

HOUSE CS FOR SENATE BILL NO. 303(FIN)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 5/5/94  
Referred: Rules

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to voter eligibility, voter registration, and voter registration  
2 agencies, to the electronic transmission of absentee ballot applications and the  
3 delivery of ballots to absentee ballot applicants by electronic transmission, and  
4 enacting a definition of the term 'state election' for purposes of absentee voting;  
5 and providing for an effective date."

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

7 \* Section 1. PURPOSE. The purpose of secs. 1 - 12 and 22 - 26 of this Act is to  
8 implement 42 U.S.C. 1933gg (National Voter Registration Act of 1993) and to provide for a  
9 voter registration system that is uniform for elections in Alaska for state and federal offices.

10 \* Sec. 2. AS 15.05.020(10) is amended to read:

11 (10) The address of a voter as it appears on an official voter  
12 registration card is presumptive evidence of the person's voting residence. This [IF  
13 THE PERSON HAS CHANGED VOTING RESIDENCE, THIS] presumption is

1 negated only by the voter notifying [EXECUTING AN AFFIDAVIT ON A FORM  
2 PREPARED BY] the director in writing of a change of [SETTING OUT THE NEW]  
3 voting residence.

4 \* Sec. 3. AS 15.05.030(a) is amended to read:

5 (a) A person convicted of a crime that constitutes a felony involving moral  
6 turpitude under state or federal law may not vote in a state, federal, or [A] municipal  
7 election from the date of the conviction through the date of the unconditional discharge  
8 of the person. Upon the unconditional discharge, the person may register under  
9 AS 15.07.

10 \* Sec. 4. AS 15.07.050 is amended to read:

11 Sec. 15.07.050. REGISTRATION IN PERSON OR BY MAIL. Registration  
12 may be made in person before a registration official or through a voter registration  
13 agency, or may be made by mail.

14 \* Sec. 5. AS 15.07 is amended by adding a new section to read:

15 Sec. 15.07.055. VOTER REGISTRATION AGENCIES. (a) The following  
16 agencies are designated voter registration agencies:

- 17 (1) the Department of Public Safety, division of motor vehicles;  
18 (2) divisions of the Department of Health and Social Services that  
19 provide public assistance through the food stamp program, Medicaid program, Special  
20 Supplemental Food Program for Women, Infants, and Children (WIC), and aid to  
21 families with dependent children (AFDC) program;  
22 (3) the division of the Department of Community and Regional Affairs  
23 that is responsible for municipal and regional assistance programs; and  
24 (4) all recruitment offices of the armed forces of the United States  
25 located in Alaska.

26 (b) The director shall designate state-funded agencies that primarily provide  
27 services to persons with disabilities as voter registration agencies.

28 (c) The director may designate other state or local agencies as voter  
29 registration agencies. The director may designate a federal or nongovernmental office  
30 as a voter registration agency with the agreement of that office.

31 (d) A voter registration agency shall distribute voter registration materials,

1 assist applicants in completing voter registration forms, and accept and transmit  
2 completed voter registration forms to the director in accordance with regulations  
3 adopted by the director to comply with 42 U.S.C. 1933gg (National Voter Registration  
4 Act of 1993) and other requirements of federal law.

5 \* Sec. 6. AS 15.07.064(e) is amended to read:

6 (e) The director shall review the information contained within an application  
7 by a voter for registration. The director may not reject an application of a voter who  
8 qualifies under (d) of this section because the voter provided information in excess of  
9 that required to establish qualifications, including excess information qualifying as a  
10 mailing address. The director may consider an application for registration within a  
11 municipality or established village described in (d) of this section to comply with law  
12 based on other information contained in the application, including evidence that

13 (1) the application was made in person before a voting registrar,  
14 election judge, or absentee voting official appointed to serve in the municipality or  
15 established village;

16 (2) the application of a voter registering by mail was postmarked by  
17 the postal official in the municipality or established village, and [OR]

18 (3) [THE APPLICATION OF A VOTER REGISTERING BY MAIL  
19 WAS WITNESSED BY TWO QUALIFIED VOTERS REGISTERED TO VOTE IN  
20 THE MUNICIPALITY OR ESTABLISHED VILLAGE; AND

21 (4)] other information contained in the application does not negate the  
22 presumption of residency provided under (a) of this section.

