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STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

April 8, 2013

The Honorable Fred Dyson, Chair
Senate State Affairs Committee
State Capitol, Room, Room 121
Juneau, AK 99801

Dear Senator Dyson:

The Division of Elections (DOE) respectfully requests a hearing in the Senate State Affairs Committee on CSHB 104(2d JUD), "An Act relating to election practices and procedures; relating to the reporting of election campaign contributions and expenditures; relating to identification requirements for a communication paid for by a political party; relating to public records; relating to the election of an advisory school board in a regional educational attendance area; and providing for an effective date."

Your committee previously heard the companion bill, Senate Bill 44. The current House version of the bill has several changes from the Senate bill. I've enclosed the current bill version, a sectional analysis, fiscal notes, an explanation of changes and bill summary.

The bill is currently on today's House calendar and I anticipate passage today. I am respectfully requesting that the bill be noticed for a committee hearing pending referral.

Your favorable consideration of this request is appreciated. If you need any additional information, please contact me at 907-465-2644.

Sincerely,

A handwritten signature in blue ink, reading "Gail Fenumiai".

Gail Fenumiai
Director

cc: Heather Brakes, Legislative Director, Office of the Governor

Enclosures

CS FOR HOUSE BILL NO. 104(2d JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/8/13

Referred: Today's Calendar

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to election practices and procedures; relating to the reporting of
2 election campaign contributions and expenditures; relating to identification
3 requirements for a communication paid for by a political party; relating to public
4 records; relating to the election of an advisory school board in a regional educational
5 attendance area; and providing for an effective date."

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

7 * **Section 1.** AS 14.08.071 is amended by adding a new subsection to read:

8 (e) The lieutenant governor may provide for the election of an advisory school
9 board established under AS 14.08.115. An election conducted under this subsection
10 shall be held on the first Tuesday in October. The lieutenant governor may adopt
11 regulations governing an election conducted under this subsection.

12 * **Sec. 2.** AS 15.05.011 is amended by adding a new subsection to read:

13 (e) Notwithstanding (b)(1) of this section, a person residing outside the United

1 States may register and vote absentee if

2 (1) the parent or legal guardian of the person was domiciled in the state
3 immediately before leaving the United States; and

4 (2) the director determines that the person meets the requirements of
5 (b)(2) - (5) of this section.

6 * **Sec. 3.** AS 15.10.170 is amended to read:

7 **Sec. 15.10.170. Appointment and privileges of watchers.** The precinct party
8 committee, where an organized precinct committee exists, or the party district
9 committee where no organized precinct committee exists, or the state party
10 chairperson where neither a precinct nor a party district committee exists, may appoint
11 one or more persons as watchers in each precinct and counting center for any election.
12 Each candidate not representing a political party may appoint one or more watchers
13 for each precinct or counting center in the candidate's respective district or the state for
14 any election. Any organization or organized group that sponsors or opposes an
15 initiative, referendum, or recall may have one or more persons as watchers at the polls
16 and counting centers after first obtaining authorization from the director. A state party
17 chairperson, a precinct party committee, a party district committee, or a candidate not
18 representing a political party or organization or organized group may not have more
19 than one watcher on duty at a time in any precinct or counting center. **A watcher must**
20 **be a United States citizen.** The watcher may be present at a position inside the place
21 of voting or counting that affords a full view of all action of the election officials taken
22 from the time the polls are opened until the ballots are finally counted and the results
23 certified by the election board or the data processing review board. The election board
24 or the data processing review board may require each watcher to present written proof
25 showing appointment by the precinct party committee, the party district committee,
26 the organization or organized group, or the candidate the watcher represents that is
27 signed by the chairperson of the precinct party committee, the party district
28 committee, the state party chairperson, the organization or organized group, or the
29 candidate representing no party.

30 * **Sec. 4.** AS 15.10.170 is amended by adding a new subsection to read:

31 (b) In addition to the watchers appointed under (a) of this section, in a primary

election, special election under AS 15.40.140, or special runoff election under AS 15.40.141, each candidate may appoint one watcher in each precinct and counting center.

* **Sec. 5.** AS 15.10.180 is amended to read:

Sec. 15.10.180. Appointment of state ballot counting review board. The director shall appoint two persons from the political party of which the governor is a member and two persons from the political party that received the second largest number of votes statewide in the preceding gubernatorial election to participate in the state ballot counting review. The director may appoint additional individuals to participate in the state ballot counting review. **Appointees must be United States citizens.** Each political party may present to the director a list of three or more names from which the director shall select the persons to represent the party. The list of names may be submitted in writing at least 30 days before the date of the election. The list of names shall be certified by the state chairperson of the political party or by the person authorized by the party bylaws to act in the absence of the chairperson.

