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COMMITTEE REPORT

SENATE

5/12/81

FURTHER: None

Date: FEB 3, 1982

Mr. President:

The Committee on JUDICIARY has had SB 299

elections

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 299 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

STATE OF ALASKA



POUCH V
JUNEAU, ALASKA 99811
(907) 465-3822

SENATOR TIM KELLY

283 MULDOON ROAD
STATION BOX 76
ANCHORAGE, ALASKA 99504
(907) 333-1179

TO: Senator Roday
Chair, Senate Judiciary Committee

FROM: Senator Kelly *EDK*

DATE: January 27, 1982

RE: SB 299

Attached is a letter from Patty Ann Polley, Director of Elections regarding SB 299. I would like to ask the Judiciary Committee to prepare a CS with the sections Patty Ann has indicated as vital for the upcoming elections.

Please feel free to contact me if you should have any questions on this legislation.

Thank you.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

TERRY MILLER, Lt. Gov.

OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS

POUCH AF—JUNEAU 99811

January 26, 1982

The Honorable Tim Kelly
State Senator
Pouch V
Juneau, AK 99811

Dear Senator Kelly:

As the Division of Elections seeks to complete the procedural changes for the conduct of the 1982 Primary and General Elections, consideration needs to be given to the remaining clean up of Title 15, the Election Code.

Senate Bill 299 contains sections relating to the questioning of a voter's ballot and procedures for the state ballot counting review. These sections do not currently appear in Title 15 and without enactment of a version of these sections, problems will occur during the elections. Without enactment of the section involving questioning a voter's ballot, an election board, watcher, or other citizen cannot question a voter's ballot. It is, also, vital that the sections regarding the State Ballot Counting Review Board be enacted so procedures can be in effect for the review of the results of the counting of the ballots.

In Senate Bill 299, the most important sections and their titles are:

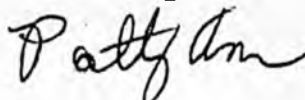
Section 5	AS 15.10.160	Appointment of Party Representatives for State Ballot Counting Review
Section 8	AS 15.15.210	Questioning of Voters of Suspect Qualification
Section 19	AS 15.20.220	Procedures for State Review

The remaining sections of Senate Bill 299 are clarifications of existing law and are not nearly as important as the above three sections.

Because Alaska is under the provisions of the Voting Rights Act, any changes enacted must be submitted to the Department of Justice for review. Without the review and approval by the Department of Justice, the changes cannot be implemented. At a very minimum, 60 days is required for review of proposed election changes by the Department of Justice. Usually 120 to 140 days are necessary for this review process to occur, therefore, I urge you to consider any election law changes at your earliest convenience.

If I may be of any assistance, please call on me.

Sincerely,

A handwritten signature in cursive script that reads "Patty Ann".

Patty Ann Polley
Director of Elections



Official Business

Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

A G E N D A

Monday, May 18, 1981 - 1:30 p.m.
Butrovich Committee Room

CALL TO ORDER

LEGISLATION BEFORE COMMITTEE:

SCR 1 Proposing an amendment to the uniform Rules of the Alaska State Legislature relating to conference committees and free conference committees.

SB 299 "An Act relating to elections."

SB 266 "An Act establishing an official policy for using neutral pronouns in Alaska Statutes; and providing for an effective date."

SCHEDULED TESTIMONY:

SCR 1 Senator Tim Kelly

SB 299 Senator Tim Kelly
Patty Ann Polley, Director
Division of Elections

ADJOURN

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for Senate Bill No. 299 (State Affairs)
 Title "An Act relating to elections"
 Requested by State Affairs Committee Date 2/3/82

II. FISCAL DETAIL

Agency Affected Office of the Governor
 Program Category Affected Division of Elections
 BRU, Program, Or Subprogram(s) Affected Division of Elections
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	- 0 -	- 0 -	- 0 -	- 0 -		

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No additional fiscal impact will occur with
 CS SB 299 (State Affairs).

