

1 IN THE HOUSE

BY POURCHOT AND ULMER

2 HOUSE BILL NO. 293

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH 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 15.07.090(a) is amended to read:

9 (a) A voter whose name is changed by marriage or court order may
10 vote under the previous name, but a [IF THE] voter who desires to use
11 a [THE] new name shall vote a questioned ballot [, HE OR SHE SHALL
12 NOTIFY THE DIRECTOR NOT LATER THAN 30 DAYS PRECEDING AN ELECTION SO
13 THAT THE REGISTRATION MAY BE AMENDED TO REFLECT THE CHANGE].

14 * Sec. 2. AS 15.15.030(10) is amended to read:

15 (10) A [SEPARATE] nonpartisan [JUDICIAL] ballot shall be
16 designed for each judicial district in which a justice or judge is
17 seeking retention in office [TO SUCCEED HIMSELF]. The ballot shall be
18 divided into four parts and each part shall bear a heading indicating
19 the court to which the candidate is seeking approval. Within each
20 part the question of whether the justice or judge shall be approved or
21 rejected shall be set out in substantially the following manner: (A)
22 "Shall be retained as justice of the supreme court for
23 10 years?"; (B) "Shall be retained as judge of the
24 court of appeals for eight years?"; (C) "Shall be re-
25 tained as judge of the superior court for six years?"; or (D) "Shall .
26 be retained as judge of the district court for four
27 years?" Provision shall be made for marking each question "Yes" or
28 "No."

29 * Sec. 3. AS 15.20.071(a) is amended to read:

1 (a) A qualified voter who is physically disabled, imprisoned, or
2 confined to an institution may vote by [APPLY FOR AN] absentee ballot
3 through a personal representative. A personal representative may
4 apply for an absentee ballot on behalf of a physically disabled voter
5 or a voter imprisoned or confined to an institution to the following
6 election officials at the times specified:

7 (1) to an absentee voting official in the election district
8 in which the voter resides on or after the 15th day before an election
9 up to and including the day of the election;

10 (2) to an election supervisor

11 (A) after a date announced by the director under
12 AS 15.20.048(b); and

13 (B) on or after the 15th day before an election up to
14 and including the date of the election;

15 (3) to an absentee voting official at an absentee voting
16 station designated under AS 15.20.045(b) at a time when the absentee
17 voting station is operating;

18 (4) to a member of the election board [CHAIRMAN OR HIS
19 DESIGNEE] on election day in the precinct in which the voter is enti-
20 tled to vote [EXCEPT THAT THE VOTER MAY NOT APPLY TO THE ELECTION
21 BOARD CHAIRMAN IN AN AREA IN WHICH ABSENTEE VOTING OFFICIALS HAVE BEEN
22 DESIGNATED].

23 * Sec. 4. AS 15.20.480 is amended to read:

24 Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the re-
25 count, the director shall review all ballots whether the ballots were
26 counted at the precinct or by computer or by the district absentee
27 counting board or the questioned ballot counting board to determine
28 which ballots, or part of ballots, were properly marked and which
29 ballots are to be counted in the recount, and shall check the accuracy

1 of the original count, the precinct certificate and the review. The
2 director shall check the number of ballots and questioned ballots cast
3 in a precinct against the registers and shall check absentee ballots
4 voted against absentee ballots distributed. The director shall count
5 absentee ballots under AS 15.20.081(e) and (h) [RECEIVED AFTER CLOSE
6 OF BUSINESS ON THE 15TH DAY FOLLOWING THE ELECTION AND BEFORE THE
7 COMPLETION OF THE RECOUNT]. For administrative purposes, the director
8 may join and include two or more applications in a single review and
9 count of votes. The rules in AS 15.15.360 governing the counting of
10 hand- marked ballots and the rules in AS 15.20.730 governing the
11 counting of punch-card ballots shall be followed in the recount. The
12 ballots and other election material shall remain in the custody of the
13 director during the recount and the highest degree of care shall be
14 exercised to protect the ballots against alteration or mutilation.
15 The recount shall be completed within 10 days. The director may
16 employ additional personnel necessary to assist in the recount.

