

**CS FOR HOUSE BILL NO. 49(JUD)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 2/3/94**  
**Referred: Finance**

**Sponsor(s): REPRESENTATIVES MARTIN, Brice**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to absentee voting, to electronic transmission of absentee ballot  
2 applications, and to delivery of ballots to absentee ballot applicants by electronic  
3 transmission."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* Section 1. **LEGISLATIVE FINDINGS AND PURPOSE.** (a) The legislature finds that  
6 (1) because of growth in use of absentee ballots and mail delays, the current  
7 deadline for receipt of absentee ballot applications not less than four days before an election  
8 has contributed to an increase in the number of absentee ballots that are not timely delivered  
9 to absentee ballot applicants residing outside Alaska;

10 (2) apart from mail handled by the United States Postal Service for the military  
11 and their dependents, international postal services at best only infrequently provide a reliable  
12 means by which to assure timely receipt of applications for and delivery of absentee ballots  
13 to qualified voters residing outside the United States;

14 (3) the increased use of electronic transmissions has encouraged the possibility

1 of absentee voter ballot application and the sending of absentee ballots by electronic  
2 transmission; and

3 (4) while federal law encourages but does not require the use of electronic  
4 transmissions in state elections, electronic transmission technology is sufficiently reliable and  
5 there is evidence that transmittal of absentee ballots by electronic transmission would be  
6 helpful to facilitate the absentee voting process.

7 (b) It is the purpose of this Act to allow, in state elections covered by AS 15 (Alaska  
8 Election Code),

9 (1) for absentee voting by electronic transmission by qualified voters living  
10 outside the United States, while recognizing that state election officials have the responsibility  
11 to maintain the accuracy, integrity, and secrecy of the election process; and

12 (2) delivery of absentee ballots by electronic transmission to certain qualified  
13 voters in the United States outside the state directing that these ballots, when completed, be  
14 returned by mail, consistent with reasonable assurance that voting security is maintained for  
15 the ultimate purpose of preventing election fraud and protecting the validity of the electoral  
16 process.

17 (c) Provision is not made for absentee ballot delivery to voters who reside within the  
18 state because of the opportunity of in-state voters to vote personally, by personal  
19 representative, or at absentee voting stations on election day.

20 \* Sec. 2. AS 15.20 is amended by adding a new section to read:

21 Sec. 15.20.066. VOTING BY ELECTRONIC TRANSMISSION. (a) The  
22 director shall adopt regulations applicable to the delivery of absentee ballots by  
23 electronic transmission and to the use of electronic transmission absentee voting by  
24 qualified voters living outside the United States. The regulations must

25 (1) require the voter to comply with the same time deadlines as for  
26 voting in person on or before the closing hour of the polls;

27 (2) ensure the accuracy and, to the greatest degree possible, the  
28 integrity and secrecy of the ballot process.

29 (b) An absentee ballot that is completed and returned by the voter by  
30 electronic transmission must be accompanied by a statement executed under oath as  
31 to the voter's identity. The statement under oath must be witnessed by

1 (1) a commissioned or noncommissioned officer of the armed forces  
2 of the United States;

3 (2) an official authorized by federal law or the law of this state to  
4 administer an oath; or

5 (3) two United States citizens.

6 \* Sec. 3. AS 15.20.081(a) is amended to read:

7 (a) A qualified voter may apply by mail to the director for an absentee ballot.  
8 A qualified voter residing outside the United States may apply by electronic  
9 transmission to the director for an absentee ballot. The application must [SHALL]  
10 include the address or, if the application is from a person residing outside the  
11 United States, the telephone electronic transmission number to which the absentee  
12 ballot is to be returned, the applicant's full Alaska residence address, and the  
13 applicant's signature. However, a person [PERSONS] residing outside the United  
14 States and applying to vote absentee in federal elections in accordance with  
15 AS 15.05.011 need not include an Alaska residence address in the application.

16 \* Sec. 4. AS 15.20.081(b) is amended to read:

17 (b) An application requesting delivery of [FOR] an absentee ballot to the  
18 applicant by mail must be received by the division of elections not less than seven  
19 [FOUR] days before the election for which the absentee ballot is sought. An  
20 application from a qualified voter residing outside the United States requesting  
21 delivery of an absentee ballot to the applicant by electronic transmission must be  
22 received by the division of elections not less than seven days before the election  
23 for which the absentee ballot is sought. The absentee ballot application submitted  
24 by mail under this subsection must permit the person to register to vote under  
25 AS 15.07.070 and to request an absentee ballot for each state election held within that  
26 calendar year for which the voter is eligible to vote. An absentee ballot application  
27 submitted by electronic transmission under this subsection may not permit a  
28 person to register to vote under AS 15.07.070.

29 \* Sec. 5. AS 15.20.081(c) is amended to read:

30 (c) After receipt of an application [BY MAIL], the director shall send the  
31 absentee ballot and other absentee voting material to the applicant by priority mail.

1 However, if the application is from a qualified voter residing outside the United  
2 States and the application requests an absentee ballot by electronic transmission,  
3 the director shall send the absentee ballot and other absentee voting material to  
4 the applicant by electronic transmission. If the application is from a qualified  
5 voter residing in the United States outside the state, was mailed to the division of  
6 elections, and is received by the division of elections less than seven days before  
7 the election for which the absentee ballot is sought, the director shall make  
8 reasonable efforts to contact the applicant by telephone to determine whether the  
9 applicant will accept an absentee ballot provided by electronic transmission and,  
10 if the applicant agrees, the director shall send the absentee ballot and other  
11 absentee voting material to the applicant by electronic transmission. If mailed,  
12 the absentee ballot and other absentee voting [THE MOST EXPEDITIOUS MAIL  
13 SERVICE. THE] material shall be sent as soon as they are ready for distribution. If  
14 the absentee ballot and other absentee voting material are mailed to the applicant,  
15 the [THE] return envelope sent with the ballot and other materials shall be addressed  
16 to the election supervisor in the district in which the voter is a resident.

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

18 (e) An absentee ballot must be marked on or before the date of the election.  
19 Except as provided in (h) of this section, a voter who returns the absentee ballot,  
20 whether provided to the voter by mail or by electronic transmission, shall use a  
21 mail service at least equal to first class and mail the ballot not later than the day of the  
22 election to the election supervisor for the election district in which the voter seeks to  
23 vote. Except as provided in AS 15.20.480, the ballot may not be counted unless it is  
24 received by the close of business on the 10th day after the election. If the ballot is  
25 postmarked, it must be postmarked on or before election day. After the day of the  
26 election, [NO] ballots may not [SHALL] be accepted unless received by mail.

27 \* Sec. 7. AS 15.20.081(g) is amended to read:

28 (g) The director shall maintain a record of the name of each voter to whom  
29 an absentee ballot is sent under this section [BY MAIL]. The record must list the  
30 date on which the ballot is mailed or provided by electronic transmission and the  
31 date on which the ballot is received by the election supervisor and the dates on which

1 the ballot was executed and postmarked.

2 \* Sec. 8. AS 15.20.082 is amended by adding a new subsection to read:

3 (e) The provisions of AS 15.20.066 and 15.20.081 relating to electronic  
4 transmission absentee voting do not apply to the procedures established in this section.

5 \* Sec. 9. AS 15.20.211(b) is amended to read:

6 (b) If a voter requested an absentee ballot [BY MAIL] and the proper absentee  
7 ballot was not sent to the voter, the votes cast by the voter on the ballot received  
8 which are for write-in candidates the voter could have voted for if the voter had  
9 received and voted the proper absentee ballot shall be counted.