

SENATE CS FOR CS FOR HOUSE BILL NO. 257(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/7/98

Referred: Rules

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to elections, to election officials and election workers, to voter
2 registration, and to candidates for election; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 15.07.130(a) is amended to read:

5 (a) Periodically, at times of the director's choosing, but no less frequently
6 than in January [AT THE CLOSE] of each calendar year, the director [AREA
7 ELECTION SUPERVISOR] shall examine the master register maintained [BY THE
8 SUPERVISOR] under AS 15.07.120 and shall send, by nonforwardable mail to the
9 voter's registration mailing address, a notice requesting address confirmation or
10 correction to each voter

11 (1) whose mail from the division has been returned to the division
12 in the two years immediately preceding the examination of the register;

13 (2) who has not contacted the division in the two years immediately
14 preceding the examination of the register; or

(3) who has not voted or appeared to vote in the two general elections immediately preceding the examination of the register.

* **Sec. 2.** AS 15.07.130(b) is amended to read:

(b) **If** [WHEN] a registered voter has not, [INDICATED IN WRITING A DESIRE TO REMAIN REGISTERED] within the preceding four calendar years, **contacted the division** and has neither voted nor appeared to vote in a local, regional school board, primary, special, or general election during the last four calendar years **and a notice sent to the voter under (a) of this section was returned as undeliverable**, the voter shall be advised by a notice sent by forwardable mail to the voter's last known address that registration will be inactivated unless the voter responds to the notice **no later than 45** [AT LEAST 30] days **after** [BEFORE] the date of the **notice sent under this section** [NEXT PRIMARY ELECTION ON A FORM FURNISHED BY THE DIRECTOR]. The director shall maintain on the master register the name of a voter whose registration is inactivated. The director shall cancel a voter's inactive registration **in accordance with the procedures set out in 42 U.S.C. 1973gg-6 (sec. 8, National Voter Registration Act of 1993)** after the second general election that occurs after the registration becomes inactive if the voter does not **contact the division or** vote or appear to vote.

* **Sec. 3.** AS 15.07.130(d) is amended to read:

(d) The notice **sent under** [DESCRIBED IN] (b) of this section must include a postage prepaid and pre-addressed return card on which the voter may state the voter's current address. The notice must indicate

(1) that the voter should return the card not later than **45 days after the date of the notice** [30 DAYS BEFORE THE NEXT PRIMARY ELECTION] if the voter did not change residence;

(2) that **failure to** [THE VOTER MAY VOTE ONLY A QUESTIONED OR ABSENTEE BALLOT IF THE VOTER DOES NOT] return the card **by the 45-day deadline could result in removal of the voter's name from the official registration list for a subsequent election** [AT LEAST 30 DAYS BEFORE THE NEXT PRIMARY ELECTION];

(3) that the voter's registration will be cancelled if the voter does not

contact the division during, or vote or appear to vote in an election held during, the period beginning on the date of the notice and ending on the day after the last day of the fourth calendar year that occurs after the date of notice; and

(4) how the voter can continue to be eligible to vote if the voter has changed residence.

* **Sec. 4.** AS 15.07.130 is amended by adding a new subsection to read:

(f) For the purpose of this section, a voter "contacts" the division if the voter notifies the division of a change of address, responds to a notice sent under this section, signs a petition for a ballot measure, requests a new voter registration card, or otherwise communicates with the division other than to vote or register to vote.

* **Sec. 5.** AS 15.15.030 is amended by adding a new paragraph to read:

(14) Notwithstanding any other provision of this title, the director may provide for voting by use of optically scanned ballots where optical scanning equipment is available.

* **Sec. 6.** AS 15.20.071 is repealed and reenacted to read:

Sec. 15.20.071. Absentee voting by personal representative. (a) A qualified voter with a disability who, because of that disability, is unable to go to a polling place to vote may vote an absentee ballot through a personal representative.

(b) The voter must apply in writing to the following election officials, at the times specified, for an absentee ballot:

(1) to an absentee voting official on or after the 15th day before an election, up to and including the day of the election;

(2) to an election supervisor

(A) after a date announced by the director under AS 15.20.048(b); and

(B) on or after the 15th day before an election up to and including the day of the election;

(3) to an absentee voting official at an absentee voting station designated under AS 15.20.045(b) at a time when the absentee voting station is in operation; or

(4) to a member of the precinct election board on election day.

1 (c) The voter's application must include the following:

2 (1) the name and full residence address of the voter;

3 (2) a form of identification for the voter that meets the requirements
4 established by the director for absentee voting by mail under AS 15.20.081(f);

5 (3) the full name of the personal representative; and

6 (4) the voter's signature or mark.

7 (d) The election official shall issue the ballot and voter's certificate, which
8 includes the date and location from which the ballot was issued, upon

9 (1) receipt of the written application of the voter that meets the
10 requirements of (c) of this section;

11 (2) presentation of identification by the personal representative; and

12 (3) completion by the personal representative of a certification that
13 includes the personal representative's name, residence and mailing addresses, type and
14 number of identification, and signature and the name of the voter on whose behalf the
15 ballot is requested.

