual who files with the commission the  
 21 document necessary to permit that individual to incur certain election-related expenses  
 22 as authorized by AS 15.13.100 for an office that is to be filled at a special election or  
 23 municipal election before the date that is 18 months before the date of the regular  
 24 municipal election or that is before the date of the proclamation of the special election  
 25 at which the candidate or individual seeks election to public office; or

26 (3) to any candidate later than the 45th day

27 (A) after the date of the primary election if the candidate was  
 28 **on the ballot and was** not nominated at the primary election; or

29 (B) after the date of the general election, or after the date of a  
 30 municipal or municipal runoff election.

31 \* **Sec. 7.** AS 15.13.110 is amended by adding a new subsection to read:

1 (j) Before the primary election, a candidate seeking nomination by petition  
2 under AS 15.25.140 - 15.25.200 for the office of governor, lieutenant governor, state  
3 senator, or state representative shall file the reports under (a)(1) and (2) of this section.

4 \* **Sec. 8.** AS 15.13.374(f) is amended to read:

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

11 \* **Sec. 9.** AS 15.20.045 is amended by adding a new subsection to read:

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

18 \* **Sec. 10.** AS 15.20.081(c) is amended to read:

19 (c) After receipt of an application, the director shall send the absentee ballot  
20 and other absentee voting material to the applicant by the most expeditious mail  
21 service. However, if the application requests that an absentee ballot for a state election  
22 be sent by electronic transmission, the director shall send the absentee ballot and other  
23 absentee voting material to the applicant by electronic transmission. **Except as**  
24 **provided in (k) of this section, the** [THE] absentee ballot and other absentee voting  
25 material shall be sent as soon as they are ready for distribution. If the absentee ballot  
26 and other absentee voting material are mailed to the applicant, the return envelope sent  
27 with the ballot and other materials shall be addressed to the election supervisor in the  
28 district in which the voter is a resident.

29 \* **Sec. 11.** AS 15.20.081(h) is amended to read:

30 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail  
31 from outside the United States or from an overseas voter qualifying under

1 AS 15.05.011 that has been marked and mailed not later than election day may not be  
 2 counted unless the ballot is received by the election supervisor not later than the close  
 3 of business on the

4 **(1) 10th day following a primary election or special election under**  
 5 **AS 15.40.140; or**

6 **(2) 15th day following a general election, special runoff election, or**  
 7 **special [THE] election, other than a special election described in (1) of this**  
 8 **subsection.**

9 \* **Sec. 12.** AS 15.20.081 is amended by adding new subsections to read:

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

14 (l) If an application is received at least 45 days before an election and is from  
 15 a voter who notifies the director in writing that the voter expects to be living, working,  
 16 or traveling outside the United States at the time of the election or expects to be living,  
 17 working, or traveling in a remote area of the state where distance, terrain, or other  
 18 natural conditions deny the voter reasonable access to a polling place at the time of the  
 19 election, the director shall send an absentee ballot and other voting material to the  
 20 applicant not later than 45 days before the election.

21 \* **Sec. 13.** AS 15.20.203(i) is amended to read:

22 (i) The director shall mail the materials described in (h) of this section to the  
 23 voter not later than

24 (1) 10 days after completion of the review of ballots by the state  
 25 review board for a primary election, **or for a special election under AS 15.40.140**  
 26 **that is followed by a special runoff election;**

27 (2) 60 days after certification of the results of a general **election,**  
 28 **special runoff election,** or special election **other than a special election described in**  
 29 **(1) of this subsection.**

30 \* **Sec. 14.** AS 15.20.203(j) is amended to read:

31 (j) The director shall make available through a free access system to each

1 absentee voter a system to check to see whether the voter's ballot was counted and, if  
 2 not counted, the reason why the ballot was not counted. The director shall make this  
 3 information available through the free access system not less than

4 (1) 10 days after certification of the results of a primary election, **or a**  
 5 **special election under AS 15.40.140 that is followed by a special runoff election;**  
 6 and

