

Original sponsors: Pourchot and Ulmer

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 293 (State Affairs)

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 absentee ballots on behalf of physically disabled voters or
5 voters 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 15.20.071(b) is amended to read:

24 (b) Upon receipt of a written application and proof of identi-
25 fication from a [BY] personal representative, the election official
26 authorized to issue the absentee ballots under (a) of this section
27 [BALLOT] shall provide the ballots [BALLOT] and other absentee voting
28 material to the personal representative [IF THE WRITTEN APPLICATION IS
29 SIGNED BY THE APPLICANT AND IS ACCOMPANIED BY A LETTER FROM A LICENSED

1 PHYSICIAN OR A STATEMENT SIGNED BY TWO QUALIFIED VOTERS STATING THAT
2 THE APPLICANT WILL BE UNABLE TO GO TO THE POLLING PLACE BECAUSE OF
3 PHYSICAL DISABILITY].

4 * Sec. 5. AS 15.20.071(c) is amended to read:

5 (c) The personal representative shall deliver the application
6 for an absentee ballot to the voter as soon as practicable. On the
7 completion and receipt of the application for an absentee ballot, the
8 personal representative shall deliver an absentee ballot to the voter.
9 The [UPON RECEIPT OF AN ABSENTEE BALLOT THROUGH A PERSONAL REPRESENTA-
10 TIVE, THE] voter shall proceed to mark the ballot in secret, to place
11 the ballot in the small envelope, to place the small envelope in the
12 larger envelope, and to sign the voter's certificate on the envelope
13 in the presence of the personal representative who shall witness and
14 date the signature of the voter. The voter must complete the applica-
15 tion for the absentee ballot, mark the ballot, and sign the voter's
16 certification not later than election day. The voter shall then
17 return the application and the absentee ballot to the personal rep-
18 resentative who shall deliver the ballot to the election official who
19 provided the ballot. The application and the absentee ballot must be
20 returned to the election official not later than 8:00 p.m. on election
21 day.

22 * Sec. 6. AS 15.20.480 is amended to read:

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

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

16 * Sec. 7. AS 15.20.730(b) is amended to read:

17 (b) The computer shall be programmed to count ballots as fol-
18 lows:

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

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

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

29 (4) if a voter punches fewer names than there are persons

1 to be elected to the office, a vote shall be counted for each candi-
2 date properly marked;

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

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

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

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

13 * Sec. 8. AS 15.25.055 is amended to read:

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

18 * Sec. 9. AS 15.25.110 is amended to read:

19 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a
20 candidate nominated at the primary election dies, withdraws, resigns,
21 becomes disqualified from holding the office for which the candidate
22 [HE] is nominated, or is certified as being incapacitated in the
23 manner prescribed by this section after the primary election and 54
24 [40] days or more before the general election, the vacancy may be
25 filled by party petition. The central committee of any political
26 party or any party district committee may certify as being incapaci-
27 tated any candidate nominated by their respective party by presenting
28 to the director a sworn statement made by a panel of three licensed
29 physicians, not more than two of whom may [SHALL] be of the same

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

8 * Sec. 10. AS 15.35.050 is amended to read:

9 Sec. 15.35.050. PLACING NAME OF SUPREME COURT JUSTICE ON BALLOT.

10 The director shall place the name of a supreme court justice who has
11 properly filed a declaration of candidacy for retention on the [JUDI-
12 CIAL] ballot in each judicial district of the state for the general
13 election at which approval is sought.

14 * Sec. 11. AS 15.35.059 is amended to read:

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

20 * Sec. 12. AS 15.35.090 is amended to read:

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

27 * Sec. 13. AS 15.35.130 is amended to read:

28 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The
29 director shall place the name of a district judge who has properly

1 filed a declaration of candidacy for retention on the [JUDICIAL]
2 ballot in the judicial district designated in the [HIS] declaration of
3 candidacy for the general election at which approval is sought.