* **Sec. 6.** AS 15.13.074(c) is amended to read:

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

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

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

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

(A) after the date of the primary election if the candidate was **on the ballot and was** not nominated at the primary election; or

(B) after the date of the general election, or after the date of a

1 municipal or municipal runoff election.

2 * **Sec. 7.** AS 15.13.090(a) is amended to read:

3 (a) All communications shall be clearly identified by the words "paid for by"
4 followed by the name and address of the person paying for the communication. In
5 addition, except as provided by (d) of this section, a person shall clearly

6 (1) provide the person's address or the person's principal place of
7 business;

8 (2) for a person other than an individual or candidate, include

9 (A) the name and title of the person's principal officer;

10 (B) a statement from the principal officer approving the
11 communication; and

12 (C) **unless the person is a political party**, identification of the
13 name and city and state of residence or principal place of business, as
14 applicable, of each of the person's three largest contributors under
15 AS 15.13.040(e)(5), if any, during the 12-month period before the date of the
16 communication.

17 * **Sec. 8.** AS 15.13.090(c) is amended to read:

18 (c) To satisfy the requirements of (a)(1) of this section and, if applicable,
19 (a)(2)(C) of this section, a communication that includes a print or video component
20 must have the following statement or statements placed in the communication so as to
21 be easily discernible; **the second statement is not required if the person paying for**
22 **the communication has no contributors or is a political party**:

23 This communication was paid for by (person's name and city and state
24 of principal place of business). The top contributors of (person's name)
25 are (the name and city and state of residence or principal place of
26 business, as applicable, of the largest contributors to the person under
27 AS 15.13.090(a)(2)(C)).

28 * **Sec. 9.** AS 15.13.090(d) is amended to read:

29 (d) Notwithstanding the requirements of (a) of this section, in a
30 communication transmitted through radio or other audio media and in a
31 communication that includes an audio component, the following statements must be

1 read in a manner that is easily heard; the second statement is not required if the person
2 paying for the communication has no contributors **or is a political party:**

3 This communication was paid for by (person's name). The top
4 contributors of (person's name) are (the name of the largest contributors
5 to the person under AS 15.13.090(a)(2)(C)).

6 * **Sec. 10.** AS 15.13.110 is amended by adding a new subsection to read:

7 (j) Before the primary election, a candidate seeking nomination by petition
8 under AS 15.25.140 - 15.25.200 for the office of governor, lieutenant governor, state
9 senator, or state representative shall file the reports under (a)(1) and (2) of this section.

10 * **Sec. 11.** AS 15.13.374(f) is amended to read:

11 (f) Advisory opinion requests and advisory opinions are public records subject
12 to inspection and copying under AS 40.25, **except that if a person requesting an**
13 **advisory opinion requests that the person's name be kept confidential, the**
14 **person's name shall be kept confidential and the commission shall redact the**
15 **name of the requester from the request and from the advisory opinion before**
16 **making the request and opinion public.**

17 * **Sec. 12.** AS 15.20.045 is amended by adding a new subsection to read:

18 (c) In a municipality in which the division will not be operating an absentee
19 voting station, the director may designate the municipal clerk as an absentee voting
20 official for the limited purpose of distributing absentee ballots to qualified voters
21 under AS 15.20.061(a)(1) and qualified voters' representatives under AS 15.20.072. At
22 least 15 days before the election, the director shall supply municipal clerks designated
23 under this subsection with absentee ballots.

24 * **Sec. 13.** AS 15.20.081(c) is amended to read:

25 (c) After receipt of an application, the director shall send the absentee ballot
26 and other absentee voting material to the applicant by the most expeditious mail
27 service. However, if the application requests that an absentee ballot for a state election
28 be sent by electronic transmission, the director shall send the absentee ballot and other
29 absentee voting material to the applicant by electronic transmission. **Except as**
30 **provided in (k) of this section, the** [THE] absentee ballot and other absentee voting
31 material shall be sent as soon as they are ready for distribution. If the absentee ballot

and other absentee voting material are mailed to the applicant, the return envelope sent with the ballot and other materials shall be addressed to the election supervisor in the district in which the voter is a resident.

* **Sec. 14.** AS 15.20.081(h) is amended to read:

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

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

(2) 15th day following a general election, special runoff election, or special [THE] election, other than a special election described in (1) of this subsection.

* **Sec. 15.** AS 15.20.081 is amended by adding new subsections to read:

(k) In accordance with 42 U.S.C. 1973ff-1(a)(8)(A), if an application is received at least 45 days before an election and is from an absent uniformed services voter or an overseas voter, the director shall send an absentee ballot and other voting material to the applicant not later than 45 days before the election.

