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STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

April 21, 2017

The Honorable Matt Claman, Chair
House Judiciary Committee
Alaska State Legislature
State Capitol, Room 118
Juneau, AK 99801

Dear Representative Claman:

At the April 14th and the April 17th, 2017 House Judiciary Committee hearings on HB 1, there were a few points or questions that the Division wanted to clarify and respond to. We understand that the bill has moved out of this committee but felt it was important to follow up for the record.

Clarifications on watchers:

Representative Eastman had questions in regard to minor parties having the right to have a poll watcher present at a precinct.

In order to be a poll watcher in a precinct to observe, a candidate must appear on that precinct's ballot whether it a statewide, state senate or state house district race. Representative Eastman discussed the scenario of the rights of a poll watcher to observe for a candidate who is part of a political group; specifically mentioning the Veteran's Party. Since the Veteran's Party, at this time, is not a political party as required under AS 15.80.008 and 15.80.010 (27), the candidate would need to file for office as a no-party candidate under the provisions of AS 15.25.140 through AS 15.25.185. In this case, AS 15.10.170 (a) allows a candidate not representing a political party to have a poll watcher present.

AS 15.10.170. Appointment and privileges of watchers. "...Each candidate not representing a political party may appoint one or more watchers for each precinct or counting center in the candidate's respective district or the state for any election..." "...The election board or the data processing review board may require each watcher to present written proof showing appointment by the precinct party committee, the party district committee, the organization or organized group, or the candidate the watcher represents that is signed by the chairperson of the precinct party committee, the party district committee, the state party chairperson, the organization or organized group, or the candidate representing no party."

During this conversation, it was mentioned that the Division allows anyone to be a poll watcher and that we do not turn anyone away regardless of statute or policy. We would like to clarify that the division requires all poll watchers to be appointed following statute AS 15.10.170.

Clarification on counting of ballots:

Committee members had questions relating to how ballots are counted or would be counted in the case of a voter moving after the 30-day voter registration deadline.

Currently, when a voter provides the division with a new residence address after the 30-day voter registration deadline, and their new address places the voter in a new district designation, the voter is not eligible to vote in either district. Since they are no longer a resident of their former district they are not eligible to vote for the candidates of this district. They also are not eligible to vote in their new district because they have not met the 30-day voter registration deadline as defined in AS 15.20.010. This is also true for questioned voting as set out in 15.20.211.

AS 15.20.010 Moving from house district just before election. A person who meets all voter qualifications except the requirement in AS 15.05.010(3) is qualified to vote by absentee ballot in the house district in which the person formerly resided if the person lived in that house district for at least 30 days immediately before changing residence, except that the person may vote only for

- (1) statewide ballot measures and questions;*
- (2) candidates for federal or statewide offices;*
- (3) candidates for the state senate if the voter's former residence and present residence are in the same senate district; and*
- (4) candidates for judicial retention if the voter's former residence and present residence are in the same judicial district.*

AS 15.20.211. Counting cross-district and certain write-in votes. (a) If a qualified voter of the state votes a ballot for a house district other than the house district in which the voter is registered, that person may vote only for

- (1) statewide ballot measures and questions;*
- (2) candidates for federal or statewide offices;*
- (3) candidates for the state senate if the voter's former residence and present residence are in the same senate district; and*
- (4) candidates for judicial retention if the voter's former residence and present residence are in the same judicial district.*

Representative LeDoux also discussed the scenario of a voter who may have requested a by-mail ballot and, upon receiving their by-mail ballot, later moves to a different district.

For clarification, when a voter completes an absentee ballot application, they are providing the division with their most current residence address used for voter registration. Prior to sending the ballot, the division updates the voter's address and the voter is issued the ballot of that address. When a voter

submits an application after the 30-day registration deadline, the division still updates their residence address, but as described above, the voter's ballot is subject to the provisions of AS 15.20.010.

Clarification on absentee and questioned process:

Chair Claman, you had some questions relating to the changing of terminology and or processes surrounding absentee and questioned voting.