7 (2) [NOT LESS THAN] 30 days after certification of the results of a  
 8 general or special election, **other than a special election described in (1) of this**  
 9 **subsection.**

10 \* **Sec. 15.** AS 15.20.207(i) is amended to read:

11 (i) The director shall mail the materials described in (h) of this section to the  
 12 voter not later than

13 (1) 10 days after completion of the review of ballots by the state  
 14 review board for a primary election, **or for a special election under AS 15.40.140**  
 15 **that is followed by a special runoff election;**

16 (2) 60 days after certification of the results of a general or special  
 17 election, **other than a special election described in (1) of this subsection.**

18 \* **Sec. 16.** AS 15.20.207(k) is amended to read:

19 (k) The director shall make available through a free access system to each  
 20 voter voting a questioned ballot a system to check to see whether the voter's ballot was  
 21 counted and, if not counted, the reason why the ballot was not counted. The director  
 22 shall make this information available through the free access system not less than

23 (1) 10 days after certification of the results of a primary election, **or a**  
 24 **special election under AS 15.40.140 that is followed by a special runoff election;**  
 25 and

26 (2) [NOT LESS THAN] 30 days after the certification of the results of  
 27 a general or special election, **other than a special election described in (1) of this**  
 28 **subsection.**

29 \* **Sec. 17.** AS 15.20.211(d) is amended to read:

30 (d) The director shall mail the materials described in (c) of this section to the  
 31 voter not later than

1 (1) 10 days after completion of the review of ballots by the state  
 2 review board for a primary election, **or for a special election under AS 15.40.140**  
 3 **that is followed by a special runoff election;**

4 (2) 60 days after certification of the results of a general or special  
 5 election, **other than a special election described in (1) of this subsection.**

6 \* **Sec. 18.** AS 15.20.211(f) is amended to read:

7 (f) The director shall make available through a free access system to each  
 8 voter whose ballot was subject to partial counting under this section a system to check  
 9 to see whether the voter's ballot was partially counted and, if not counted, the reason  
 10 why the ballot was not counted. The director shall make this information available  
 11 through the free access system not less than

12 (1) 10 days after certification of the results of a primary election, **or a**  
 13 **special election under AS 15.40.140 that is followed by a special runoff election;**

14 and

15 (2) [NOT LESS THAN] 30 days after the certification of the results of  
 16 a general or special election, **other than a special election described in (1) of this**  
 17 **subsection.**

18 \* **Sec. 19.** AS 15.25.020 is amended to read:

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

21 \* **Sec. 20.** AS 15.25.055 is amended to read:

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

26 \* **Sec. 21.** AS 15.25.056(a) is amended to read:

27 (a) If an unopposed incumbent candidate for renomination dies, becomes  
 28 disqualified from holding the office the candidate is seeking, or is certified as being  
 29 incapacitated between June 1 of the election year and that date which is more than **54**  
 30 [50] days before the date of the primary election, the candidate's place on the ballot  
 31 may be filled by party petition. The petition shall state that the political party requests

1 the name of the proposed candidate replace that of the incumbent on the primary  
2 election ballot and shall be accompanied by a declaration of candidacy from the  
3 person named in the petition. The petition must be received by the director **not** [NO]  
4 later than 14 days after the death, disqualification, or certification of incapacity of the  
5 incumbent or 52 [48] days before the primary election date, whichever time is earlier.

6 \* **Sec. 22.** AS 15.25.056(c) is amended to read:

7 (c) The death, disqualification, or certification of incapacity of the incumbent  
8 within 52 [48] days before or on the primary election date does not affect the counting  
9 and review of the ballots. If the result of the counting and review discloses that the  
10 candidate, if the candidate had lived, would have been nominated, the candidate shall  
11 be declared nominated. The vacancy may be filled by party petition as provided in  
12 AS 15.25.110 - 15.25.130.