(l) If an application is received at least 45 days before an election and is from a voter who notifies the director in writing that the voter expects to be living, working, or traveling outside the United States at the time of the election or expects to be living, working, or traveling in a remote area of the state where distance, terrain, or other natural conditions deny the voter reasonable access to a polling place at the time of the election, the director shall send an absentee ballot and other voting material to the applicant not later than 45 days before the election.

* **Sec. 16.** AS 15.20.203(i) is amended to read:

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

(1) 10 days after completion of the review of ballots by the state review board for a primary election, **or for a special election under AS 15.40.140**

1 that is followed by a special runoff election;

2 (2) 60 days after certification of the results of a general election,
 3 special runoff election, or special election other than a special election described in
 4 (1) of this subsection.

5 * **Sec. 17.** AS 15.20.203(j) is amended to read:

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

10 (1) 10 days after certification of the results of a primary election, or a
 11 special election under AS 15.40.140 that is followed by a special runoff election;
 12 and

13 (2) [NOT LESS THAN] 30 days after certification of the results of a
 14 general or special election, other than a special election described in (1) of this
 15 subsection.

16 * **Sec. 18.** AS 15.20.207(i) is amended to read:

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

19 (1) 10 days after completion of the review of ballots by the state
 20 review board for a primary election, or for a special election under AS 15.40.140
 21 that is followed by a special runoff election;

22 (2) 60 days after certification of the results of a general or special
 23 election, other than a special election described in (1) of this subsection.

24 * **Sec. 19.** AS 15.20.207(k) is amended to read:

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

29 (1) 10 days after certification of the results of a primary election, or a
 30 special election under AS 15.40.140 that is followed by a special runoff election;
 31 and

(2) [NOT LESS THAN] 30 days after the certification of the results of a general or special election, other than a special election described in (1) of this subsection.

* **Sec. 20.** AS 15.20.211(d) is amended to read:

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

(1) 10 days after completion of the review of ballots by the state review board for a primary election, or for a special election under AS 15.40.140 that is followed by a special runoff election;

(2) 60 days after certification of the results of a general or special election, other than a special election described in (1) of this subsection.

* **Sec. 21.** AS 15.20.211(f) is amended to read:

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

(1) 10 days after certification of the results of a primary election, or a special election under AS 15.40.140 that is followed by a special runoff election; and

(2) [NOT LESS THAN] 30 days after the certification of the results of a general or special election, other than a special election described in (1) of this subsection.

* **Sec. 22.** AS 15.25.020 is amended to read:

Sec. 15.25.020. Date of primary. The primary election is held on the third [FOURTH] Tuesday in August of every even-numbered year.

* **Sec. 23.** AS 15.25.055 is amended to read:

Sec. 15.25.055. Removal of name from primary ballot. A candidate's name must appear on the primary election ballot unless notice of the withdrawal from the primary is received by the director at least 52 [48] days before the date of the primary election.

1 * **Sec. 24.** AS 15.25.056(a) is amended to read:

2 (a) If an unopposed incumbent candidate for renomination dies, becomes
3 disqualified from holding the office the candidate is seeking, or is certified as being
4 incapacitated between June 1 of the election year and that date which is more than 54
5 [50] days before the date of the primary election, the candidate's place on the ballot
6 may be filled by party petition. The petition shall state that the political party requests
7 the name of the proposed candidate replace that of the incumbent on the primary
8 election ballot and shall be accompanied by a declaration of candidacy from the
9 person named in the petition. The petition must be received by the director not [NO]
10 later than 14 days after the death, disqualification, or certification of incapacity of the
11 incumbent or 52 [48] days before the primary election date, whichever time is earlier.

12 * **Sec. 25.** AS 15.25.056(c) is amended to read:

13 (c) The death, disqualification, or certification of incapacity of the incumbent
14 within 52 [48] days before or on the primary election date does not affect the counting
15 and review of the ballots. If the result of the counting and review discloses that the
16 candidate, if the candidate had lived, would have been nominated, the candidate shall
17 be declared nominated. The vacancy may be filled by party petition as provided in
18 AS 15.25.110 - 15.25.130.

19 * **Sec. 26.** AS 15.25.110 is amended to read:

20 **Sec. 15.25.110. Filling vacancies by party petition.** If a candidate of a
21 political party nominated at the primary election dies, withdraws, resigns, becomes
22 disqualified from holding the office for which the candidate is nominated, or is
23 certified as being incapacitated in the manner prescribed by this section after the
24 primary election and 64 [48] days or more before the general election, the vacancy
25 may be filled by party petition. The central committee of any political party or any
26 party district committee may certify as being incapacitated any candidate nominated
27 by their respective party by presenting to the director a sworn statement made by a
28 panel of three licensed physicians, not more than two of whom may be of the same
29 political party, that the candidate is physically or mentally incapacitated to an extent
30 that would in the panel's judgment prevent the candidate from active service during
31 the term of office if elected. The director shall place the name of the person nominated

1 by party petition on the general election ballot. The name of a candidate disqualified
2 under this section may not appear on the general election ballot.