Chapter 20 of Alaska Statutes Article 1 is titled "Absentee Voting". Under this title, there are four distinct methods of absentee voting offered to voters as follows:

- a. **AS 15.20.061. Absentee voting in person** allows a person to vote beginning 15 days prior to Election Day. Voters will complete an envelope containing voter registration information and the absentee official checks identification and signs as the authorized official. After the voter votes their ballot, it is placed inside the envelope. During the review process, the ballot is checked against the official Voter Registration and Election Management System (VREMS) by a bi-partisan review board to determine the voter's eligibility to vote in the election.
- b. **AS 15.20.064. Early voting** allows a person to vote beginning 15 days prior to Election Day at a voting location that has real-time access to VREMS. At the time of voting, the voter's eligibility is checked by the absentee official by verifying that the voter was registered 30-days prior to Election Day, that their residence address has not changed and, in a primary election, the voter political affiliation for ballot choice. Upon determining that a voter is eligible to vote in this manner, the voter simply signs the voter certificate, votes their ballot and it is placed in the ballot box. There is no further review of this ballot. Currently, the division has seven locations that allow for this method of voting. It is important to note that at these locations, when a voter's eligibility is questioned, that the absentee official will instruct the voter vote following the provisions of AS 15.20.061.
- c. **AS 15.20.066. Absentee voting by electronic transmission** allows a voter to vote a ballot by electronic transmission. Voters must first apply to receive a ballot under the provisions listed in AS 15.20.081.
- d. **AS 15.20.072. Special needs voting** allows a voter to have a personal representative pick up a ballot on their behalf at an absentee voting location or at a precinct.
- e. **AS 15.20.081. Absentee voting in general; applying for ballot by mail or electronic transmission** allows a voter to vote a ballot by mail. Voters must first apply to receive a ballot under this provision.

It is our understanding that Representative Tuck's goal is to change the provisions of AS 15.20.061 and AS 15.20.064 to be called simply Early Voting without effecting current processes.

In regards to the terminology of questioned voting, this method is only available on Election Day at the polls and is not an absentee voting method as per AS 15.15.198.

Clarification of current registration changes through absentee:

Representative Tuck made a comment that a voter can change their party registration using an in person absentee ballot within 10 days.

Currently, the division follows the provisions of AS 15.25.060 (b) that requires a voter to be registered with the political affiliation 30-days prior to Election Day. Even if a voter changes their affiliation after the 30-day registration deadline, their ballot choice is based upon their affiliation at the 30-day registration deadline.

What information is mandatory on voter registration forms?

Information required to register an applicant can be found in AS 15.07.060. Each applicant who requests registration or reregistration must provide: name; sex; ADL, State ID or Last 4 of SSN if issued; Alaska residence address; previous registration information if in another jurisdiction; declaration that the applicant is 18 years old or will be within 90 days and is a U.S. Citizen; date and signature; former name, if any; attest to the information provided and certify the applicant understands that falsifying information may subject them to prosecution for a misdemeanor.

Are voters who cast an absentee or questioned ballots cross checked with other states at the time of review and if I am registered to vote in Texas and in Alaska and I vote in Alaska does my ballot still count?

When a voter votes under the provisions of AS 15.20.061 (absentee in person), AS 15.20.064 (early vote), AS 15.20.072 (special needs), and AS 15.15.198 (questioned), the voter's eligibility is checked against VREMS to determine if the voter is currently registered. If the voter is currently registered, then the ballot is reviewed and/or verified accordingly and counted. If a person is not registered, based upon current law, the voter's ballot would be rejected for all statewide races and district races and the registration is processed at a later date with the exception of a presidential election. In a presidential, the voter's registration would be processed and the ballot counted for only the presidential race. Currently the attestation states that the person is not registered or has taken the necessary steps to cancel their registration in another state. At this time, there isn't a national database for the division to verify if a person is registered in another jurisdiction and the division would need to contact each individual county and/or state elections department to verify a person who is currently registering status. However, the division utilizes the ERIC program for cross-checking voter registration information with other states who also participate in ERIC.

How do I cancel my voter registration in Alaska?

A voter can call, email our office or send us a letter to cancel their registration in Alaska. Routinely, we receive cancellation notices from other states indicating that a voter is now registered in their state and wishes to cancel registration in Alaska. As mentioned above, the division also utilizes ERIC's program.

Amendment #1

This amendment would require the division to provide a space for voters to cancel their registration in other jurisdictions on all division voter registration forms. The division is seeking clarification as to how we

would handle absentee in person, special needs, questioned ballot and absentee by mail and electronic transmission applications completed in the act of voting. If a voter completes this portion of the application to cancel their registration in another state but, when reviewing the ballot it is determined that the voter is currently a qualified registered voter in Alaska, how does the division process the ballot? In some cases it could be that the voter was registered in Alaska, moved and then returned back to Alaska and is now cancelling their registration in the other state or it could be that the voter simply completes this portion but they cancelled their registration 20 years ago in the other state. Ballot count/no count decisions are based upon the 30-day registration or, as proposed in the new bill, 30-day residency requirement. By implementing the proposed amendment, there is a possibility that adding this line to the forms listed above could have an impact on the voter's eligibility to vote in an election.

If you have further questions or need additional information, please let me know.

Sincerely,



Josie Bahnke
Director

cc: House Judiciary Committee Members

Representative Chris Tuck