

**SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 224**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY REPRESENTATIVES NICHOLIA, B.Davis, Finkelstein, Menard, Nordlund, Davies**

**Introduced: 2/14/94**

**Referred: State Affairs, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act establishing, for purposes of administration of state elections, the  
2 category of permanent absentee voter, authorizing registration of voters as  
3 permanent absentee voters, eliminating the requirement of application for absentee  
4 ballots by qualified voters whom the division of elections has determined are  
5 permanent absentee voters, directing the division of elections to mail absentee  
6 ballots to permanent absentee voters, and annulling the current administrative  
7 regulation applicable to a person designated as permanent absentee voter; and  
8 providing for an effective date."

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

10 \* Section 1. PURPOSE. The purpose of this Act is

11 (1) to codify, with modifications, the provisions of 6 AAC 25.650, a regulation  
12 that establishes a class of voters known as permanent absentee voters; and

1                   (2) to direct that absentee ballots, rather than absentee ballot applications, be  
2 mailed to these voters in all state elections.

3    \* **Sec. 2.** AS 15.07 is amended by adding a new section to read:

4                   Sec. 15.07.145.     **REGISTRATION IDENTIFYING VOTER AS A**  
5                   **PERMANENT ABSENTEE VOTER.** The director shall maintain the list of registered  
6 voters so that the names of persons who are qualified as permanent absentee voters  
7 under AS 15.20.025 may be readily identified.

8    \* **Sec. 3.** AS 15.20.010 is amended to read:

9                   Sec. 15.20.010. **PERSONS WHO MAY VOTE ABSENTEE.** At any election,  
10 a qualified voter may vote an absentee ballot for the district in which the voter resides  
11 and is registered if the voter

12                                 (1) believes that the voter will be unavoidably absent from the proper  
13 voting precinct on election day, whether inside the state or not; [OR]

14                                 (2) will be unable to be present at the polls because of physical  
15 disability; or

16                                 (3) is qualified as a permanent absentee voter under AS 15.20.025  
17 [REPEALED].

18    \* **Sec. 4.** AS 15.20 is amended by adding a new section to read:

19                   Sec. 15.20.025. **PERMANENT ABSENTEE VOTER.** The director or an  
20 election supervisor shall designate a person as a permanent absentee voter if the person  
21 is a qualified voter under AS 15.05.010 and if

22                                 (1) the director or the election supervisor determines that

23   (A) the voter resides in a remote area in the state where  
24 distance, terrain, or other natural conditions deny the voter reasonable access  
25 to the voter's polling place; or

26   (B) the voter resides in an institution in the state serving the  
27 aged, disabled, or handicapped as the voter's permanent residence; or

28                                 (2) the voter is otherwise unable to go to the voter's polling place  
29 because of age, disability, or handicap, and has requested in writing that the director  
30 or election supervisor designate the voter as a permanent absentee voter.

31    \* **Sec. 5.** AS 15.20 is amended by adding a new section to read:

1           Sec. 15.20.085. **VOTING BY MAIL BY PERMANENT ABSENTEE**  
2 **VOTERS.** (a) Except as provided in (b) of this section, for each state primary,  
3 general, and special election, and each other election for which the state has  
4 responsibility for the conduct of the election, the director or an election supervisor  
5 shall send an absentee ballot to each voter designated as a permanent absentee voter  
6 under AS 15.20.025 whose name appears on the official registration list prepared under  
7 AS 15.07.125 and 15.07.145 for that election and who is otherwise qualified to vote  
8 in that election. The ballot shall be sent to the permanent mailing address set out on  
9 the official registration list unless the voter has notified the director or an election  
10 supervisor of a different address to which the ballot should be sent. The director shall  
11 send the ballots

- 12                     (1) by first class, nonforwardable mail; and  
13                     (2) not later than the 15th day before the election.

14           (b) Nothing in this section requires the director to send an absentee ballot  
15 under (a) of this section to a permanent absentee voter after the director receives actual  
16 notice that mail sent to the voter's permanent mailing address or to a different address  
17 provided by a voter under (a) of this section is undeliverable to the voter at the  
18 address.

19           (c) A permanent absentee voter to whom a ballot is provided under (a) of this  
20 section may cast the ballot under AS 15.20.081(d) and (e).

21           (d) The director shall review ballots voted under this section under procedures  
22 established for the review of absentee ballots under AS 15.20.201 and 15.20.203.

23           (e) Nothing in this section limits a voter's eligibility to vote

- 24                     (1) in person at a precinct under AS 15.15.195 or 15.15.198;  
25                     (2) in person before an absentee voting official under AS 15.20.061;

26           or

- 27                     (3) through a personal representative under AS 15.20.071.

28   \* Sec. 6. 6 AAC 25.650 is annulled.

29   \* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).