

CS FOR HOUSE BILL NO. 104(2d JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/8/13

Referred: Today's Calendar

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 identification**
3 **requirements for a communication paid for by a political party; relating to public**
4 **records; relating to the election of an advisory school board in a regional educational**
5 **attendance area; and providing for an effective date."**

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

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

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

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

13 (e) Notwithstanding (b)(1) of this section, a person residing outside the United

1 States may register and vote absentee if

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

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

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

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

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

31 (b) In addition to the watchers appointed under (a) of this section, in a primary

1 election, special election under AS 15.40.140, or special runoff election under
 2 AS 15.40.141, each candidate may appoint one watcher in each precinct and counting
 3 center.

4 * **Sec. 5.** AS 15.10.180 is amended to read:

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

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

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

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

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

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

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

31 (B) after the date of the general election, or after the date of a

1 municipal or municipal runoff election.

2 * **Sec. 7.** AS 15.13.090(a) is amended to read:

3 (a) All communications shall be clearly identified by the words "paid for by"
4 followed by the name and address of the person paying for the communication. In
5 addition, except as provided by (d) of this section, a person shall clearly

6 (1) provide the person's address or the person's principal place of
7 business;

8 (2) for a person other than an individual or candidate, include

9 (A) the name and title of the person's principal officer;

10 (B) a statement from the principal officer approving the
11 communication; and

12 (C) **unless the person is a political party**, identification of the
13 name and city and state of residence or principal place of business, as
14 applicable, of each of the person's three largest contributors under
15 AS 15.13.040(e)(5), if any, during the 12-month period before the date of the
16 communication.

17 * **Sec. 8.** AS 15.13.090(c) is amended to read:

18 (c) To satisfy the requirements of (a)(1) of this section and, if applicable,
19 (a)(2)(C) of this section, a communication that includes a print or video component
20 must have the following statement or statements placed in the communication so as to
21 be easily discernible; **the second statement is not required if the person paying for**
22 **the communication has no contributors or is a political party**:

23 This communication was paid for by (person's name and city and state
24 of principal place of business). The top contributors of (person's name)
25 are (the name and city and state of residence or principal place of
26 business, as applicable, of the largest contributors to the person under
27 AS 15.13.090(a)(2)(C)).

28 * **Sec. 9.** AS 15.13.090(d) is amended to read:

29 (d) Notwithstanding the requirements of (a) of this section, in a
30 communication transmitted through radio or other audio media and in a
31 communication that includes an audio component, the following statements must be

1 read in a manner that is easily heard; the second statement is not required if the person
2 paying for the communication has no contributors **or is a political party**:

3 This communication was paid for by (person's name). The top
4 contributors of (person's name) are (the name of the largest contributors
5 to the person under AS 15.13.090(a)(2)(C)).

6 * **Sec. 10.** AS 15.13.110 is amended by adding a new subsection to read:

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

10 * **Sec. 11.** AS 15.13.374(f) is amended to read:

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

17 * **Sec. 12.** AS 15.20.045 is amended by adding a new subsection to read:

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

24 * **Sec. 13.** AS 15.20.081(c) is amended to read:

25 (c) After receipt of an application, the director shall send the absentee ballot
26 and other absentee voting material to the applicant by the most expeditious mail
27 service. However, if the application requests that an absentee ballot for a state election
28 be sent by electronic transmission, the director shall send the absentee ballot and other
29 absentee voting material to the applicant by electronic transmission. **Except as**
30 **provided in (k) of this section, the** [THE] absentee ballot and other absentee voting
31 material shall be sent as soon as they are ready for distribution. If the absentee ballot

1 and other absentee voting material are mailed to the applicant, the return envelope sent
 2 with the ballot and other materials shall be addressed to the election supervisor in the
 3 district in which the voter is a resident.

4 * **Sec. 14.** AS 15.20.081(h) is amended to read:

5 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail
 6 from outside the United States or from an overseas voter qualifying under
 7 AS 15.05.011 that has been marked and mailed not later than election day may not be
 8 counted unless the ballot is received by the election supervisor not later than the close
 9 of business on the

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

12 **(2) 15th day following a general election, special runoff election, or**
 13 **special [THE] election, other than a special election described in (1) of this**
 14 **subsection.**

15 * **Sec. 15.** AS 15.20.081 is amended by adding new subsections to read:

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

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

27 * **Sec. 16.** AS 15.20.203(i) is amended to read:

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

30 (1) 10 days after completion of the review of ballots by the state
 31 review board for a primary election, **or for a special election under AS 15.40.140**

1 **that is followed by a special runoff election;**

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

5 * **Sec. 17.** AS 15.20.203(j) is amended to read:

6 (j) The director shall make available through a free access system to each
 7 absentee voter a system to check to see whether the voter's ballot was counted and, if
 8 not counted, the reason why the ballot was not counted. The director shall make this
 9 information available through the free access system not less than

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

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

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

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

19 (1) 10 days after completion of the review of ballots by the state
 20 review board for a primary election, **or for a special election under AS 15.40.140**
 21 **that is followed by a special runoff election;**

22 (2) 60 days after certification of the results of a general or special
 23 election, **other than a special election described in (1) of this subsection.**

24 * **Sec. 19.** AS 15.20.207(k) is amended to read:

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

29 (1) 10 days after certification of the results of a primary election, **or a**
 30 **special election under AS 15.40.140 that is followed by a special runoff election;**
 31 and

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

4 * **Sec. 20.** AS 15.20.211(d) is amended to read:

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

7 (1) 10 days after completion of the review of ballots by the state
 8 review board for a primary election, or for a special election under AS 15.40.140
 9 that is followed by a special runoff election;

10 (2) 60 days after certification of the results of a general or special
 11 election, other than a special election described in (1) of this subsection.

