

HOUSE BILL NO. 390

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE PARISH

Introduced: 2/21/18
Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing a ranked-choice primary election system for nomination to state**
2 **executive and state and national legislative offices; establishing a ranked-choice general**
3 **election system for election to state and national legislative offices; repealing the special**
4 **runoff election for the office of United States senator or United States representative;**
5 **and requiring certain written notices to appear in election pamphlets and polling**
6 **places."**

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

8 *** Section 1.** AS 15.10.170(b) is amended to read:

9 (b) In addition to the watchers appointed under (a) of this section, in a primary
10 election or a [,] special election under AS 15.40.140, [OR SPECIAL RUNOFF
11 ELECTION UNDER AS 15.40.141,] each candidate may appoint one watcher in each
12 precinct and counting center.

13 *** Sec. 2.** AS 15.13.074(c) is amended to read:

1 (c) A person or group may not make a contribution

2 (1) to a candidate or an individual who files with the commission the
3 document necessary to permit that individual to incur certain election-related expenses
4 as authorized by AS 15.13.100 when the office is to be filled at a general election
5 before the date that is 18 months before the general election;

6 (2) to a candidate or an individual who files with the commission the
7 document necessary to permit that individual to incur certain election-related expenses
8 as authorized by AS 15.13.100 for an office that is to be filled at a special election or
9 municipal election before the date that is 18 months before the date of the regular
10 municipal election or that is before the date of the proclamation of the special election
11 at which the candidate or individual seeks election to public office; or

12 (3) to any candidate later than the 45th day

13 (A) after the date of the primary election if the candidate was
14 [ON THE BALLOT AND WAS] not nominated at the primary election; or

15 (B) after the date of the general or special election, or after the
16 date of a municipal or municipal runoff election.

17 * **Sec. 3.** AS 15.15.030 is amended by adding new paragraphs to read:

18 (14) The director shall design the primary election ballots so that
19 candidates for the offices of governor and lieutenant governor, for the legislature, and
20 for the United States Congress are selected by ranked-choice voting.

21 (15) The director shall design the general and special election ballots
22 so that candidates for the

23 (A) offices of governor and lieutenant governor are selected by
24 majority vote at a general or special election; and

25 (B) legislature and United States Congress
26 are selected by ranked-choice voting.

27 (16) For those offices for which candidates are selected by ranked-
28 choice voting, the director shall design the ballot to direct the voter to mark candidates
29 in order of preference and to mark as many choices as the voter wishes, but not to
30 assign the same ranking to more than one candidate for the same office.

31 * **Sec. 4.** AS 15.15.350 is amended by adding new subsections to read:

1 (c) When counting ballots in a ranked-choice election, the election board shall
 2 initially tabulate each validly cast ballot as one vote for the highest-ranked candidate
 3 on that ballot or as an exhausted ballot. If a candidate is ranked-highest on more than
 4 one-half of the tabulated ballots, that candidate is elected and the tabulation is
 5 complete. Otherwise, tabulation proceeds in sequential rounds as follows:

6 (1) if two or fewer continuing candidates remain, the candidate with
 7 the largest number of votes is elected and the tabulation is complete; otherwise, the
 8 tabulation continues under (2) of this subsection;

9 (2) the candidate with the fewest votes is defeated, and votes cast for
 10 the defeated candidate shall cease counting for the defeated candidate and shall be
 11 added to the totals of each ballot's next-highest-ranked continuing candidate or
 12 considered an exhausted ballot under (e) of this section for that candidate, and a new
 13 round begins under (1) of this subsection.

14 (d) When counting ranked-choice election ballots,

15 (1) a ballot assigning the same ranking to more than one candidate for
 16 an office shall be declared invalid when the double ranking is reached;

17 (2) if a ballot skips a ranking, then the election board shall count the
 18 next ranking; and

19 (3) if there is a tie vote between continuing candidates, the procedures
 20 in AS 15.15.460 and AS 15.20.430 - 15.20.530 shall be followed.

21 (e) The election board may not count an exhausted ballot for a continuing
 22 candidate if the ballot

23 (1) does not contain a ranking for a continuing candidate;

24 (2) contains an overvote in the highest ranking for a continuing
 25 candidate; or

26 (3) contains two or more consecutive skipped rankings before its
 27 highest continuing ranking.

