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1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 293 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to elections; and providing for an  
7 effective date."

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

9 \* Section 1. AS 15.07.090(a) is amended to read:

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

15 \* Sec. 2. AS 15.10.020 is amended by adding a new subsection to read:

16 (b) Whenever possible, the director shall send written notice of  
17 any change in a precinct boundary or polling place to each affected  
18 registered voter in the precinct not less than 7 nor more than 30 days  
19 before the next state election.

20 \* Sec. 3. AS 15.15.030(10) is amended to read:

21 (10) A [SEPARATE] nonpartisan [JUDICIAL] ballot shall be  
22 designed for each judicial district in which a justice or judge is  
23 seeking retention in office [TO SUCCEED HIMSELF]. The ballot shall be  
24 divided into four parts and each part shall bear a heading indicating  
25 the court to which the candidate is seeking approval. Within each  
26 part the question of whether the justice or judge shall be approved or  
27 rejected shall be set out in substantially the following manner: (A)  
28 "Shall . . . . . be retained as justice of the supreme court for  
29 10 years?"; (B) "Shall . . . . . be retained as judge of the

1 court of appeals for eight years?"; (C) "Shall . . . . . be re-  
2 tained as judge of the superior court for six years?"; or (D) "Shall .  
3 . . . . . be retained as judge of the district court for four  
4 years?" Provision shall be made for marking each question "Yes" or  
5 "No."

6 \* Sec. 4. AS 15.20.071(a) is amended to read:

7 (a) A qualified voter who is physically disabled, imprisoned, or  
8 confined to an institution may vote by [APPLY FOR AN] absentee ballot  
9 through a personal representative. A personal representative may  
10 apply for absentee ballots on behalf of physically disabled voters or  
11 voters imprisoned or confined to an institution to the following  
12 election officials at the times specified:

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

16 (2) to an election supervisor

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

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

21 (3) to an absentee voting official at an absentee voting  
22 station designated under AS 15.20.045(b) at a time when the absentee  
23 voting station is operating;

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

29 \* Sec. 5. AS 15.20.071(b) is amended to read:

1           (b) Upon receipt of a written application and proof of identi-  
2 fication from a [BY] personal representative, the election official  
3 authorized to issue the absentee ballots under (a) of this section  
4 [BALLOT] shall provide the ballots [BALLOT] and other absentee voting  
5 material to the personal representative [IF THE WRITTEN APPLICATION IS  
6 SIGNED BY THE APPLICANT AND IS ACCOMPANIED BY A LETTER FROM A LICENSED  
7 PHYSICIAN OR A STATEMENT SIGNED BY TWO QUALIFIED VOTERS STATING THAT  
8 THE APPLICANT WILL BE UNABLE TO GO TO THE POLLING PLACE BECAUSE OF  
9 PHYSICAL DISABILITY].

10 \* Sec. 6. AS 15.20.071(c) is amended to read:

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

28 \* Sec. 7. AS 15.20.071(d) is amended to read:

29           (d) Each election official shall keep a record of the name and

1 signature of each personal representative requesting an absentee  
2 ballot and the name of the person on whose behalf the ballot is re-  
3 quested. The election official shall record the date [AND TIME] the  
4 absentee ballot is provided and the date [TIME] the ballot is returned  
5 to the election official.

6 \* Sec. 8. AS 15.20.081(b) is amended to read:

7 (b) An application for an absentee ballot by mail must be re-  
8 ceived by the division of elections [POSTMARKED] not less than four  
9 [TEN] days before the election for which the absentee ballot is  
10 sought. The absentee ballot application shall permit the person to  
11 register to vote under AS 15.07.070 and to request an absentee ballot  
12 for each state election held within that calendar year for which the  
13 voter is eligible to vote.

14 \* Sec. 9. AS 15.20.220(b) is amended to read:

15 (b) The state review board shall review and count absentee  
16 ballots under AS 15.20.081(e) and (h) and questioned ballots that have  
17 been forwarded to the director and that have not been reviewed or  
18 counted by a district counting board. [ABSENTEE AND QUESTIONED BALLOTS  
19 NOT RECEIVED IN THE OFFICE OF THE DIRECTOR BY 4:00 P.M. ON THE 15TH  
20 DAY FOLLOWING THE ELECTION MAY NOT BE COUNTED IN THE REVIEW.]

21 \* Sec. 10. AS 15.20.480 is amended to read:

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

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

15 \* Sec. 11. AS 15.20.730(b) is amended to read:

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

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

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

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

28 (4) if a voter punches fewer names than there are persons  
29 to be elected to the office, a vote shall be counted for each

1 candidate properly marked;

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

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

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

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

12 \* Sec. 12. AS 15.25.055 is amended to read:

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

17 \* Sec. 13. AS 15.25.110 is amended to read:

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

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

7 \* Sec. 14. AS 15.35.050 is amended to read:

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

13 \* Sec. 15. AS 15.35.059 is amended to read:

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

19 \* Sec. 16. AS 15.35.090 is amended to read:

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

26 \* Sec. 17. AS 15.35.130 is amended to read:

27 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The  
28 director shall place the name of a district judge who has properly  
29 filed a declaration of candidacy for retention on the [JUDICIAL]

1 ballot in the judicial district designated in the [HIS] declaration of  
2 candidacy for the general election at which approval is sought.  
3 \* Sec. 18. This Act takes effect immediately under AS 01.10.070(c).