12 * **Sec. 21.** AS 15.20.211(f) is amended to read:

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

18 (1) 10 days after certification of the results of a primary election, or a
 19 special election under AS 15.40.140 that is followed by a special runoff election;
 20 and

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

24 * **Sec. 22.** AS 15.25.020 is amended to read:

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

27 * **Sec. 23.** AS 15.25.055 is amended to read:

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

1 * **Sec. 24.** AS 15.25.056(a) is amended to read:

2 (a) If an unopposed incumbent candidate for renomination dies, becomes
3 disqualified from holding the office the candidate is seeking, or is certified as being
4 incapacitated between June 1 of the election year and that date which is more than **54**
5 [50] days before the date of the primary election, the candidate's place on the ballot
6 may be filled by party petition. The petition shall state that the political party requests
7 the name of the proposed candidate replace that of the incumbent on the primary
8 election ballot and shall be accompanied by a declaration of candidacy from the
9 person named in the petition. The petition must be received by the director **not** [NO]
10 later than 14 days after the death, disqualification, or certification of incapacity of the
11 incumbent or **52** [48] days before the primary election date, whichever time is earlier.

12 * **Sec. 25.** AS 15.25.056(c) is amended to read:

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

19 * **Sec. 26.** AS 15.25.110 is amended to read:

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

1 by party petition on the general election ballot. The name of a candidate disqualified
2 under this section may not appear on the general election ballot.

3 * **Sec. 27.** AS 15.25.120 is amended to read:

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

9 * **Sec. 28.** AS 15.25.200 is amended to read:

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

14 * **Sec. 29.** AS 15.35.135(b) is amended to read:

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

20 * **Sec. 30.** AS 15.40.140 is amended to read:

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

29 * **Sec. 31.** AS 15.40 is amended by adding new sections to read:

30 **Sec. 15.40.141. Condition of calling a special runoff election.** (a) If no
31 candidate in a special election called under AS 15.40.140 receives over 50 percent of

1 the votes cast for the office, the governor shall, by proclamation, call a special runoff
2 election under AS 15.40.142(b).

3 (b) In a special runoff election called under (a) of this section, the director
4 shall place the names of the candidates receiving the greatest number of votes and the
5 second greatest number of votes in the special election on the special runoff election
6 ballot.

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

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

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

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

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

24 * **Sec. 32.** AS 15.40.160 is amended to read:

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

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

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

30 * **Sec. 33.** AS 15.40.165 is amended to read:

31 **Sec. 15.40.165. Term of elected senator.** At the special election, **or, as**

1 **provided by AS 15.40.141, at the special runoff election,** a United States senator
 2 shall be elected to fill the remainder of the unexpired term. The person elected shall
 3 take office on the date the United States Senate meets, convenes, or reconvenes
 4 following the certification of the results of the special election **or special runoff**
 5 **election** by the director.

6 * **Sec. 34.** AS 15.40.170 is amended to read:

7 **Sec. 15.40.170. Term of elected representative.** At the special election, **or, as**
 8 **provided by AS 15.40.141, at the special runoff election,** a United States
 9 representative shall be elected to fill the remainder of the unexpired term. The person
 10 elected shall take office on the date the United States house of representatives meets,
 11 convenes, or reconvenes following the certification of the results of the special
 12 election **or special runoff election** by the director.

13 * **Sec. 35.** AS 15.40.220 is amended to read:

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

26 * **Sec. 36.** AS 15.45.190 is amended to read:

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

30 (1) the petition has been filed;

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

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

3 * **Sec. 37.** AS 15.45.420 is amended to read:

4 **Sec. 15.45.420. Placing proposition on ballot.** The lieutenant governor shall
5 direct the director to place the ballot title and proposition on the election ballot for the
6 first statewide general, special, **special runoff**, or primary election held more than 180
7 days after adjournment of the legislative session at which the act was passed.

8 * **Sec. 38.** AS 15.58.010 is amended to read:

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

15 * **Sec. 39.** AS 15.58.020(b) is amended to read:

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

20 * **Sec. 40.** AS 15.58.030 is amended by adding a new subsection to read:

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

28 * **Sec. 41.** AS 15.80.010(8) is amended to read:

29 (8) "federal election" means a general, special, **special runoff**, or
30 primary election held solely or in part for the purpose of selecting, nominating, or
31 electing a candidate for the office of President, Vice-President, presidential elector,

1 United States senator, or United States representative;

2 * **Sec. 42.** AS 15.80.010 is amended by adding new paragraphs to read:

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

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

6 (45) "special runoff election" means a runoff election for a United
7 States senator or United States representative held because no candidate for the office
8 received over 50 percent of the votes cast at the special election for that office.

9 * **Sec. 43.** AS 29.20.380 is amended by adding a new subsection to read:

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

14 * **Sec. 44.** AS 15.20.081(i) and 15.20.082 are repealed.

15 * **Sec. 45.** This Act takes effect January 1, 2014.