

AMENDMENT #9

OFFERED IN THE HOUSE  
TO: CSHB 83(STA)

BY REPRESENTATIVE EASTMAN

1 Page 1, line 1, following "election;": *(Title amendment)*  
2 Insert "relating to the procedures and deposit amount required for recounting  
3 ballots;"

4  
5 Page 2, following line 1:

6 Insert new bill sections to read:

7 \*\* Sec. 2. AS 15.20.430(a) is amended to read:

8 (a) A defeated candidate or 10 qualified voters who believe there has been a  
9 mistake made by an election official or by the counting board in counting the votes in  
10 an election, may file an application within five days after the completion of the state  
11 review to the director for a recount of the votes from any particular precinct or any  
12 house district and for any particular office, proposition, or question. However, the  
13 application may be filed only within three days after the completion of the state review  
14 after the general election for a recount of votes cast for the offices of governor and  
15 lieutenant governor. An applicant may request that the division conduct the  
16 recount without using optical scanning equipment. If there is a tie vote as provided  
17 in AS 15.15.460, the director shall initiate the recount and give notice to the interested  
18 parties as provided in AS 15.20.470.

19 \* Sec. 3. AS 15.20.450 is amended to read:

20 Sec. 15.20.450. **Costs of recount; requirement of deposit.** The application  
21 must include a deposit in cash, by certified check, or by bond with a surety approved  
22 by the director. The amount of the deposit is \$1,000 for each precinct, \$2,000 for each  
23 house district, and \$25,000 [\$15,000] for the entire state. If an applicant requests

1 **under AS 15.20.430(a) that the division conduct the recount without using optical**  
2 **scanning equipment, the amount of the deposit is \$1,000 for each precinct, \$2,000**  
3 **for each house district, or \$65,000 for the entire state.** If the recount includes an  
4 office for which candidates received a tie vote, or the difference between the number  
5 of votes cast was 20 or less or was less than .5 percent of the total number of votes  
6 cast for the two candidates for the contested office, or a question or proposition for  
7 which there was a tie vote on the issue, or the difference between the number of votes  
8 cast in favor of or opposed to the issue was 20 or less or was less than .5 percent of the  
9 total votes cast in favor of or opposed to the issue, the application need not include a  
10 deposit, and the state shall bear the cost of the recount. If, on the recount, a candidate  
11 other than the candidate who received the original election certificate is declared  
12 elected, or if the vote on recount is determined to be four percent or more in excess of  
13 the vote reported by the state review for the candidate applying for the recount or in  
14 favor of or opposed to the question or proposition as stated in the application, the  
15 entire deposit shall be refunded. If the entire deposit is not refunded, the director shall  
16 refund any money remaining after the cost of the recount has been paid from the  
17 deposit.

18 \* **Sec. 4.** AS 15.20.450 is amended by adding a new subsection to read:

19 (b) The division shall conduct a recount paid for by the state under (a) of this  
20 section because of a tie vote, a difference of 20 votes or less, or a difference of less  
21 than .5 percent of the total number of votes cast, using optical scanning equipment. A  
22 candidate or 10 qualified voters may, within three days after the director provides  
23 notice of a recount to interested parties under AS 15.20.430(a), request that the  
24 recount be conducted without the use of optical scanning equipment, and, if the  
25 request relates to a statewide recount, the requester shall pay a \$40,000 deposit.

26 \* **Sec. 5.** AS 15.20.480 is amended to read:

27 **Sec. 15.20.480. Procedure for recount.** In conducting the recount, the director  
28 shall review all ballots, whether the ballots were counted at the precinct or by  
29 computer or by the district absentee counting board or the questioned ballot counting  
30 board, to determine which ballots, or part of ballots, were properly marked and which  
31 ballots are to be counted in the recount, and shall check the accuracy of the original

1 count, the precinct certificate, and the review. The director shall count absentee ballots  
2 received before the completion of the recount. For administrative purposes, the  
3 director may join and include two or more applications in a single review and count of  
4 votes. The rules in AS 15.15.360 governing the counting of ballots shall be followed  
5 in the recount when a ballot is challenged on the basis of a question regarding the  
6 voter's intent to vote for the candidate, proposition, or question. The ballots and other  
7 election material must remain in the custody of the director during the recount, and the  
8 highest degree of care shall be exercised to protect the ballots against alteration or  
9 mutilation. The recount shall be completed within 10 days. **If the applicant**  
10 **requesting the recount also requests under AS 15.20.430(a) that the division**  
11 **conduct the recount without using optical scanning equipment, the division may**  
12 **not recount ballots using optical scanning equipment.** The director may employ  
13 additional personnel necessary to assist in the recount."  
14

15 Renumber the following bill sections accordingly.