17 * Sec. 5. AS 15.20.730(b) is amended to read:

18 (b) The computer shall be programmed to count ballots as
19 follows:

20 (1) a vote may be counted only if the punch is clearly
21 spaced in the square [DESIGNATED BY A PLUS SIGN] following the name of
22 the candidate the voter desires to select;

23 (2) if there is only one [PLUS-MARKED] square marked for a
24 team whose names are on separate lines, such as president and vice-
25 president or governor and lieutenant governor, a punch in the square
26 or elsewhere in the rectangle following the names shall be counted for
27 that team;

28 (3) a failure to properly punch a ballot card as to one or
29 more candidates does not itself invalidate the entire ballot;

1 (4) if a voter punches fewer names than there are persons
2 to be elected to the office, a vote shall be counted for each candi-
3 date properly marked;

4 (5) if a voter punches more names than there are persons to
5 be elected to the office, the votes for candidates to that office
6 shall not be counted;

7 (6) improper marks on the ballots shall not be counted and
8 shall not invalidate punches for candidates properly made;

9 (7) an erasure or correction invalidates only that section
10 of the ballot in which it appears;

11 (8) a vote marked for the candidate for President of the
12 United States is considered and counted as a vote for the election of
13 presidential electors.

14 * Sec. 6. AS 15.25.055 is amended to read:

15 Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candi-
16 date's name will appear on the primary election ballot unless notice
17 of the [HIS] withdrawal from the primary is received by the director
18 at least 54 [40] days before the date of the primary election.

19 * Sec. 7. AS 15.25.110 is amended to read:

20 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a
21 candidate nominated at the primary election dies, withdraws, resigns,
22 becomes disqualified from holding the office for which the candidate
23 [HE] is nominated, or is certified as being incapacitated in the
24 manner prescribed by this section after the primary election and 54
25 [40] days or more before the general election, the vacancy may be
26 filled by party petition. The central committee of any political
27 party or any party district committee may certify as being incapaci-
28 tated any candidate nominated by their respective party by presenting
29 to the director a sworn statement made by a panel of three licensed

1 physicians, not more than two of whom may [SHALL] be of the same
2 political party, that the candidate is physically or mentally in-
3 capacitated to an extent that would [IN HIS JUDGMENT] prevent the
4 candidate from active service during the term of office if elected.
5 The director shall place the name of the person nominated by party
6 petition on the general election ballot. The name of a candidate
7 disqualified under this section may [SHALL] not appear on the general
8 election ballot.

9 * Sec. 8. AS 15.35.050 is amended to read:

10 Sec. 15.35.050. PLACING NAME OF SUPREME COURT JUSTICE ON BALLOT.
11 The director shall place the name of a supreme court justice who has
12 properly filed a declaration of candidacy for retention on the [JUDI-
13 CIAL] ballot in each judicial district of the state for the general
14 election at which approval is sought.

15 * Sec. 9. AS 15.35.059 is amended to read:

16 Sec. 15.35.059. PLACING NAME OF JUDGE OF THE COURT OF APPEALS ON
17 BALLOT. The director shall place the name of a judge of the court of
18 appeals who has properly filed a declaration of candidacy for reten-
19 tion on the [JUDICIAL] ballot in each judicial district of the state
20 for the general election at which approval is sought.

21 * Sec. 10. AS 15.35.090 is amended to read:

22 Sec. 15.35.090. PLACING NAME OF SUPERIOR COURT JUDGE ON BALLOT.
23 The director shall place the name of a superior court judge who has
24 properly filed a declaration of candidacy for retention on the [JUDI-
25 CIAL] ballot in the judicial district designated in the [HIS] declara-
26 tion of candidacy for the general election at which approval is
27 sought.

28 * Sec. 11. AS 15.35.130 is amended to read:

29 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The

1 director shall place the name of a district judge who has properly
2 filed a declaration of candidacy for retention on the [JUDICIAL]
3 ballot in the judicial district designated in the [HIS] declaration of
4 candidacy for the general election at which approval is sought.