3 * **Sec. 27.** AS 15.25.120 is amended to read:

4 **Sec. 15.25.120. Requirements for party petition.** Party petitions for the
5 nomination of candidates shall state in substance that the political party desires and
6 intends to support the named candidate for the named office and requests that the
7 name of the proposed candidate be placed on the general election ballot. The petition
8 may be filed not [NO] later than 64 [48] days before the date of the general election.

9 * **Sec. 28.** AS 15.25.200 is amended to read:

10 **Sec. 15.25.200. Withdrawal of candidate's name.** If a candidate nominated
11 by petition dies or withdraws after the petition has been filed and 64 [48] days or more
12 before the general election, the director may not place the name of the candidate on
13 the general election ballot.

14 * **Sec. 29.** AS 15.35.135(b) is amended to read:

15 (b) The name of a candidate for retention for supreme court justice, judge of
16 the court of appeals, superior court judge, or district court judge must appear on the
17 general election ballot unless notice under (a) of this section of withdrawal of
18 candidacy is received by the director at least 64 [48] days before the date of the
19 general election.

20 * **Sec. 30.** AS 15.40.140 is amended to read:

21 **Sec. 15.40.140. Condition [AND TIME] of calling special election.** When a
22 vacancy occurs in the office of United States senator or United States representative,
23 the governor shall, by proclamation, call a special election under AS 15.40.142(a)
24 [TO BE HELD ON A DATE NOT LESS THAN 60, NOR MORE THAN 90, DAYS
25 AFTER THE DATE THE VACANCY OCCURS]. However, if the vacancy occurs on
26 a date that is less than 60 days before or is on or after the date of the primary election
27 in the general election year during which a candidate to fill the office is regularly
28 elected, the governor may not call a special election.

29 * **Sec. 31.** AS 15.40 is amended by adding new sections to read:

30 **Sec. 15.40.141. Condition of calling a special runoff election.** (a) If no
31 candidate in a special election called under AS 15.40.140 receives over 50 percent of

the votes cast for the office, the governor shall, by proclamation, call a special runoff election under AS 15.40.142(b).

(b) In a special runoff election called under (a) of this section, the director shall place the names of the candidates receiving the greatest number of votes and the second greatest number of votes in the special election on the special runoff election ballot.

Sec. 15.40.142. Time of calling the special election and the special runoff election. (a) Except as provided in (c) of this section, if a special election is called under AS 15.40.140, it shall be held on a date not less than 60, nor more than 90, days after the date the vacancy occurs.

(b) Except as provided in (c) of this section, a special runoff election under AS 15.40.141 shall be held on the first Tuesday that is not a state holiday occurring not less than 60 days after the special election.

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

(1) the primary election, the special election shall be held on the date of the primary election with any subsequent special runoff election under AS 15.40.141 to be held on the date of the general election; or

(2) the general election, the special election shall be held on the date of the general election with any subsequent special runoff election under AS 15.40.141 to be held on the first Tuesday that is not a state holiday occurring not less than 60 days after the special and general election.

* **Sec. 32.** AS 15.40.160 is amended to read:

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

(1) special election; and

(2) if a special runoff election is required under AS 15.40.141(a), special runoff election.

* **Sec. 33.** AS 15.40.165 is amended to read:

Sec. 15.40.165. Term of elected senator. At the special election, or, as

1 provided by AS 15.40.141, at the special runoff election, a United States senator
 2 shall be elected to fill the remainder of the unexpired term. The person elected shall
 3 take office on the date the United States Senate meets, convenes, or reconvenes
 4 following the certification of the results of the special election or special runoff
 5 election by the director.

6 * **Sec. 34.** AS 15.40.170 is amended to read:

7 **Sec. 15.40.170. Term of elected representative.** At the special election, or, as
 8 provided by AS 15.40.141, at the special runoff election, a United States
 9 representative shall be elected to fill the remainder of the unexpired term. The person
 10 elected shall take office on the date the United States house of representatives meets,
 11 convenes, or reconvenes following the certification of the results of the special
 12 election or special runoff election by the director.