16 (e) The personal representative shall deliver the absentee ballot and other
17 absentee voting materials to the voter as soon as practicable. The voter shall proceed
18 to mark the ballot in secret, to place the ballot in the secrecy sleeve, and to place the
19 secrecy sleeve in the envelope provided. On the voter's certificate portion of the
20 envelope, the voter shall state the name of the personal representative who delivered
21 the absentee ballot, shall state that, because of a disability, the voter is unable to go
22 to a polling place to vote, and shall sign the voter's certificate in the presence of the
23 personal representative. The personal representative shall witness and date the
24 signature of the voter. The voter shall return the absentee ballot to the personal
25 representative by a time reasonably calculated to be necessary for the personal
26 representative to deliver the material to an election official before 8:00 p.m. on election
27 day. The personal representative shall

28 (1) deliver the ballot and voter certificate to an election official not
29 later than 8:00 p.m. on election day; and

30 (2) certify on the form requested under (d)(3) of this section the date
31 and time the voter's absentee ballot and certificate were delivered to the election

1 official.

2 (f) Notwithstanding (e) of this section, if a qualified voter's disability
3 precludes the voter from performing any of the requirements of (e) of this section, the
4 personal representative may perform those requirements on the voter's behalf, except
5 the voting decision.

6 (g) The voter's employer, an agent of the voter's employer, or an officer or
7 agent of the voter's union may not act as a personal representative for the voter. A
8 candidate for office at an election may not act as a personal representative for a voter
9 in the election.

10 * **Sec. 7.** AS 15.20.081(b) is amended to read:

11 (b) An application requesting delivery of an absentee ballot to the applicant
12 by mail must be received by the division of elections not less than seven days before
13 the election for which the absentee ballot is sought. An application for an absentee
14 ballot for a state election from a qualified voter requesting delivery of an absentee
15 ballot to the applicant by electronic transmission must be received by the division of
16 elections not later than 5:00 p.m. Alaska time on the day [LESS THAN FOUR
17 DAYS] before the election for which the absentee ballot is sought. An absentee ballot
18 application submitted by mail under this section must permit the person to register to
19 vote under AS 15.07.070 and to request an absentee ballot for each state election held
20 within that calendar year for which the voter is eligible to vote. An absentee ballot
21 application submitted by electronic transmission under this section may not include a
22 provision that permits a person to register to vote under AS 15.07.070.

23 * **Sec. 8.** AS 15.20 is amended by adding a new section to read:

24 **Article 6. Optically Scanned Voting.**

25 **Sec. 15.20.900. Optically scanned ballot tabulation.** (a) Notwithstanding
26 any other provisions of this title, the director may adopt regulations that provide
27 procedures for the tabulation of optically scanned ballots, including procedures for

28 (1) tests of the counting programs developed for each precinct tabulator
29 to ensure that the system is functioning properly;

30 (2) security for the voting and tabulation of ballots;

31 (3) the transmission and accumulation of vote totals to assure the

1 integrity of the vote counting process;

2 (4) observation by the public of the counting process in the regional
3 offices; and

4 (5) the disposition of ballots.

5 (b) The state ballot counting review board established under AS 15.10.180
6 shall test the counting programs for the tabulation of optically scanned ballots and
7 certify their accuracy in accordance with the regulations adopted under (a) of this
8 section.

9 * **Sec. 9.** AS 15.58.020 is amended to read:

10 **Sec. 15.58.020. Contents of pamphlet.** Each election pamphlet must
11 [SHALL] contain

12 (1) photographs and campaign statements submitted by eligible
13 candidates for elective office in the region;

14 (2) information and recommendations filed under AS 15.58.050 on
15 judicial officers subject to a retention election in the region;

16 (3) a map of the election district or districts of the region;

17 (4) sample ballots for election districts of the region;

18 (5) an absentee ballot application;

19 (6) for each ballot proposition submitted to the voters by initiative or
20 referendum petition or by the legislature,

21 (A) the full text of the proposition specifying constitutional or
22 statutory provisions proposed to be affected;

23 (B) the ballot title and the summary of the proposition prepared
24 by the director or by the lieutenant governor;

25 (C) a neutral summary of the proposition prepared by the
26 Legislative Affairs Agency;

27 (D) statements submitted which advocate voter approval or
28 rejection of the proposition not to exceed 500 words;

29 (7) for each bond question, a statement of the scope of each project as
30 it appears in the bond authorization;

31 (8) a maximum of two pages of material submitted by each political

1 party;

2 (9) additional information on voting procedures that the lieutenant
3 governor considers necessary;

4 (10) for the question whether a constitutional convention shall be
5 called,

6 (A) a full statement of the question placed on the ballot;

7 (B) statements not to exceed 500 words that advocate voter
8 approval or rejection of the question;

9 **(11) under AS 37.13.170, the Alaska permanent fund annual income**
10 **statement and balance sheet for the two fiscal years preceding the publication of**
11 **the election pamphlet.**

12 * Sec. 10. AS 15.58.030(a) is amended to read:

13 (a) No later than **August 30** [JULY 15] of a presidential election year,
14 candidates for the offices of the United States President and Vice-President may file
15 with the lieutenant governor photographs and statements advocating their candidacy.