IV. DATE 2/3/82

PREPARED BY

Danith D. Arnoldt
 Danith D. Arnoldt

AGENCY

Division of Elections

PHONE

586-6181

Original: Legislative Finance
 cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 3, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SB 688 - "An Act making special appropriation to the Department of Public Safety for a computerized fingerprint system; and providing for an effective date."

SB 687 - "An Act relating to the issuance of search warrants; and changing Rule 37, Rules of Criminal Procedure."

SB 299 - "An Act relating to elections."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:45 P.M. Committee members present were: Senators Rodey, Ray, Parr, and Bennett. Senator Hohman was absent.

The first item on the agenda was SB 687. Barry Stern, representing the Department of Law was called before the committee to testify. Mr. Stern expressed the Department's support for this SB 687 and suggested an amendment to this bill which would require persons who request warrants to first contact the District Attorney to avoid any warrants be inappropriately issued.

Mr. Bruce responded to Mr. Stern's suggested amendment, stating that he had spoken to several District Attorney's and they had expressed concern that by having to contact the District Attorney, it would delay the issuance of the warrant.

The committee declined to adopt Mr. Stern's amendment.

Chairman Rodey next called Mr. Korhonen, representing the State Troopers, before the committee. Mr. Korhonen testified, expressing the State Troopers support for SB 687.

Senator Ray moved that SB 687 be moved from committee with individual recommendations. There was no objection, and the bill was passed. Senator Rodey, Ray, Parr, and Bennett all signed do pass.

Senator Bennett was excused from the committee due to Finance Committee responsibilities.

The next item on the agenda was SB 688.

Chairman Rodey recalled Mr. Korhonen before the committee. Mr. Korhonen expressed the State Troopers support for SB 688 and gave a detailed explanation of the system's capabilities.

After brief discussion of the bill, Senator Ray moved that SB 688 be passed from committee with individual recommendations. There was no objection and the bill was passed. Senators Rodey, Ray, and Parr all signed do pass.

The last item before the committee was SB 299. Chairman Rodey called Patty Ann Polley, Division of Elections, to testify. She spoke in favor of three specific sections of the bill; Sec. 6, Sec. 9, and Sec. 20, and asked that the committee consider moving these three sections through the committee as expeditiously as possible to allow for them to be in effect for the 1982 election.

Senator Ray moved that the committee delete all sections from SB 299 except Sec. 6, Sec. 9, and Sec. 20. There was no objection and the amendment was adopted.

Senator Ray moved that the committee move SB 299 from committee. There was no objection and the bill was passed. Senators Rodey and Parr signed do pass. Senator Ray signed no recommendation.

Chairman Rodey adjourned the meeting at 2:30 P.M.

STATE OF ALASKA

OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS

JAY S. HAMMOND, GOVERNOR

TERRY MILLER, LT. GOV.

586-6181

POUCH AF—JUNEAU 75 311

January 26, 1982

The Honorable Patrick Rodey
State Senator
Pouch V
Juneau, AK 99811

Dear Senator Rodey:

As the Division of Elections seeks to complete the procedural changes for the conduct of the 1982 Primary and General Elections, consideration needs to be given to the remaining clean up of Title 15, the Election Code.

Senate Bill 299 contains sections relating to the questioning of a voter's ballot and procedures for the state ballot counting review. These sections do not currently appear in Title 15 and without enactment of a version of these sections, problems will occur during the elections. Without enactment of the section involving questioning a voter's ballot, an election board, watcher, or other citizen cannot question a voter's ballot. It is, also, vital that the sections regarding the State Ballot Counting Review Board be enacted so procedures can be in effect for the review of the results of the counting of the ballots.