13 * **Sec. 35.** AS 15.40.220 is amended to read:

14 **Sec. 15.40.220. General provisions for conduct of special election and**
 15 **special runoff election.** Unless specifically provided otherwise, all provisions
 16 regarding the conduct of the general election shall govern the conduct of the special
 17 election **and the special runoff election** of the United States senator or United States
 18 representative, including provisions concerning voter qualifications; provisions
 19 regarding the duties, powers, rights, and obligations of the director, of other election
 20 officials, and of municipalities; provision for notification of the election; provision for
 21 payment of election expenses; provisions regarding employees being allowed time
 22 from work to vote; provisions for the counting, reviewing, and certification of returns;
 23 **provision for running as, voting for, and counting ballots for, a write-in**
 24 **candidate;** provisions for the determination of the votes and of recounts, contests, and
 25 appeal; and provision for absentee voting.

26 * **Sec. 36.** AS 15.45.190 is amended to read:

27 **Sec. 15.45.190. Placing proposition on ballot.** The lieutenant governor shall
 28 direct the director to place the ballot title and proposition on the election ballot of the
 29 first statewide general, special, **special runoff,** or primary election that is held after

30 (1) the petition has been filed;

31 (2) a legislative session has convened and adjourned; and

(3) a period of 120 days has expired since the adjournment of the legislative session.

* **Sec. 37.** AS 15.45.420 is amended to read:

Sec. 15.45.420. Placing proposition on ballot. The lieutenant governor shall direct the director to place the ballot title and proposition on the election ballot for the first statewide general, special, special runoff, or primary election held more than 180 days after adjournment of the legislative session at which the act was passed.

* **Sec. 38.** AS 15.58.010 is amended to read:

Sec. 15.58.010. Election pamphlet. Before each state general election, and before each state primary, special, or special runoff election at which a ballot proposition is scheduled to appear on the ballot, the lieutenant governor shall prepare, publish, and mail at least one election pamphlet to each household identified from the official registration list. The pamphlet shall be prepared on a regional basis as determined by the lieutenant governor.

* **Sec. 39.** AS 15.58.020(b) is amended to read:

(b) Each primary, special, or special runoff election pamphlet shall contain only the information specified in (a)(6) and (a)(9) of this section for each ballot measure scheduled to appear on the primary, [OR] special, or special runoff election ballot.

* **Sec. 40.** AS 15.58.030 is amended by adding a new subsection to read:

(h) The lieutenant governor shall prepare and publish on the division's Internet website the photograph and statement of a candidate for an office designated under (a), (b), or (g) of this section. The lieutenant governor shall indicate that the photograph and statement are provided and paid for by the candidate. A photograph and a statement of a candidate that have been timely filed with the lieutenant governor shall be published on the website at least 15 days before an election at which the candidate will appear on the ballot.

* **Sec. 41.** AS 15.80.010(8) is amended to read:

(8) "federal election" means a general, special, special runoff, or primary election held solely or in part for the purpose of selecting, nominating, or electing a candidate for the office of President, Vice-President, presidential elector,

1 United States senator, or United States representative;

2 * **Sec. 42.** AS 15.80.010 is amended by adding new paragraphs to read:

3 (43) "absent uniformed services voter" has the meaning given in 42
4 U.S.C. 1973ff-6;

5 (44) "overseas voter" has the meaning given in 42 U.S.C. 1973ff-6;

6 (45) "special runoff election" means a runoff election for a United
7 States senator or United States representative held because no candidate for the office
8 received over 50 percent of the votes cast at the special election for that office.

9 * **Sec. 43.** AS 29.20.380 is amended by adding a new subsection to read:

10 (c) The municipal clerk may act as an absentee voting official under
11 AS 15.20.045(c) for the limited purpose of distributing absentee ballots to qualified
12 voters or qualified voters' representatives under AS 15.20.072 in a municipality in
13 which the division of elections will not be operating an absentee voting station.

14 * **Sec. 44.** AS 15.20.081(i) and 15.20.082 are repealed.

15 * **Sec. 45.** This Act takes effect January 1, 2014.

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STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

CSHB 104(2d JUD)

"An Act relating to election practices and procedures; relating to the reporting of election campaign contributions and expenditures; relating to identification requirements for a communication paid for by a political party; relating to public records; relating to the election of an advisory school board in a regional educational attendance area; and providing for an effective date."

Sectional Analysis

Section 1 – specifies that the division may conduct elections for advisory school boards in regional educational attendance areas and regulations may be adopted to implement this process.

Section 2 – allows a child turning 18 who resides outside the U.S. to register and vote absentee if their parent or guardian was domiciled in Alaska immediately before leaving the U.S. This section is aimed at voters who turn 18 while living abroad with their parents or guardians.

Section 3 – amends AS 15.10.170 to require poll watchers to be United States citizens.

Section 4 – amends AS 15.10.170 to allow candidates to appoint poll watchers.

Section 5 – amends AS 15.10.180 to require that state review board members be United States citizens.

Section 6- amends APOC statutes to include no-party candidates.

Sections 7 - 9 – amends APOC statutes related to identification requirements for communications paid for by a political party.