13 \* **Sec. 23.** AS 15.25.110 is amended to read:

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

28 \* **Sec. 24.** AS 15.25.120 is amended to read:

29 **Sec. 15.25.120. Requirements for party petition.** Party petitions for the  
30 nomination of candidates shall state in substance that the political party desires and  
31 intends to support the named candidate for the named office and requests that the

1 name of the proposed candidate be placed on the general election ballot. The petition  
2 may be filed not [NO] later than 64 [48] days before the date of the general election.

3 \* **Sec. 25.** AS 15.25.200 is amended to read:

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

8 \* **Sec. 26.** AS 15.35.135(b) is amended to read:

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

14 \* **Sec. 27.** AS 15.40.140 is amended to read:

15 **Sec. 15.40.140. Condition [AND TIME] of calling special election.** When a  
16 vacancy occurs in the office of United States senator or United States representative,  
17 the governor shall, by proclamation, call a special election under AS 15.40.142(a)  
18 [TO BE HELD ON A DATE NOT LESS THAN 60, NOR MORE THAN 90, DAYS  
19 AFTER THE DATE THE VACANCY OCCURS]. However, if the vacancy occurs on  
20 a date that is less than 60 days before or is on or after the date of the primary election  
21 in the general election year during which a candidate to fill the office is regularly  
22 elected, the governor may not call a special election.

23 \* **Sec. 28.** AS 15.40 is amended by adding new sections to read:

24 **Sec. 15.40.141. Condition of calling a special runoff election.** (a) If no  
25 candidate in a special election called under AS 15.40.140 receives over 50 percent of  
26 the votes cast for the office, the governor shall, by proclamation, call a special runoff  
27 election under AS 15.40.142(b).

28 (b) In a special runoff election called under (a) of this section, the director  
29 shall place the names of the candidates receiving the greatest number of votes and the  
30 second greatest number of votes in the special election on the special runoff election  
31 ballot.

1           **Sec. 15.40.142. Time of calling the special election and the special runoff**  
 2 **election.** (a) Except as provided in (c) of this section, if a special election is called  
 3 under AS 15.40.140, it shall be held on a date not less than 60, nor more than 90, days  
 4 after the date the vacancy occurs.

5           (b) Except as provided in (c) of this section, a special runoff election under  
 6 AS 15.40.141 shall be held on the first Tuesday that is not a state holiday occurring  
 7 not less than 60 days after the special election.

8           (c) In an election year in which a candidate for the vacant office is not  
 9 regularly elected, and the vacancy occurs on a date that is not less than 60, nor more  
 10 than 90, days before the date of

11                   (1) the primary election, the special election shall be held on the date  
 12 of the primary election with any subsequent special runoff election under  
 13 AS 15.40.141 to be held on the date of the general election; or

14                   (2) the general election, the special election shall be held on the date of  
 15 the general election with any subsequent special runoff election under AS 15.40.141 to  
 16 be held on the first Tuesday that is not a state holiday occurring not less than 60 days  
 17 after the special and general election.

18 \* **Sec. 29.** AS 15.40.160 is amended to read:

19           **Sec. 15.40.160. Proclamation.** The governor shall issue the proclamation at  
 20 least 50 days before the

21                   **(1) special election; and**

22                   **(2) if a special runoff election is required under AS 15.40.141(a),**  
 23 **special runoff election.**

24 \* **Sec. 30.** AS 15.40.165 is amended to read:

25           **Sec. 15.40.165. Term of elected senator.** At the special election, **or, as**  
 26 **provided by AS 15.40.141, at the special runoff election,** a United States senator  
 27 shall be elected to fill the remainder of the unexpired term. The person elected shall  
 28 take office on the date the United States Senate meets, convenes, or reconvenes  
 29 following the certification of the results of the special election **or special runoff**  
 30 **election** by the director.

31 \* **Sec. 31.** AS 15.40.170 is amended to read:

1           **Sec. 15.40.170. Term of elected representative.** At the special election, **or, as**  
 2           **provided by AS 15.40.141, at the special runoff election,** a United States  
 3           representative shall be elected to fill the remainder of the unexpired term. The person  
 4           elected shall take office on the date the United States house of representatives meets,  
 5           convenes, or reconvenes following the certification of the results of the special  
 6           election **or special runoff election** by the director.