28 (f) In this section,

29 (1) "continuing candidate" means a candidate that has not been
 30 defeated or nominated at a primary election or elected at a general or special election;

31 (2) "overvote" means the assignment by a voter of the same ranking to

1 more than one candidate;

2 (3) "ranking" or "ranked" means the number assigned by a voter to a
3 candidate to express the voter's choice for that candidate; a ranking of "1" is the
4 highest ranking, followed by "2," and then "3," and so on;

5 (4) "round" means an instance of the sequence of voting tabulation in a
6 primary or special primary election;

7 (5) "skipped ranking" means a ranking blank on a ballot on which a
8 voter has ranked another candidate at a subsequent ranking.

9 * **Sec. 5.** AS 15.15.360(a) is amended to read:

10 (a) The election board shall count ballots according to the following rules:

11 (1) A voter may mark a ballot only by filling in, making "X" marks,
12 diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks, checks, or
13 plus signs that are clearly spaced in the oval opposite the name of the candidate,
14 proposition, or question that the voter desires to designate. **In an election by ranked-**
15 **choice voting, a voter may mark a ballot that requires the voter to vote for**
16 **candidates in order of ranked preference by the use of Roman or Arabic**
17 **numbers that are clearly spaced in one of the squares opposite the name of the**
18 **candidate that the voter desires to designate.**

19 (2) A failure to properly mark a ballot as to one or more candidates
20 does not itself invalidate the entire ballot.

21 (3) [IF A VOTER MARKS FEWER NAMES THAN THERE ARE
22 PERSONS TO BE ELECTED TO THE OFFICE, A VOTE SHALL BE COUNTED
23 FOR EACH CANDIDATE PROPERLY MARKED.

24 (4)] If a voter marks more **than one name each for the offices of**
25 **governor or lieutenant governor at a general or special election, the voter's votes**
26 [NAMES THAN THERE ARE PERSONS TO BE ELECTED TO THE OFFICE,
27 THE VOTES FOR CANDIDATES FOR THAT OFFICE] may not be counted.

28 **(4)** [(5)] The mark specified in (1) of this subsection shall be counted
29 only if it is substantially inside the oval provided, or touching the oval so as to indicate
30 clearly that the voter intended the particular oval to be designated.

31 **(5)** [(6)] Improper marks on the ballot may not be counted and do not

1 invalidate marks for candidates properly made.

2 (6) [(7)] An erasure or correction invalidates only that section of the
3 ballot in which it appears.

4 (7) [(8)] A vote marked for the candidate for President or Vice-
5 President of the United States is considered and counted as a vote for the election of
6 the presidential electors.

7 (9) [REPEALED]

8 (10) [REPEALED]

9 (11) [REPEALED]

10 (12) [REPEALED]

11 * **Sec. 6.** AS 15.15.370 is amended to read:

12 **Sec. 15.15.370. Completion of ballot count; certificate.** When the count of
13 ballots is completed, and in no event later than the day after the election, the election
14 board shall make a certificate in duplicate of the results. The certificate includes the
15 number of votes cast for each candidate, **including, for a candidate in a ranked-**
16 **choice election, the number of votes at each round of the ranked-choice**
17 **tabulation process under AS 15.15.350(c), and the number of votes** for and against
18 each proposition, yes or no on each question, and any additional information
19 prescribed by the director. The election board shall, immediately upon completion of
20 the certificate or as soon thereafter as the local mail service permits, send in one sealed
21 package to the director one copy of the certificate and the register. In addition, all
22 ballots properly cast shall be mailed to the director in a separate, sealed package. Both
23 packages, in addition to an address on the outside, shall clearly indicate the precinct
24 from which they come. Each board shall, immediately upon completion of the
25 certification and as soon thereafter as the local mail service permits, send the duplicate
26 certificate to the respective election supervisor. The director may authorize election
27 boards in precincts in those areas of the state where distance and weather make mail
28 communication unreliable to forward their election results by telephone, telegram, or
29 radio. The director may authorize the unofficial totaling of votes on a regional basis by
30 election supervisors, tallying the votes as indicated on duplicate certificates. To
31 **ensure** [ASSURE] adequate protection, the director shall prescribe the manner in

1 which the ballots, registers, and all other election records and materials are thereafter
2 preserved, transferred, and destroyed.