Section 10 – amends APOC statutes to require that no-party candidates file campaign related reports prior to the primary election.

Section 11 – amends AS 15.13.374(f) to provide that, upon request, the name of a person requesting an advisory opinion from the APOC is confidential and must be redacted from both the request and the opinion before the opinion is made public.

Section 12 - allows the division to designate municipal clerks to serve as absentee voting officials in municipalities where the division does not have an absentee voting station.

Section 13 - clarifies that ballots are sent to voters as soon as they are available for distribution with the exception of uniformed services and overseas voters whose ballots must be mailed 45 days prior to the election.

Section 14 - changes the receipt date for ballots postmarked from overseas to 10 days for the primary and special elections and 15 days for the general, special runoff or other special elections.

Section 15 - adds harmonizing language from federal law that ballots for uniformed services and overseas voters will be mailed 45 days prior to an election. Also adds that voters living, working, traveling outside the U.S. at election time or those living in remote areas of the state will have a ballot mailed 45 days prior to an election.

Section 16 - amends current law related to mailing of partial count and reject letters to include absentee ballots from a special election under AS 15.40.140 or special runoff election.

Section 17 - amends current law related to free access for absentee voters to check the status of their ballot to include absentee ballots from a special election under 15.40.140 or special runoff election.

Section 18 - amends current law related to mailing of partial count and reject letters to include questioned ballots from a special election under AS 15.40.140 or special runoff election.

Section 19 - amends current law related to free access for absentee voters to check the status of their ballot to include questioned ballots from a special election under 15.40.140 or special runoff election.

Section 20 - amends current law related to mailing of partial count and reject letters to include questioned ballots from a special election under AS 15.40.140 or special runoff election.

Section 21 - amends current law related to free access for absentee voters to check the status of their ballot to include questioned ballots from a special election under 15.40.140 or special runoff election.

Section 22 - changes the date of the primary election to the third Tuesday in August (currently is the fourth Tuesday in August).

Section 23 - changes the withdrawal date for primary election candidates to 52 days prior to the primary election (currently is 48 days).

Sections 24 and 25 – change the date to replace unopposed incumbent candidates to 54 days prior to the primary election (currently is 50 days) and filling of vacancy by party petition to 52 days prior to the primary election (currently is 48 days).

Sections 26 and 27 – change the date to replace a candidate nominated at the primary election to 64 days before the general election (currently is 48 days).

Section 28 – changes the withdrawal date for a candidate appearing on the general election ballot to 64 days prior to the general election (currently is 48 days).

Section 29 – changes the withdrawal date for judicial candidates to 64 days prior to the general election (currently is 48 days).

Section 30 – amends AS 15.40.140 to require a special election under a new statute (AS 15.40.142) for a vacancy in the office of US Senator or US Representative.

Section 31 – enacts two new provisions regarding special elections and special runoff elections.

The first provision provides for a special runoff election if no candidate in a special election receives over 50 percent of the votes cast in the special election to fill a vacancy in the office of US Senator or US Representative. The two candidates receiving the most votes would appear on a special runoff election ballot.

The second provision establishes the timing of special elections and special runoff elections.

Specifically, the special election for a vacancy in the office of US Senator or US Representative shall be held not less than 60 days nor more than 90 days after the date the vacancy occurs. A special runoff election shall be held on the first Tuesday that is not a state holiday occurring not less than 60 days after the special election.

If the vacancy occurs in an election year in which the candidate for the vacant office is not regularly elected and the vacancy occurs on a date not less than 60 days nor more than 90 days before the date of the primary election, the special election will be held on the date of the primary election with any subsequent special runoff election being held on the date of the general election.

If the vacancy occurs in an election year in which the candidate for the vacant office is not regularly elected and the vacancy occurs on a date not less than 60 days nor more than 90 days before the date of the general election, the special election will be held on the date of the general election with any subsequent special runoff election being held on the first Tuesday that is not a state holiday occurring not less than 60 days after the special and general election.

Section 32 – amends AS 15.40.160 to provide for the governor’s proclamation of a special election and special runoff election.

Section 33 – amends AS 15.40.165 to add a special runoff election as an election in which a US Senator may be elected to fill an unexpired term.

Section 34 – amends AS 15.40.170 to add a special runoff election as an election in which a US Representative may be elected to fill an unexpired term.

Section 35 – amends AS 15.40.220 to add a special runoff election under the general provisions governing the conduct of a special election and appears to allow for a write-in candidate in a special election for US Senator or US Representative.

Sections 36 and 37– amend current law to include special runoff elections as an election type in which ballot measures could appear.

Sections 38 and 39 – amend current law to include special runoff elections as a type of election for which a primary voter pamphlet would be produced if there was a ballot measure on the special runoff election.