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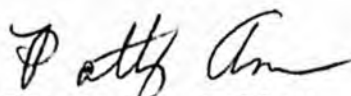
Section 6	AS 15.10.180	Appointment of Party Representatives for State Ballot Counting Review
Section 9	AS 15.15.210	Questioning of Voters of Suspect Qualification
Section 20	AS 15.20.220	Procedures for State Review

The remaining sections of Senate Bill 299 are clarifications of existing law and are not nearly as important as the above three sections.

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If I may be of any assistance, please call on me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patty Ann Polley".

Patty Ann Polley
Director of Elections

Analysis of Senate Bill 299

- Section 1. AS 15.07.070(c) is amended to clarify dating on a completed voter registration card which is mailed to the Elections Offices. The change is to make the date of registration the date as shown on the voter registration card rather than the postmark date which frequently does not appear on the envelope.
- Section 2. AS 15.07.070(f) is amended to clarify the dating as shown on a voter registration card. The controlling date is to be the date of re-execution, not a postmark date which may not appear on the envelope.
- Section 3. AS 15.07.135 is amended so the wording is consistent with that appearing in AS 15.05.030.
- Section 4. AS 15.07.140 is amended to clarify the persons who are to post lists of registered voters 40 days before an election. The change is so any election officials - registrars, or election board members - may post the list. As the statute is currently written, only a registration official can do the posting. In a small precinct a registrar may not be available to post the list but the change will allow for other officials to be assigned the task.
- Section 5. AS 15.10.180 is amended to remove the reference to "canvass". When the election bill, Ch. 100, SLA 1980, was approved, a decision was made to clarify the word "canvass" which had a dual meaning. Inadvertently, the reference for the State Ballot Counting Review was not changed; hence, this amendment makes that change. The word "canvass" was used to refer both to the review of material and to the counting of ballots.
- Section 6. AS 15.15.140(a) is amended to clarify that the materials are to be available so the voters may make their intent known as opposed to the election board or other persons acting on the behalf of voters.
- Section 7. AS 15.15.195 is amended so that the voter's name must appear on the list of registered voters. As this section is written, it seems that the voter may be allowed to vote if he or she stands or sits on the list of registered voters.
- Section 8. AS 15.15.210 is added. During the review following passage of Chapter 100, SLA 1980, it was determined that this section had been both added and deleted. The law as currently written does not allow for persons to be questioned by election boards, watchers or other persons available at the polls. This section specifies procedures for the questioning of a person's vote by the election board, watchers or other persons available at the polls.

- Section 9. AS 15.15.215 is amended to clarify that the district questioned ballot counting board is responsible for determining the merits of a questioned ballot. The law as currently written seems unclear as to whether the responsibility falls to the election supervisor or the board.
- Section 10. AS 15.15.240 is revised to clarify that an election board member or a person of the voter's choice may provide assistance to the voter. The law makes reference to an election judge as the only official who can assist the voter. Other members of the board, such as the clerk, may be better qualified to assist the voter but under current law would be unable to provide assistance.
- Section 11. AS 15.15.260 is amended to allow for any member of the election board to remove the numbered stubs from the ballot and to provide instructions to the voter. Currently, the law only allows an election judge to have this responsibility. It is more realistic that a clerk or other board member may be assigned the duty.
- Section 12. AS 15.15.300 is amended to clarify that a replacement ballot is not to be provided to a voter who improperly exhibits a ballot. The law as previously written provided no procedural instructions to follow if a ballot was unlawfully exhibited by a voter.
- Section 13. AS 15.15.330 is amended to remove the word "immediately" in reference to opening the ballot box and the counting of ballots. The election board has other responsibilities which must be completed before the ballot box is opened. Those other responsibilities include the recording of the numbers from the stubs of the unused ballots, the disposal of the unused ballots and certain other recording duties.
- Section 14. AS 15.15.360(c) is amended to provide for the procedures to be followed in the counting of hand-marked punch-card sample ballots. This would be necessary in the case where an election board or absentee voting official runs out of official punch-card ballots. A sample punch-card ballot would then be provided and would be marked with a pen or pencil. The outline of procedures for counting these ballots is, therefore, outlined in this amendment.
- Section 15. AS 15.15.420 is amended to make clear that the Director and the State Ballot Counting Review Board review the results of the counting of the ballots. As the law is written, the Board and Director must review the counting which occurs in 300 separate locations.
- Section 16. AS 15.15.430(a) is amended to make clear that the review by the State Ballot Counting Review Board and the Director is of the results of the ballot counting, not the observation of ballot counting in several hundred locations.