3 * **Sec. 7.** AS 15.15.450 is amended to read:

4 **Sec. 15.15.450. Certification of state ballot counting review.** Upon
5 completion of the state ballot counting review for a ranked-choice election, the
6 director shall certify the person receiving the largest number of votes for the
7 office as nominated or elected, as applicable. At the general election, the director
8 shall certify the candidates for governor and lieutenant governor [PERSON]
9 receiving the highest [LARGEST] number of votes [FOR THE OFFICE FOR
10 WHICH THAT PERSON WAS A CANDIDATE] as elected to those offices [THAT
11 OFFICE] and shall certify the approval of a justice or judge not rejected by a majority
12 of the voters voting on the question. The director shall issue to the elected candidates
13 and approved justices and judges a certificate of their election or approval. The
14 director shall also certify the results of a proposition and other question except that the
15 lieutenant governor shall certify the results of an initiative, referendum, or
16 constitutional amendment.

17 * **Sec. 8.** AS 15.20.081(h) is amended to read:

18 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail
19 from outside the United States or from an overseas voter qualifying under
20 AS 15.05.011 that has been marked and mailed not later than election day may not be
21 counted unless the ballot is received by the election supervisor not later than the close
22 of business on the

23 (1) 10th day following a primary election or special election under
24 AS 15.40.140; or

25 (2) 15th day following a general election [, SPECIAL RUNOFF
26 ELECTION,] or special election, other than a special election described in (1) of this
27 subsection.

28 * **Sec. 9.** AS 15.20.203(i) is amended to read:

29 (i) The director shall mail the materials described in (h) of this section to the
30 voter not later than

31 (1) 10 days after completion of the review of ballots by the state

1 review board for a primary election [,] or [FOR] a special election under AS 15.40.140
2 [THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION];

3 (2) 60 days after certification of the results of a general election [,
4 SPECIAL RUNOFF ELECTION,] or special election other than a special election
5 described in (1) of this subsection.

6 * **Sec. 10.** AS 15.20.203(j) is amended to read:

7 (j) The director shall make available through a free access system to each
8 absentee voter a system to check to see whether the voter's ballot was counted and, if
9 not counted, the reason why the ballot was not counted. The director shall make this
10 information available through the free access system not less than

11 (1) 10 days after certification of the results of a primary election [, OR
12 A SPECIAL ELECTION UNDER AS 15.40.140 THAT IS FOLLOWED BY A
13 SPECIAL RUNOFF ELECTION]; and

14 (2) 30 days after certification of the results of a general or special
15 election [, OTHER THAN A SPECIAL ELECTION DESCRIBED IN (1) OF THIS
16 SUBSECTION].

17 * **Sec. 11.** AS 15.20.207(i) is amended to read:

18 (i) The director shall mail the materials described in (h) of this section to the
19 voter not later than

20 (1) 10 days after completion of the review of ballots by the state
21 review board for a primary election [, OR FOR A SPECIAL ELECTION UNDER
22 AS 15.40.140 THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION];

23 (2) 60 days after certification of the results of a general or special
24 election [, OTHER THAN A SPECIAL ELECTION DESCRIBED IN (1) OF THIS
25 SUBSECTION].

26 * **Sec. 12.** AS 15.20.207(k) is amended to read:

27 (k) The director shall make available through a free access system to each
28 voter voting a questioned ballot a system to check to see whether the voter's ballot was
29 counted and, if not counted, the reason why the ballot was not counted. The director
30 shall make this information available through the free access system not less than

31 (1) 10 days after certification of the results of a primary election [, OR

1 A SPECIAL ELECTION UNDER AS 15.40.140 THAT IS FOLLOWED BY A
2 SPECIAL RUNOFF ELECTION]; and

3 (2) 30 days after [THE] certification of the results of a general or
4 special election [, OTHER THAN A SPECIAL ELECTION DESCRIBED IN (1) OF
5 THIS SUBSECTION].