23 \* Sec. 7. AS 15.07.070 is amended to read:

24 Sec. 15.07.070. PROCEDURE FOR REGISTRATION. (a) The director may  
25 adopt regulations under AS 44.62 ([THE] Administrative Procedure Act [(AS 44.62)])  
26 relating to the registration of voters consistent with the requirements of this section  
27 and federal law, including 42 U.S.C. 1933gg (National Voter Registration Act of  
28 1993).

29 (b) To register by mail, the director, [OR] the area election supervisor, or a  
30 voter registration agency shall furnish, [UPON REQUEST, AND] at no cost to the  
31 voter, forms prepared by the director on which the registration information required

1 under AS 15.07.060 shall be inserted by the voter, or by a person on behalf of the  
2 voter if the voter is physically incapacitated. [THE FORMS SHALL BE EXECUTED  
3 BEFORE A NOTARY PUBLIC, A COMMISSIONED OFFICER OF THE ARMED  
4 FORCES INCLUDING THE NATIONAL GUARD, A DISTRICT JUDGE OR  
5 MAGISTRATE, A UNITED STATES POSTAL OFFICIAL, OR OTHER PERSON  
6 QUALIFIED TO ADMINISTER OATHS. IF NONE OF THE OFFICIALS LISTED  
7 IN THIS SUBSECTION IS REASONABLY ACCESSIBLE, THE PERSON SHALL  
8 HAVE THE FORMS WITNESSED BY TWO PERSONS OVER THE AGE OF 18  
9 YEARS, AND, IN ADDITION, SHALL PROVIDE THE CERTIFICATION  
10 REQUIRED BY AS 09.63.020.] The director may require proof of identification of  
11 the applicant as required by regulations adopted by the director under AS 44.62 (  
12 [THE] Administrative Procedure Act [(AS 44.62)]. Upon receipt and approval of the  
13 completed registration forms the director or the election supervisor shall forward to the  
14 voter an acknowledgment in the form of a registration card, and the voter's name shall  
15 immediately be placed on the master register located in the office of the director and  
16 on the district register located in the office of the election supervisor. If the  
17 registration is denied, the voter shall immediately be informed in writing [BY  
18 CERTIFIED OR REGISTERED LETTER] that registration was denied and the reason  
19 for denial.

20 (c) The names of persons submitting completed registration forms by mail that  
21 are postmarked [RECEIVED BY THE DIRECTOR OR ELECTION SUPERVISOR]  
22 at least 30 days before the next election shall be placed on the official registration list  
23 for that election. If a registration form received by mail less than 30 days before  
24 an election does not have a legible and dated postmark, the name of the person  
25 submitting the form shall be placed on the official registration list for that election  
26 if the form was signed and dated by the person at least 30 days before the election  
27 and if the form is received by the director or election supervisor at least 25 days  
28 before the election. The name of a person submitting a completed registration form  
29 by mail that does [WAS] not meet the applicable requirements of this subsection  
30 [RECEIVED BY THE DIRECTOR OR ELECTION SUPERVISOR BEFORE THE  
31 30-DAY REQUIREMENT] may not be placed on the official registration list for that

1 [THE NEXT] election but shall be placed on the master register after that election.

2 (d) Qualified voters may register in person before a registration official or  
3 through a voter registration agency at any time throughout the year, except that a  
4 person registering within 30 days preceding an election may not vote at that election.  
5 Upon receipt and approval of the registration forms the director or the election  
6 supervisor shall forward to the voter an acknowledgment in the form of a registration  
7 card and the voter's name shall immediately be placed on the master register located  
8 in the office of the director and on the district register located in the office of the  
9 election supervisor. Names of persons registering 30 or more days before an election  
10 shall be placed on the official registration list for that election.