Section 40 – adds a new subsection amending AS 15.58.030 to require the lieutenant governor to publish an electronic election pamphlet on the division’s internet website before each state election. Photograph and statement are provided and paid for by candidate and the information must be published at least 15 days before an election at which the candidate will appear on the ballot.

Section 41 – amends definition of federal election to include a special runoff election.

Section 42 – adds federal definitions of absentee uniformed services voters and overseas voters and defines special runoff elections.

Section 43 – allows municipal clerks to serve as absentee voting officials in municipalities where the division does not have an absentee voting station (harmonizing change to Title 29).

Section 44 –repeals the allowance of an absentee application from a uniformed services or overseas voter to be extended for two general elections (harmonize with federal law); repeals the requirement to send special absentee ballots.

Section 45 – provides for an effective of January 1, 2014.

FISCAL NOTE

STATE OF ALASKA
2013 LEGISLATIVE SESSION

Bill Version _____
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) 0983-EED-ESS-1-14-13
Title "An Act relating to election practices and procedures;
relating to the election of an advisory school board in..."
Sponsor Rules By Request of the Governor
Requester Governor
Dept. Affected Education & Early Development
Appropriation Education Support Services
Allocation School Finance & Facilities
OMB Component Number 2737

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY14 Appropriation Requested	Included in Governor's FY14 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY14	FY14	FY15	FY16	FY17	FY18	FY19
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)							
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							
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Estimated SUPPLEMENTAL (FY13) operating costs _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY14) costs _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended, or repealed? _____ Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version

Prepared by Elizabeth Nudelman, Director
Division School Finance & Facilities
Approved by Mike Hanley
Commissioner

Phone 465-8679
Date/Time 1/11/13 3:30 PM
Date 1/11/2013

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. 0 _____

Analysis

This bill addresses election practices and the election of a school advisory board in a regional educational attendance area (REAA). This fiscal note and analysis responds to section one covering the REAA election of a school advisory board, the remaining sections of the bill do not directly impact chapter 14 Education and therefore are not discussed in this analysis.

The Alaska legislature delegates to REAA school boards the authority to operate the public schools in those areas, subject to law. Both REAA school districts and municipal governments operate through a Regional School board. The election of the Regional School board is provided for in 14.08.071 (b) for the REAA and through municipal elections law for the organized school districts.

State law provides for advisory school boards in REAAs. Regional school boards shall establish advisory boards in each community and prescribe the manner of selection and organization by regulation. Regional school boards could establish advisory school boards through an election process. Current law does not provide for the division of elections to administer an election for an advisory board.

Section one of this bill allows the election process of advisory school boards to be conducted by the division of elections, and for the ability to adopt regulations governing the election process.

FISCAL NOTE

STATE OF ALASKA
2013 LEGISLATIVE SESSION

Bill Version _____
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) 0983-OOG-DOE-01-07-13 Dept. Affected OOG/Division of Election
Title "An Act relating to election practices and procedures..." Appropriation Division of Elections
Allocation Division of Elections
Sponsor Rules by Request of the Governor
Requester Governor OMB Component Number 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY14 Appropriation Requested	Included in Governor's FY14 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY14	FY14	FY15	FY16	FY17	FY18	FY19
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)							
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							
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Estimated SUPPLEMENTAL (FY13) operating costs _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY14) costs _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended, or repealed? 7/15/2014 Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version.

Prepared by Gail Fenumiai, Director
Division Division of Elections
Approved by Guy Bell

Phone 907-465-2644
Date/Time 1/7/2013 12:01 p.m.
Date 1/11/2013

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. 0 _____

Analysis

This legislation will have no proposed fiscal impact for the division. However, Section 1 of the bill will require that regulations be promulgated to define the procedures for conducting local advisory board elections.

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**STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor**

HB 104 - EXPLANATION OF CHANGES

The House State Affairs Committee passed HB104 from their committee on February 20, 2013. These are the differences between the original bill version and CSHB 104(STA).

Section 3 was added to require poll watchers to be registered voters in the state.

Section 4 was added to require members of the state review board to be registered voters in the state.

Section 5 was added to require that the name of a person requesting an advisory opinion from APOC be redacted prior to the request and opinion being made public.

Section 20 was added to require the division to publish on the division's website the photograph and candidate statement. Must be published within 15 days of the election in which the candidate will appear on the ballot.

The House Judiciary Committee passed HB 104 from their committee on April 5, 2013. These are the differences between the CSHB 104(STA) and CSHB 104(2d JUD) versions.

Section 3 was amended to require poll watchers to be US citizen

Section 4 was added to allow each candidate to appoint a poll watcher.