6 * **Sec. 13.** AS 15.20.211(d) is amended to read:

7 (d) The director shall mail the materials described in (c) of this section to the
8 voter not later than

9 (1) 10 days after completion of the review of ballots by the state
10 review board for a primary election [, OR FOR A SPECIAL ELECTION UNDER
11 AS 15.40.140 THAT IS FOLLOWED BY A SPECIAL RUNOFF ELECTION];

12 (2) 60 days after certification of the results of a general or special
13 election [, OTHER THAN A SPECIAL ELECTION DESCRIBED IN (1) OF THIS
14 SUBSECTION].

15 * **Sec. 14.** AS 15.20.211(f) is amended to read:

16 (f) The director shall make available through a free access system to each
17 voter whose ballot was subject to partial counting under this section a system to check
18 to see whether the voter's ballot was partially counted and, if not counted, the reason
19 why the ballot was not counted. The director shall make this information available
20 through the free access system not less than

21 (1) 10 days after certification of the results of a primary election [, OR
22 A SPECIAL ELECTION UNDER AS 15.40.140 THAT IS FOLLOWED BY A
23 SPECIAL RUNOFF ELECTION]; and

24 (2) 30 days after [THE] certification of the results of a general or
25 special election [, OTHER THAN A SPECIAL ELECTION DESCRIBED IN (1) OF
26 THIS SUBSECTION].

27 * **Sec. 15.** AS 15.25.010 is amended to read:

28 **Sec. 15.25.010. Provision for primary election.** Candidates for the elective
29 state executive and state and national legislative offices shall be nominated in a
30 primary election by direct vote of the people in the manner prescribed by this chapter.

31 **All candidates at the primary election shall be selected by ranked-choice voting.**

1 The director shall prepare and provide a primary election ballot for each political
 2 party. A voter registered as affiliated with a political party may vote that party's ballot.
 3 A voter registered as nonpartisan or undeclared rather than as affiliated with a
 4 particular political party may vote the political party ballot of the voter's choice unless
 5 prohibited from doing so under AS 15.25.014. A voter registered as affiliated with a
 6 political party may not vote the ballot of a different political party unless permitted to
 7 do so under AS 15.25.014.

8 * **Sec. 16.** AS 15.25.060 is amended by adding a new subsection to read:

9 (d) The director shall include instructions on primary election ballots directing
 10 the voter to rank candidates for an office in order of preference and to rank as many
 11 choices as the voter wishes, but not to assign the same ranking to more than one
 12 candidate.

13 * **Sec. 17.** AS 15.25.100 is amended to read:

14 **Sec. 15.25.100. Placement of nominees on general election ballot.** The
 15 director shall place the name of the candidate receiving the **largest** [HIGHEST]
 16 number of votes for an office by a political party on the general election ballot. **If two**
 17 **candidates tie in having the largest number of votes for an office a ranked-choice**
 18 **primary ballot, the director shall place on the general election ballot the name of**
 19 **only one of the candidates who tied for that office, to be determined by lot under**
 20 **AS 15.20.530.**

21 * **Sec. 18.** AS 15.40.142(c) is amended to read:

22 (c) In an election year in which a candidate for the vacant office is not
 23 regularly elected, and the vacancy occurs on a date that is not less than 60, nor more
 24 than 90, days before the date of

25 (1) the primary election, the special election shall be held on the date
 26 of the primary election [WITH ANY SUBSEQUENT SPECIAL RUNOFF
 27 ELECTION UNDER AS 15.40.141 TO BE HELD ON THE DATE OF THE
 28 GENERAL ELECTION]; or

29 (2) the general election, the special election shall be held on the date of
 30 the general election [WITH ANY SUBSEQUENT SPECIAL RUNOFF ELECTION
 31 UNDER AS 15.40.141 TO BE HELD ON THE FIRST TUESDAY THAT IS NOT A

1 STATE HOLIDAY OCCURRING NOT LESS THAN 60 DAYS AFTER THE
2 SPECIAL AND GENERAL ELECTION].

3 * **Sec. 19.** AS 15.40.160 is amended to read:

4 **Sec. 15.40.160. Proclamation.** The governor shall issue the proclamation at
5 least 50 days before the

6 [(1)] special election [; AND

7 (2) IF A SPECIAL RUNOFF ELECTION IS REQUIRED UNDER
8 AS 15.40.141(a), SPECIAL RUNOFF ELECTION].