11 (e) [REPEALED]

12 (f) Incomplete or inaccurate registration forms may not be accepted. A person  
13 who submitted an incomplete or inaccurate [AND SHALL BE REEXECUTED.  
14 THE DATE OF] registration form may register by reexecuting and resubmitting  
15 a registration form in person or by mail. The requirements of (c) or (d) of this  
16 section apply to a [SHALL BE THE DATE OF REEXECUTION BEFORE A  
17 REGISTRATION OFFICIAL OR THE DATE THE APPLICATION IS RECEIVED  
18 BY THE DIRECTOR OR ELECTION SUPERVISOR IF THE APPLICATION FOR]  
19 registration form resubmitted under this subsection [IS BY MAIL].

20 (g) The director shall provide voter registration forms prepared under (b) of  
21 this section to voter registration agencies designated under AS 15.07.055 [THE  
22 DEPARTMENT OF PUBLIC SAFETY] for distribution to the public [UNDER  
23 AS 28.05.045].

24 \* Sec. 8. AS 15.07.090(b) is amended to read:

25 (b) A voter shall reregister if the voter's registration is cancelled [FOR  
26 FAILURE TO VOTE IN PRIOR ELECTIONS] as provided in AS 15.07.130. The  
27 reregistration is effective for the next election that occurs at least [MAY NOT BE  
28 MADE LATER THAN] 30 days after the date of reregistration [PRECEDING AN  
29 ELECTION].

30 \* Sec. 9. AS 15.07.125 is amended to read:

31 Sec. 15.07.125. OFFICIAL REGISTRATION LIST. The director shall prepare

1 an official registration list for each election consisting of the [ALL] names of (1) all  
2 voters whose registrations are not inactive; and (2) all voters whose names are  
3 required to be placed on the list by AS 15.07.070(c) or (d) [APPEARING ON THE  
4 MASTER REGISTER 30 DAYS BEFORE THE ELECTION]. A list of persons  
5 eligible to vote in each precinct at that election shall be prepared from the official  
6 registration list.

7 \* Sec. 10. AS 15.07.130 is amended to read:

8 Sec. 15.07.130. VOTER REGISTRATION LIST MAINTENANCE  
9 [ELIMINATION OF EXCESS NAMES]. (a) At the close of each calendar year the  
10 area election supervisor shall examine the register maintained by the supervisor  
11 under AS 15.07.120.

12 (b) When a registered voter [HAS NOT REREGISTERED OR] has not  
13 indicated in writing a desire to remain registered [AS PROVIDED IN THIS  
14 SUBSECTION] within the preceding two calendar years and [OR] has not voted in  
15 a local, regional school board, primary, special, or general election at least once in two  
16 consecutive calendar years, the voter shall be advised by a notice sent by forwardable  
17 mail [SENT] to the voter's last known address that registration will be inactivated  
18 [CANCELLED] unless the voter responds to the notice at least 30 [INDICATES  
19 WITHIN 90] days before the date of the next primary election on a form [FORMS]  
20 furnished by the director. The director shall maintain on the master register the  
21 name of a voter whose registration is inactivated. The director shall cancel a  
22 voter's inactive registration after the second general election that occurs after the  
23 registration becomes inactive if the voter does not vote either a questioned ballot  
24 or an absentee ballot that is counted under AS 15.15.198(b) at or before that  
25 election [A DESIRE TO REMAIN REGISTERED].

26 (c) The director shall obtain from the bureau [OFFICE] of vital statistics a  
27 certified list of all residents over 18 years of age who have died or who have been  
28 presumptively declared dead. The director shall cancel the registration of all deceased  
29 voters.

