

Original sponsors: Pourchot, Ulmer
and Boucher

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 293 (Finance)
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 conduct and administration of
7 elections by the director of elections; and providing
8 for an effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 15.07.090(a) is amended to read:
11 (a) A voter whose name is changed by marriage or court order may
12 vote under the previous name, but a [IF THE] voter who desires to use
13 a [THE] new name shall vote a questioned ballot [, HE OR SHE SHALL
14 NOTIFY THE DIRECTOR NOT LATER THAN 30 DAYS PRECEDING AN ELECTION SO
15 THAT THE REGISTRATION MAY BE AMENDED TO REFLECT THE CHANGE].
16 * Sec. 2. AS 15.10.020 is amended by adding a new subsection to read:
17 (b) Whenever possible, the director shall send written notice of
18 any change in a precinct boundary or polling place to each affected
19 registered voter in the precinct.
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(d) is amended to read:

7 (d) Each election official shall keep a record of the name and
8 signature of each personal representative requesting an absentee
9 ballot and the name of the person on whose behalf the ballot is re-
10 quested. The election official shall record the date [AND TIME] the
11 absentee ballot is provided and the date [TIME] the ballot is returned
12 to the election official.

13 * Sec. 5. AS 15.20.081(b) is amended to read:

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

21 * Sec. 6. AS 15.20.081(e) is amended to read:

22 (e) An absentee ballot must be marked on or before the date of
23 the election. Except as provided in (h) of this section, a voter who
24 returns the ballot by mail shall use a mail service at least equal to
25 first class and mail the ballot not later than the day of the election
26 to the election supervisor for the election district in which the
27 voter seeks to vote. Except as provided in AS 15.20.480, the [THE]
28 ballot may not be counted unless it is received by the close of busi-
29 ness on the 10th day after the election. If the ballot is postmarked,

1 it must be postmarked on or before election day. After the day of the
2 election, no ballots shall be accepted unless received by mail.

3 * Sec. 7. AS 15.20.081(h) is amended to read:

4 (h) Except as provided in AS 15.20.480, an [AN] absentee ballot
5 returned by mail from outside the United States or from a military APO
6 or FPO address that has been marked and mailed not later than election
7 day may not be counted unless the ballot is received by the election
8 supervisor not later than the close of business on the 15th day
9 following the election.

10 * Sec. 8. AS 15.20.220(b) is amended to read:

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

17 * Sec. 9. AS 15.20.480 is amended to read:

18 Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the re-
19 count, the director shall review all ballots whether the ballots were
20 counted at the precinct or by computer or by the district absentee
21 counting board or the questioned ballot counting board to determine
22 which ballots, or part of ballots, were properly marked and which
23 ballots are to be counted in the recount, and shall check the accuracy
24 of the original count, the precinct certificate and the review. The
25 director shall check the number of ballots and questioned ballots cast
26 in a precinct against the registers and shall check absentee ballots
27 voted against absentee ballots distributed. The director shall count
28 absentee ballots received [AFTER CLOSE OF BUSINESS ON THE 15TH DAY
29 FOLLOWING THE ELECTION AND] before the completion of the recount. For

1 administrative purposes, the director may join and include two or more
2 applications in a single review and count of votes. The rules in
3 AS 15.15.360 governing the counting of hand- marked ballots and the
4 rules in AS 15.20.730 governing the counting of punch-card ballots
5 shall be followed in the recount. The ballots and other election
6 material shall remain in the custody of the director during the re-
7 count and the highest degree of care shall be exercised to protect the
8 ballots against alteration or mutilation. The recount shall be com-
9 pleted within 10 days. The director may employ additional personnel
10 necessary to assist in the recount.

11 * Sec. 10. AS 15.20.730(b) is amended to read:

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

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

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

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

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

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

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

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

5 (8) a vote marked for the candidate for President of the
6 United States is considered and counted as a vote for the election of
7 presidential electors.

8 * Sec. 11. AS 15.25.055 is amended to read:

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

13 * Sec. 12. AS 15.25.110 is amended to read:

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

1 disqualified under this section may [SHALL] not appear on the general
2 election ballot.

3 * Sec. 13. AS 15.25.200 is amended to read:

4 Sec. 15.25.200. WITHDRAWAL OF CANDIDATE'S NAME. If a candidate
5 nominated by petition dies or withdraws after the petition has been
6 filed and at least 54 days before the date of the general election
7 [BEFORE SEPTEMBER 1 OF THE ELECTION YEAR], the director shall not
8 place the name of the candidate on the general election ballot.

9 * Sec. 14. 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. 15. 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. 16. 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. 17. 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.
5 * Sec. 18. This Act takes effect immediately under AS 01.10.070(c).