9 * **Sec. 20.** AS 15.40.165 is amended to read:

10 **Sec. 15.40.165. Term of elected senator.** At the special election, [OR, AS
11 PROVIDED BY AS 15.40.141, AT THE SPECIAL RUNOFF ELECTION,] a United
12 States senator shall be elected to fill the remainder of the unexpired term. The person
13 elected shall take office on the date the United States Senate meets, convenes, or
14 reconvenes following the certification of the results of the special election [OR
15 SPECIAL RUNOFF ELECTION] by the director.

16 * **Sec. 21.** AS 15.40.170 is amended to read:

17 **Sec. 15.40.170. Term of elected representative.** At the special election, [OR,
18 AS PROVIDED BY AS 15.40.141, AT THE SPECIAL RUNOFF ELECTION,] a
19 United States representative shall be elected to fill the remainder of the unexpired
20 term. The person elected shall take office on the date the United States house of
21 representatives meets, convenes, or reconvenes following the certification of the
22 results of the special election [OR SPECIAL RUNOFF ELECTION] by the director.

23 * **Sec. 22.** AS 15.58.020(a) is amended by adding a new paragraph to read:

24 (13) the following statement written in bold in a conspicuous location:

25 In each race, you may vote for any candidate listed. If
26 the race is for the offices of governor and lieutenant governor,
27 the candidates with the highest number of votes will be elected.
28 If the race is for state or national legislative office, the candidate
29 will be selected through a ranked-choice voting process and the
30 candidate with the largest number of votes will be elected. For a
31 ranked-choice election, you must rank the candidates in the

1 numerical order of your preference, ranking as many candidates
 2 as you wish. Your second, third, and subsequent ranked choices
 3 will be counted only if the candidate you ranked first does not
 4 receive enough votes to continue on to the next round of
 5 counting, so ranking a second, third, or subsequent choice will
 6 not hurt your first-choice candidate. Your ballot will be counted
 7 regardless of whether you choose to rank one, two, or more
 8 candidates for each office, but it will not be counted if you
 9 assign the same ranking to more than one candidate for the
 10 same office.

11 * **Sec. 23.** AS 15.58.020 is amended by adding a new subsection to read:

12 (c) Notwithstanding (a) of this section, if a pamphlet is prepared and published
 13 under AS 15.58.010 for a primary election, the pamphlet must contain the following
 14 statement written in bold in a conspicuous location, instead of the statement provided
 15 by (a)(13) of this section:

16 In each race, you may vote for any candidate listed.
 17 Rank the candidates for each office in the numerical order of
 18 your preference, ranking as many candidates as you wish. Your
 19 second, third, and subsequent ranked choices will be counted
 20 only if the candidate you ranked first does not receive enough
 21 votes to continue on to the next round of counting, so ranking a
 22 second, third, or subsequent choice will not hurt your first-
 23 choice candidate. Your ballot will be counted regardless of
 24 whether you choose to rank one, two, or more candidates for
 25 each office, but it will not be counted if you assign the same
 26 ranking to more than one candidate for the same office. The
 27 candidate on the ballot who receives the largest number of votes
 28 for a state office, United States senator, or United States
 29 representative will advance to the general election.

30 * **Sec. 24.** AS 15.80.010 is amended by adding a new paragraph to read:

31 (46) "ranked-choice voting" means the method of casting and

1 tabulating votes at a primary or special primary election in which voters rank
2 candidates in order of preference and in which tabulation proceeds in sequential
3 rounds in which last-place candidates are defeated and the candidates with the largest
4 number of votes and the second-largest number of votes are nominated to appear on
5 the general election ballot.

6 * **Sec. 25.** AS 15.40.141, 15.40.142(b), and 15.40.150 are repealed.

7 * **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 TRANSITION; VOTER EDUCATION AS TO CHANGES MADE TO STATE
10 ELECTION SYSTEMS THROUGH ADOPTION OF A RANKED-CHOICE PRIMARY. (a)
11 For a period of not less than one full election cycle immediately following the effective date
12 of this Act, the director of elections shall, in a manner reasonably calculated to educate the
13 public, inform voters of the changes made to the state's election systems in this Act.

14 (b) In this section, "election cycle" means the 24-month period commencing on
15 January 1 of odd-numbered years and ending on December 31 of even-numbered years.