30 \* Sec. 11. AS 15.07.130 is amended by adding a new subsection to read:

31 (d) The notice described in (b) of this section must include a postage prepaid

1 and preaddressed return card on which the voter may state the voter's current address.  
2 The notice must indicate

3 (1) that the voter should return the card not later than 30 days before  
4 the next primary election if the voter did not change residence;

5 (2) that the voter may vote only a questioned or absentee ballot if the  
6 voter does not return the card at least 30 days before the next primary election;

7 (3) that the voter's registration will be cancelled if the voter does not  
8 vote in an election held during the period beginning on the date of the notice and  
9 ending on the day after the date of the second general election that occurs after the  
10 date of notice; and

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

13 \* Sec. 12. AS 15.10.105(a) is amended to read:

14 (a) The lieutenant governor shall control and supervise the division of  
15 elections. The lieutenant governor shall appoint a director of elections. The director  
16 shall act for the lieutenant governor in the supervision of central and regional election  
17 offices, the employment and training of election personnel, and the administration of  
18 all state elections as well as those municipal elections which the state is required to  
19 conduct. The director is responsible for the coordination of state responsibilities  
20 under 42 U.S.C. 1933gg (National Voter Registration Act of 1993). The director  
21 serves at the pleasure of the lieutenant governor.

22 \* Sec. 13. AS 15.15.198(b) is amended to read:

23 (b) A person whose registration is inactive [HAS BEEN CANCELLED] under  
24 AS 15.07.130(b) and who votes a questioned or absentee ballot shall have the ballot  
25 counted if

26 (1) the person was registered to vote for either of the two most recent  
27 general elections;

28 (2) the person signs under oath a statement to that effect; and

29 (3) the earlier registration is verified by the director.

30 \* Sec. 14. AS 15.20.081(a) is amended to read:

31 (a) A qualified voter may apply by mail or by electronic transmission to the

1 director for an absentee ballot. The application must [SHALL] include the address or,  
2 if the application requests delivery of an absentee ballot by electronic  
3 transmission, the telephone electronic transmission number, to which the absentee  
4 ballot is to be returned, the applicant's full Alaska residence address, and the  
5 applicant's signature. However, a person [PERSONS] residing outside the United  
6 States and applying to vote absentee in federal elections in accordance with  
7 AS 15.05.011 need not include an Alaska residence address in the application.

8 \* Sec. 15. AS 15.20.081(b) is amended to read:

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

22 \* Sec. 16. AS 15.20.081(c) is amended to read:

23 (c) After receipt of an application [BY MAIL], the director shall send the  
24 absentee ballot and other absentee voting material to the applicant by priority mail.  
25 However, if the application requests that an absentee ballot for a state election be  
26 sent by electronic transmission, the director shall send the absentee ballot and  
27 other absentee voting material to the applicant by electronic transmission. The  
28 absentee ballot and other absentee voting [THE MOST EXPEDITIOUS MAIL  
29 SERVICE. THE] material shall be sent as soon as they are ready for distribution. If  
30 the absentee ballot and other absentee voting material are mailed to the applicant,  
31 the [THE] return envelope sent with the ballot and other materials shall be addressed

1 to the election supervisor in the district in which the voter is a resident.

2 \* Sec. 17. AS 15.20.081(e) is amended to read:

3 (e) An absentee ballot must be marked on or before the date of the election.  
4 Except as provided in (h) of this section, a voter who returns the absentee ballot,  
5 whether provided to the voter by mail or by electronic transmission, shall use a  
6 mail service at least equal to first class and mail the ballot not later than the day of the  
7 election to the election supervisor for the election district in which the voter seeks to  
8 vote. Except as provided in AS 15.20.480, the ballot may not be counted unless it is  
9 received by the close of business on the 10th day after the election. If the ballot is  
10 postmarked, it must be postmarked on or before election day. After the day of the  
11 election, [NO] ballots may not [SHALL] be accepted unless received by mail.

12 \* Sec. 18. AS 15.20.081(g) is amended to read:

13 (g) The director shall maintain a record of the name of each voter to whom  
14 an absentee ballot is sent under this section [BY MAIL]. The record must list the  
15 date on which the ballot is mailed or provided by electronic transmission and the  
16 date on which the ballot is received by the election supervisor and the dates on which  
17 the ballot was executed and postmarked.