7           \* **Sec. 32.** AS 15.40.220 is amended to read:

8           **Sec. 15.40.220. General provisions for conduct of special election and**  
 9           **special runoff election.** Unless specifically provided otherwise, all provisions  
 10          regarding the conduct of the general election shall govern the conduct of the special  
 11          election **and the special runoff election** of the United States senator or United States  
 12          representative, including provisions concerning voter qualifications; provisions  
 13          regarding the duties, powers, rights, and obligations of the director, of other election  
 14          officials, and of municipalities; provision for notification of the election; provision for  
 15          payment of election expenses; provisions regarding employees being allowed time  
 16          from work to vote; provisions for the counting, reviewing, and certification of returns;  
 17          **provision for running as, voting for, and counting ballots for, a write-in**  
 18          **candidate;** provisions for the determination of the votes and of recounts, contests, and  
 19          appeal; and provision for absentee voting.

20          \* **Sec. 33.** AS 15.45.190 is amended to read:

21          **Sec. 15.45.190. Placing proposition on ballot.** The lieutenant governor shall  
 22          direct the director to place the ballot title and proposition on the election ballot of the  
 23          first statewide general, special, **special runoff,** or primary election that is held after

24                       (1) the petition has been filed;

25                       (2) a legislative session has convened and adjourned; and

26                       (3) a period of 120 days has expired since the adjournment of the  
 27          legislative session.

28          \* **Sec. 34.** AS 15.45.420 is amended to read:

29          **Sec. 15.45.420. Placing proposition on ballot.** The lieutenant governor shall  
 30          direct the director to place the ballot title and proposition on the election ballot for the  
 31          first statewide general, special, **special runoff,** or primary election held more than 180

1 days after adjournment of the legislative session at which the act was passed.

2 \* **Sec. 35.** AS 15.58.010 is amended to read:

3 **Sec. 15.58.010. Election pamphlet.** Before each state general election, and  
4 before each state primary, special, or special runoff election at which a ballot  
5 proposition is scheduled to appear on the ballot, the lieutenant governor shall prepare,  
6 publish, and mail at least one election pamphlet to each household identified from the  
7 official registration list. The pamphlet shall be prepared on a regional basis as  
8 determined by the lieutenant governor.

9 \* **Sec. 36.** AS 15.58.020(b) is amended to read:

10 (b) Each primary, special, or special runoff election pamphlet shall contain  
11 only the information specified in (a)(6) and (a)(9) of this section for each ballot  
12 measure scheduled to appear on the primary, [OR] special, or special runoff election  
13 ballot.

14 \* **Sec. 37.** AS 15.58.030 is amended by adding a new subsection to read:

15 (h) The lieutenant governor shall prepare and publish on the division's Internet  
16 website the photograph and statement of a candidate for an office designated under  
17 (a), (b), or (g) of this section. The lieutenant governor shall indicate that the  
18 photograph and statement are provided and paid for by the candidate. A photograph  
19 and a statement of a candidate that have been timely filed with the lieutenant governor  
20 shall be published on the website at least 15 days before an election at which the  
21 candidate will appear on the ballot.

22 \* **Sec. 38.** AS 15.80.010(8) is amended to read:

23 (8) "federal election" means a general, special, special runoff, or  
24 primary election held solely or in part for the purpose of selecting, nominating, or  
25 electing a candidate for the office of President, Vice-President, presidential elector,  
26 United States senator, or United States representative;

27 \* **Sec. 39.** AS 15.80.010 is amended by adding new paragraphs to read:

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

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

31 (45) "special runoff election" means a runoff election for a United

1 States senator or United States representative held because no candidate for the office  
2 received over 50 percent of the votes cast at the special election for that office.

3 \* **Sec. 40.** AS 29.20.380 is amended by adding a new subsection to read:

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

8 \* **Sec. 41.** AS 15.20.081(i) and 15.20.082 are repealed.

9 \* **Sec. 42.** This Act takes effect January 1, 2014.