

**CS FOR SENATE BILL NO. 44(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

**BY THE SENATE STATE AFFAIRS COMMITTEE**

**Offered: 3/13/13**

**Referred: Rules**

**Sponsor(s): SENATE 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

28 **(2) require the voter to comply with the same deadlines for**  
29 **applying for an absentee ballot as those set out for applying in person for an**  
30 **absentee ballot in AS 15.20.061(a)(1), except that a qualified voter who is an**  
31 **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

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

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

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

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

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

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

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

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

20 (a) If an unopposed incumbent candidate for renomination dies, becomes  
21 disqualified from holding the office the candidate is seeking, or is certified as being  
22 incapacitated between June 1 of the election year and that date which is more than **54**  
23 [50] days before the date of the primary election, the candidate's place on the ballot  
24 may be filled by party petition. The petition shall state that the political party requests  
25 the name of the proposed candidate replace that of the incumbent on the primary  
26 election ballot and shall be accompanied by a declaration of candidacy from the  
27 person named in the petition. The petition must be received by the director **not** [NO]  
28 later than 14 days after the death, disqualification, or certification of incapacity of the  
29 incumbent or **52** [48] days before the primary election date, whichever time is earlier.

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

31 (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. A photograph  
12 and a statement of a candidate that have been timely filed with the lieutenant governor  
13 shall be published on the website at least 15 days before an election at which the  
14 candidate will appear on the ballot.

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

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

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

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

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

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

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