18 \* Sec. 19. AS 15.20.082 is amended by adding a new subsection to read:

19 (e) The provisions of AS 15.20.081 relating to electronic transmission absentee  
20 voting do not apply to the procedures established in this section.

21 \* Sec. 20. AS 15.20.211(b) is amended to read:

22 (b) If a voter requested an absentee ballot [BY MAIL] and the proper absentee  
23 ballot was not sent to the voter, the votes cast by the voter on the ballot received  
24 which are for write-in candidates the voter could have voted for if the voter had  
25 received and voted the proper absentee ballot shall be counted.

26 \* Sec. 21. AS 15.20 is amended by adding a new section to read:

27 Sec. 15.20.225. DEFINITION OF "STATE ELECTION." In AS 15.20.010 -  
28 15.20.225, "state election" means a primary, general, or special election a purpose of  
29 which is to

30 (1) select, nominate, or elect a governor and lieutenant governor, an  
31 acting governor, a state senator, or a state representative;

- 1 (2) select, nominate, or elect delegates to a constitutional convention;  
2 (3) approve or reject an initiative submitted under art. XI of the state  
3 constitution and AS 15.45.190 - 15.45.200 or a referendum submitted under art. XI of  
4 the state constitution and AS 15.45.420 - 15.45.440;  
5 (4) recall an official identified in (1) of this section when authorized  
6 by art. XI of the state constitution and AS 15.45.650 - 15.45.690;  
7 (5) approve or reject a proposed constitutional amendment submitted  
8 under AS 15.50; or  
9 (6) ratify or reject a state general obligation bond when authorized by  
10 AS 37.15.

11 \* Sec. 22. AS 15.60.010 is amended by adding a new paragraph to read:

12 (36) "voter registration agency" means an agency designated in or  
13 under AS 15.07.055.

14 \* Sec. 23. AS 28.05.045 is amended to read:

15 Sec. 28.05.045. VOTER REGISTRATION. The division of motor vehicles  
16 shall comply with AS 15.07.055 to serve as a voter registration agency to the  
17 extent required by state and federal law, including 42 U.S.C. 1933gg (National  
18 Voter Registration Act of 1993) and this section. A state resident, who will be 18  
19 years of age or older within 90 days, who applies in an office of the division of motor  
20 vehicles for a driver's license, identification card issued under AS 18.65.310, or  
21 vehicle registration under AS 28.10 shall at the time of application be advised by the  
22 division [DEPARTMENT] that the resident may also register to vote. The  
23 application submitted by the resident shall serve as an application for voter  
24 registration unless the resident fails to sign the voter registration portion of the  
25 application. The division of motor vehicles [DEPARTMENT] shall [USE A FORM  
26 FOR VOTER REGISTRATION PREPARED BY THE DIVISION OF ELECTIONS  
27 AND SHALL] forward completed voter registration forms to the division of  
28 elections. The division of motor vehicles [DEPARTMENT] shall prominently display  
29 notice of the right to apply for voter registration at each place that the public may  
30 apply for a driver's license, identification card, or vehicle registration.

31 \* Sec. 24. AS 44.29.020 is amended by adding a new subsection to read:

1           (b) The Department of Health and Social Services shall comply with  
2 AS 15.07.055 to serve as a voter registration agency to the extent required by state and  
3 federal law, including 42 U.S.C. 1933gg (National Voter Registration Act of 1993).

4 \* Sec. 25. AS 44.47.050 is amended by adding a new subsection to read:

5           (c) The department shall comply with AS 15.07.055 to serve as a voter  
6 registration agency to the extent required by state and federal law, including 42 U.S.C.  
7 1933gg (National Voter Registration Act of 1993).

8 \* Sec. 26. The director of the division of elections may proceed to adopt regulations to  
9 implement the changes made by this Act. The regulations take effect under AS 44.62  
10 (Administrative Procedure Act), but not before the effective date of secs. 1 - 12 and 22 - 25  
11 of this Act.

12 \* Sec. 27. Sections 13 - 21 and 26 of this Act take effect immediately under  
13 AS 01.10.070(c).