

Introduced: 3/13/85
Referred: State Affairs
and Judiciary

BY BOUCHER, HURLEY AND
NAVARRE

1 IN THE HOUSE

2 HOUSE BILL NO. 284

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to elections."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 15.20.030 is amended to read:

9 Sec. 15.20.030. PREPARATION OF BALLOTS, ENVELOPES, AND OTHER
10 MATERIAL. The director shall provide ballots for use as absentee
11 ballots in all districts. The director shall provide a small envelope
12 in which the voter shall initially place the marked ballot, and shall
13 provide a larger envelope, with the prescribed voter's certificate on
14 the back, in which the small envelope with ballot enclosed shall be
15 placed. The director shall prescribe the form of and prepare the
16 voter's certificate, envelopes, and other material used in absentee
17 voting. The voter's certificate shall include an oath, for use when
18 required, that the voter is a qualified voter in all respects, a blank
19 for the voter's signature, a certification that the affiant properly
20 executed the marking of the ballot and provided identification to the
21 attesting officer or witness [IDENTIFIED HIMSELF], blanks for the
22 attesting official or witnesses, and a place for recording the date
23 the envelope was sealed and witnessed. The larger envelope used for
24 the return of the absentee ballot by the voter shall require the voter
25 to apply any required postage.

26 * Sec. 2. AS 15.20.081(d) is amended to read:

27 (d) Upon receipt of an absentee ballot by mail, the voter, in
28 the presence of a notary public, commissioned officer of the armed
29 forces including the National Guard, district judge or magistrate,

1 United States postal official, or other person qualified to administer
2 oaths, may proceed to mark the ballot in secret, to place the ballot
3 in the small envelope, to place the small envelope in the larger
4 envelope, and to sign the voter's certificate on the back of the
5 larger envelope in the presence of an official listed in this
6 subsection who shall sign as attesting official and shall date the
7 signature. If none of the officials listed in this subsection is
8 reasonably accessible, an absentee voter shall have the ballot
9 witnessed by an individual [TWO PERSONS] over the age of 18 years,
10 with the full address of the witness, and, in addition, shall provide
11 the certification prescribed in AS 09.63.020.

12 * Sec. 3. AS 15.20.081(e) is amended to read:

13 (e) An absentee ballot must be marked and attested on or before
14 the date of the election. The absentee voter may return the marked
15 ballot by any appropriate means. Except as provided in (h) of this
16 section, the voter shall return the ballot to the election supervisor
17 for the election district in which the voter seeks to vote not later
18 than 8:00 p.m. on the day of the election [IF THE VOTER RETURNS THE
19 BALLOT BY MAIL, HE SHALL USE THE MOST EXPEDITIOUS MAIL SERVICE AND
20 MAIL THE BALLOT NOT LATER THAN THE DAY OF THE ELECTION TO THE ELECTION
21 SUPERVISOR IN HIS ELECTION DISTRICT. IF THE BALLOT IS POSTMARKED, IT
22 MUST BE POSTMARKED ON OR BEFORE ELECTION DAY].

23 * Sec. 4. AS 15.20.081 is amended by adding a new subsection to read:

24 (h) Absentee ballots returned by mail from outside the United
25 States, or from any military APO or FPO address, which have been
26 marked and attested, and mailed not later than election day, must be
27 received by the election supervisor not later than 4:00 p.m. on the
28 10th day following the election.

29 * Sec. 5. AS 15.20.201(a) is amended to read:

1 (a) On the seventh day preceding the day of election, the
2 election supervisor [OR HIS DESIGNEE], in the presence and with the
3 assistance of the district absentee ballot counting board, shall
4 review all voter certificates of absentee ballots received by that
5 date. The review of absentee ballots shall continue at times
6 designated by the election supervisor until completed [AND SHALL
7 INCLUDE ALL ABSENTEE BALLOTS RECEIVED IN THE OFFICE OF THE ELECTION
8 SUPERVISOR BY 4:00 P.M. ON THE SEVENTH DAY FOLLOWING THE DAY OF THE
9 ELECTION].

10 * Sec. 6. AS 15.20.201(c) is amended to read:

11 (c) On the 10th [EIGHTH] day following the day of the election,
12 the district absentee ballot counting board shall certify the absentee
13 ballot review.

14 * Sec. 7. AS 15.20.450 is amended to read:

15 Sec. 15.20.450. REQUIREMENT OF DEPOSIT. The application shall
16 include a deposit in cash, by certified check, or by bond with a
17 surety approved by the director. The amount of the deposit is \$300
18 [\$50] for each precinct, \$1,500 [\$250] for each election district, and
19 \$5,000 [\$2,000] for the entire state. If [HOWEVER, IF] the recount
20 includes an office for which candidates received a tie vote, or the
21 difference between the number of votes cast was 10 or less or was less
22 than .5 percent of the total number of votes cast for the two
23 candidates for the contested office, or a question or proposition for
24 which there was a tie vote on the issue, or the difference between the
25 number of votes cast in favor of or opposed to the issue was 10 or
26 less or was less than .5 percent of the total votes cast in favor of
27 or opposed to the issue, the application need not include a deposit
28 and the state shall bear the cost of the recount. If, on the recount,
29 a candidate other than the candidate who received the original

1 election certificate is declared elected, or if the vote on recount is
2 determined to be four percent or more in excess of the vote reported
3 by the state review for the candidate applying for the recount or in
4 favor or opposed to the question or proposition as stated in the
5 application, the entire deposit shall be refunded. If the entire
6 deposit is not refunded, the director shall refund any money remaining
7 after the cost of the recount has been paid from the deposit.

8 * Sec. 8. AS 15.20.480 is amended to read:

9 Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the
10 recount, the director [OR HIS APPOINTED REPRESENTATIVE] shall review
11 all ballots whether the ballots were counted at the precinct or by
12 computer or by the district absentee counting board or the questioned
13 ballot counting board to determine which ballots, or part of ballots,
14 were properly marked and which ballots are to be counted in the
15 recount, and shall check the accuracy of the original count, the
16 precinct certificate and the review. The director shall check the
17 number of ballots and questioned ballots cast in a precinct against
18 the registers and shall check absentee ballots voted against absentee
19 ballots distributed. [THE DIRECTOR SHALL COUNT ABSENTEE BALLOTS
20 RECEIVED AFTER 4:00 P.M. ON THE 15TH DAY FOLLOWING THE ELECTION AND
21 BEFORE THE COMPLETION OF THE RECOUNT.] For administrative purposes,
22 the director may join and include two or more applications in a single
23 review and count of votes. The rules in AS 15.15.360 governing the
24 counting of hand-marked ballots and the rules in AS 15.20.730
25 governing the counting of punch-card ballots shall be followed in the
26 recount. The ballots and other election material shall remain in the
27 custody of the director during the recount and the highest degree of
28 care shall be exercised to protect the ballots against alteration or
29 mutilation. The recount shall be completed within 10 days. The

1 director may employ additional personnel necessary to assist in the
2 recount.

3 * Sec. 9. AS 15.20.201(d) is repealed.