Section 5 was amended to require members of the state review board to be US citizens.

Section 6 was added to require that no-party (petition) candidates be required to submit campaign finance reports on the same schedule as party candidates.

Section 7 was added to change identification requirements for communications paid for by a political party.

Original section 7 from the H (STA) version was deleted. The intent of the original section 7 was to harmonize state and federal law related to the acceptance of absentee applications for ballots being sent electronically.

Section 8 was added in conjunction with Section 7.

Section 9 was added in conjunction with Section 7.

Section 10 was added in conjunction with Section 6.

Section 11 amended to allow the name of the person requesting an advisory opinion from APOC be redacted, only if requested, prior to the request and opinion being released to the public.

Section 14 was amended to allow ballots postmarked overseas shall be received up to 10 days following a state primary or special election and up to 15 days following a state general or special runoff elections.

Sections 16 - 21 were added to include special election under AS 15.40.140 and a special runoff election under AS 15.40.141.

Section 22 was amended to move the primary election from the second Tuesday in August to the third Tuesday in August.

Section 31 was added allow for a special runoff election following a special election should no candidate receive over 50 percent of the vote. It also states the conditions of calling a special runoff election and the time for calling the special election and special runoff election.

Section 32 was added to amend current law related to issuance of election proclamation to include special and special runoff elections.

Section 33 was added to amend current law related to the term of elected senator to include a special runoff election.

Section 34 was added to amend current law related to the term of elected representative to include a special runoff election.

Section 35 was added to amend current law related to general provision for conduct of special election to include special runoff election.

Section 36 was added to amend current law related to ballot initiative placement to include a special runoff election.

Section 37 was added to amend current law related to ballot referendum placement to include a special runoff election.

Section 38 was added to amend current law related to preparation of election pamphlet to include a special runoff election.

Section 39 was added to amend current law related to preparation of a primary or special election pamphlet to include a special runoff election.

Section 41 was added to amend current law related to the definition of federal election to include a special runoff election.

Section 44 was amended to delete the repeal of AS 15.20.081(h).



**STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor**

CSHB 104(2d JUD) BILL SUMMARY

The bill proposes a number of changes to the Election Code and related statutes. These changes are necessary to maximize efficiency in conducting state-run elections and to harmonize certain provisions of state and federal election law.

The bill would specify that the division of elections may conduct elections for advisory school boards in regional educational attendance areas. The division already is required to conduct elections to regional educational attendance area boards, and this change would specify that the division could—but would not be required—to do the same for local advisory boards.

The bill would allow a qualified voter residing outside the U.S. to register to vote absentee if their parent or guardian was domiciled in Alaska immediately before leaving the U.S. This provision is aimed at voters who turn eighteen while living abroad with their parents or guardians.

The bill would allow the division to designate municipal clerks to act as absentee voting officials to distribute absentee ballots to qualified voters and their representatives. This portion of the bill aims to resolve difficulties associated with finding persons to act as absentee voting officials, particularly in more rural areas of the state, by allowing municipal clerks to act in this capacity and thereby reach greater numbers of absentee voters.

The bill would also streamline several aspects of the absentee voting process. The bill would repeal the concept of the “special absentee ballot” and make official ballots for overseas and

military voters available 45 days before a federal election. All regular statewide elections also have federal offices on the ballot. Federal law requires the division to transmit ballots to military and overseas voters 45 days before an election. The purpose of the change would be to eliminate the 60-day advance “special absentee” ballot and make a single, official ballot available to all military and overseas and voters in remote areas of the state available on a timeframe consistent with federal law.

The bill would also shift the date of the primary election and associated candidacy withdrawal and petition deadlines. The bill would move the date of the primary from the fourth Tuesday in August to the third Tuesday in August of every even-numbered year. Candidates would have 52 rather than 48 days before the primary to withdraw their name from the ballot, and judges up for retention would have 64 rather than 48 days to withdraw. Similarly, deadlines governing the nomination of candidates by party petition where an unopposed incumbent dies, disqualified, or is incapacitated and for filling vacancies by party petition would expand. This area of the bill is intended to give the division of elections more time to ensure that the state is able to comply with provisions of federal law requiring the division to transmit ballots to military and overseas voters 45 days before a federal election.

The bill also proposes changes to campaign finance reporting for no-party petition candidates. It also allows for a requestor of an APOC advisory opinion to have their name redacted prior to the request and opinion being made public. The bill changes identification requirements for communications paid for by a political party.

The bill also proposes to allow for a special runoff election following a special election to fill the vacancy of a U.S. Senator or U.S. Representative if no candidate in the special election receives more than 50 percent of the vote.

Finally, the bill would harmonize state and federal law by adding definitions of “absent uniformed services voter” and “overseas voter” to the Election Code.