

HOUSE BILL NO. 358

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE TUCK

Introduced: 2/26/14

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing that a general election may be conducted by mail."**

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

3 *** Section 1.** AS 15.07.130(e) is amended to read:

4 (e) For purposes of (b) and (d) of this section, a voter "appears to vote" if

5 (1) the voter is present at a polling place or at an absentee voting
6 station at a time when the polling place or absentee voting station is operating, for the
7 purpose of casting a vote;

8 (2) the voter applies to the division to obtain an absentee ballot; [OR]

9 (3) in an election conducted by mail under AS 15.20.800, a voter who
10 has not received a ballot by mail makes a timely request to the division for a ballot; **or**

11 **(4) in an election conducted by mail under AS 15.15.501 -**
12 **15.15.526, a voter who has not received a ballot by mail makes a timely request to**
13 **the division for a replacement ballot under AS 15.15.516.**

14 *** Sec. 2.** AS 15.15 is amended by adding new sections to read:

15 **Article 2. Conducting General Election by Mail.**

1 **Sec. 15.15.501. General elections conducted by mail.** In addition to
2 conducting a general election under AS 15.15.010 - 15.15.498, the director may
3 conduct the general election by mail.

4 **Sec. 15.15.506. Statutes applicable only to elections conducted by mail;
5 conduct of elections.** (a) AS 15.15.501 - 15.15.526 apply only to conduct of the
6 general election by mail.

7 (b) The director shall adopt regulations to provide for the conduct of state
8 general elections by mail.

9 (c) The regulations adopted by the director under this subsection must specify
10 the dates and times the places of deposit of marked ballots must be open and the
11 security requirements for the places of deposit. At a minimum, the places designated
12 under this subsection shall be open until at least 8:00 p.m., local time. At each place of
13 deposit designated under this subsection, a sign stating that the location is an official
14 ballot drop site shall be prominently displayed.

15 **Sec. 15.15.511. Procedures for conducting election by mail.** (a) Except as
16 provided in (b) and (c) of this section, the director shall mail by nonforwardable mail
17 an official ballot with a return identification envelope addressed to the district's
18 election supervisor of the voter's precinct and a secrecy envelope. The ballot, return
19 envelope, and secrecy envelope shall be mailed not later than the 22nd day before the
20 date of the general election. The director shall mail the ballot and other documents to
21 each person whose name appears on the official registration list prepared under
22 AS 15.07.125 for that general election. The ballot shall be sent to the address stated on
23 the official registration list unless

24 (1) the voter has notified the director of a different address to which
25 the ballot should be sent; or

26 (2) the address on the official registration list has been identified as
27 being an undeliverable address.

28 (b) Notwithstanding (a) of this section, if the director determines that a person
29 whose name appears on the official registration list prepared under AS 15.07.125 for a
30 general election does not receive daily mail service from the United States Postal
31 Service, the director shall mail by nonforwardable mail an official ballot with a return

1 identification envelope and a secrecy envelope to the person not later than the 30th
2 day before the date of the election.

3 (c) Notwithstanding (a) of this section, in the case of a ballot to be mailed to a
4 person with an address outside this state, the director may employ procedures
5 specified under AS 15.20.010 - 15.20.225.

6 (d) On receipt of any ballot described in this section, the voter shall mark the
7 ballot, sign the return identification envelope supplied with the ballot, and comply
8 with the instructions provided with the ballot. The voter may return the marked ballot
9 to the district's election supervisor for the voter's precinct by return mail or by
10 depositing the ballot at any place of deposit designated by the director. The ballot must
11 be returned in the return identification envelope. If the voter returns the ballot by mail,
12 the voter shall provide the postage. A ballot must be received by the district's election
13 supervisor for the voter's precinct or at a place of deposit designated by the director,
14 not later than the end of the period determined under regulations established by the
15 director.

16 **Sec. 15.15.516. Replacement ballots.** (a) If a ballot mailed to the voter under
17 AS 15.15.511 is destroyed, spoiled, lost, or not received by the person, the person may
18 obtain a replacement ballot. Replacement ballots shall be issued and processed as
19 described in AS 15.15.511 and this section. The director shall keep a record of each
20 replacement ballot provided under this section.

21 (b) Notwithstanding any deadline for mailing ballots in AS 15.15.511, a
22 replacement ballot may be mailed to the voter or made available to the voter at a
23 location in the precinct in which the election is conducted. The director shall designate
24 the locations.

25 (c) To vote a replacement ballot, the voter shall complete and sign a
26 replacement ballot request form. The request for a replacement ballot request form
27 may be made electronically, by telephone, in writing, in person, or by other means
28 designated in regulations adopted by the director.

29 (d) The replacement ballot request form shall be mailed or made available to
30 the voter.

31 (e) On receiving a request for a replacement ballot, the director shall

1 (1) verify the registration of the voter and ensure that another ballot
2 has not been returned by the voter;

3 (2) note in the official registration list that the person has requested a
4 replacement ballot;

5 (3) mark the return identification envelope addressed to the district's
6 election supervisor for the voter's precinct clearly so that it may be readily identified
7 by the election supervisor as a replacement ballot; and

8 (4) issue the replacement ballot by mail or other means provided for in
9 regulations adopted under this article.

10 (f) The completed and signed replacement ballot request form and the voted
11 replacement ballot must be received by an election supervisor, a place of deposit
12 designated by the director, or at any location designated by the director not later than
13 8:00 p.m. on the date of the general election.

14 (g) On receiving a voted replacement ballot, the election supervisor shall
15 verify that a completed and signed replacement ballot request has been received by the
16 director or is included with the voted replacement ballot. If a request form has been
17 completed and signed by the voter and received by the director or election supervisor,
18 the election supervisor shall process the replacement ballot. The election supervisor
19 may not process the replacement ballot if the request form has not been

20 (1) completed or signed by the voter; and

21 (2) received by the director or the election supervisor.

22 **Sec. 15.15.521. Counting of ballots in a general election conducted by mail.**

23 (a) A ballot may be counted only if

24 (1) it is returned to the election supervisor for the voter's precinct in the
25 return identification envelope;

26 (2) the envelope is signed by the person to whom the ballot is issued;
27 and

28 (3) the signature is verified as provided (b) of this section.

29 (b) The election supervisor shall verify the signature of each voter on the
30 return identification envelope with the signature on the voter's registration card,
31 according to procedures provided by regulations adopted by the director. The election

1 supervisor may assign the duty described in this subsection to the district questioned
2 ballot counting board.

3 (c) If the election supervisor or district questioned ballot counting board
4 determines that a voter to whom a replacement ballot has been issued has voted more
5 than once, the election board shall count only one ballot cast by that voter.

6 (d) The election supervisor may

7 (1) employ personnel as necessary to open envelopes, prepare ballots
8 for counting, and count ballots; and

9 (2) train personnel as provided under AS 15.10.107 and appointed
10 under AS 15.10.140.

11 (e) The provisions of AS 15.20.207 applicable to district questioned ballot
12 review apply to the counting of ballots under this section.

13 **Sec. 15.15.526. Preparation for counting ballots delivered by mail.** Not
14 sooner than the seventh day before the date of an election, in preparation for counting
15 ballots delivered by mail, the election supervisor may

16 (1) begin opening return identification and secrecy envelopes of ballots
17 delivered by mail and received; and

18 (2) take any other actions that are necessary to allow the counting of
19 ballots delivered by mail to begin at 8:00 p.m., local time, on election day.