16 * Sec. 11. AS 15.58.030(d) is amended to read:

17 (d) Pages on which candidates' photographs or statements appear must be
18 clearly identified with the words "**provided and** paid for by the candidate."

19 * Sec. 12. AS 15.58.030(f) is amended to read:

20 (f) A candidate's photograph must be [A] 5" x 7" **in size and must have been**
21 **[BLACK AND WHITE GLOSSY PRINT]** taken within the past five years. The
22 photograph must be limited to the head, neck, and shoulders of the candidate. **All**
23 **photographs shall be printed in black and white.**

24 * Sec. 13. AS 23.20.526(d) is amended to read:

25 (d) For the purposes of AS 23.20.525(a)(4) - (6) and (14), the term
26 "employment" does not apply to service performed

27 (1) by a duly ordained, commissioned, or licensed minister of a church
28 in the exercise of the person's ministry or by a member of a religious order in the
29 exercise of duties required by the order;

30 (2) in a facility conducted for the purpose of carrying out a program
31 of rehabilitation for individuals whose earning capacity is impaired by age or physical

1 or mental deficiency or injury or providing remunerative work for individuals who,
 2 because of their impaired physical or mental capacity, cannot be readily absorbed in
 3 the competitive labor market by an individual receiving the rehabilitation or
 4 remunerative work;

5 (3) as part of an unemployment work-relief or work-training program
 6 assisted or financed in whole or in part by any federal agency or any agency of a state
 7 or political subdivision of the state, by an individual receiving work relief or work
 8 training;

9 (4) for a state hospital by an inmate of a prison or correctional
 10 institution;

11 (5) in the employ of a school, college, or university [,] if the service
 12 is performed by a student who is enrolled and is regularly attending classes at the
 13 school, college, or university;

14 (6) by an individual under the age of 22 who is enrolled at a nonprofit
 15 or public educational institution that [WHICH] normally maintains a regular faculty
 16 and curriculum and normally has a regularly organized body of students in attendance
 17 at the place where its educational activities are carried on as a student in a full-time
 18 program, taken for credit at the institution, which combines academic instruction with
 19 work experience [,] if the service is an integral part of the program [,] and the
 20 institution has so certified to the employer, except that this paragraph does not apply
 21 to service performed in a program established for or on behalf of an employer or group
 22 of employers;

23 (7) in the employ of a hospital [,] if the service is performed by a
 24 patient of the hospital, as defined in AS 23.20.520;

25 (8) in the employ of the state or a political subdivision of the state if
 26 the service is performed by an individual in the exercise of duties

27 (A) as a "public official" as defined in AS 39.50.200(a), any
 28 other elected official, the fiscal analyst of the legislative finance division, the
 29 legislative auditor of the legislative audit division, the executive director of the
 30 Legislative Affairs Agency, and the directors of the divisions within the
 31 Legislative Affairs Agency;

(B) as a member of the Alaska Army National Guard or Alaska Air National Guard or Alaska Naval Militia; [OR]

(C) as an employee serving on only a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; or

(D) as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than \$1,000;

(9) in the employ of

(A) a church or a convention or association of churches; or

(B) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or a convention or association of churches.

* **Sec. 14.** AS 24.60.250 is repealed and reenacted to read:

Sec. 24.60.250. Effect of failure to file. In addition to the sanctions described in AS 24.60.260, if the Alaska Public Offices Commission finds that a candidate for the legislature who is an incumbent legislator has failed to file a report under AS 24.60.200 by March 15, the commission shall notify the candidate that the report is late. If the candidate fails to file the report within 30 days after it is due,

(1) the commission shall notify the lieutenant governor;

(2) the candidate shall forfeit nomination to office and may not be seated in office;

(3) the lieutenant governor may not certify the person's nomination for office or election to office; and

(4) nomination to the office shall be certified as provided in AS 39.50.060(b).

* **Sec. 15.** LEGISLATIVE FINANCIAL DISCLOSURE GRACE PERIOD RETROACTIVITY. Notwithstanding any other provision of AS 24.60.250 as it exists on the day before the effective date of this section or as it exists after amendment by sec. 14 of this Act, a candidate for the legislature who failed to file a report under AS 24.60.200 by April 15, 1998, but who filed the report by within 30 days after that date, is subject to civil penalty for late filing under AS 24.60.240 but may not be made subject to any penalty or consequence

- 1 imposed under AS 24.60.250, including forfeiture of nomination to office, denial of seating
- 2 in office, or denial of certification for office or election to office.
- 3 * **Sec. 16.** Sections 14 and 15 of this Act are retroactive to March 15, 1998.
- 4 * **Sec. 17.** This Act takes effect immediately under AS 01.10.070(c).