- Section 17. AS 15.20.071(c) is to clarify the procedure and to make it clear that an absentee ballot by personal representation must be returned to the issuing official within three days. If the ballot is not returned within the allowable time, the ballot is not to be counted. The three day time period for the return of the personal representative ballot is firm except all personal representative ballots must be returned no later than election day.
- Section 18. AS 15.20.190(a) is amended to make clear that the pay for some election officials may be different than the pay set for election board members who work on election day at the polls.
- Section 19. AS 15.20.220 is a new section which was originally included in Chapter 100, SLA 1980, but a numbering problem caused this section to be deleted. The section explains the procedure to be followed in reviewing the questioned and absentee ballot certificates and the provision for the counting of ballots received after the completion of the district review but prior to the completion of the state review.
- Section 20. AS 15.60.010(4) is amended to allow for the inclusion of all persons who serve on the election board in the definition of "election board".
- Section 21. AS 15.60.010(6) is an expansion of the definition of "election official" to include registration officials and registrars.
- Section 22. AS 15.60.010(10) revises the definition of "hand-marked ballot". By the definition the ballot must be designated a hand-marked ballot; but we feel no designation is required. The fact that a ballot is marked by hand with a pen or pencil is sufficient.

the Britons used to hold their courts, the judge sitting on the eminence; the parties, etc., on an elevated platform below. Enc.Lond.

MOOT MAN. One of those who used to argue the reader's cases in the inns of court.

MOOTA CANUM. In old English law, a pack of dogs. Cowell.

MOOTER. Marijuana is popularly known among the criminal element as "muggles," or "mooter" and addicts are commonly termed "muggle heads." State v. Navaro, 83 Utah 6, 26 P.2d 955.

MOOTING. The exercise of arguing questions of law or equity, raised for the purpose. See Moot.

MORA. Lat. In the civil law, delay; default; neglect; culpable delay or default. Calvin.

MORA. Sax. A moor; barren or unprofitable ground; marsh; a heath; a watery bog or moor. Co.Litt. 5; Fleta, 1, 2, c. 71.

MORA MUSSA. A watery or boggy moor; a morass.

MORA REPROBATUR IN LEGE. Delay is reprobated in law. Jenk.Cent. p. 51, case 97.

MORAL. Pertains to character, conduct, intention, social relations, etc. United States v. Carrollo, D.C.Mo., 30 F.Supp. 3, 6.

1. Pertaining or relating to the conscience or moral sense or to the general principles of right conduct.

2. Cognizable or enforceable only by the conscience or by the principles of right conduct, as distinguished from positive law.

3. Depending upon or resulting from probability; raising a belief or conviction in the mind independent of strict or logical proof.

4. Involving or affecting the moral sense; as in the phrase "moral insanity."

MORAL ACTIONS. Those only in which men have knowledge to guide them, and a will to choose for themselves. Ruth, Inst. lib. 1, c. 1.

MORAL CERTAINTY. That degree of assurance which induces a man of sound mind to act, without doubt, upon the conclusions to which it leads. Wills, Circ.Ev. 7. A high degree of impression of the truth of a fact, falling short of absolute certainty, but sufficient to justify a verdict of guilty, even in a capital case. Burrill, Circ.Ev. 198-200.

As explained in the Century Dictionary, it signifies a probability sufficiently strong to justify action on it. In Webster's International, the first definition given is, "a very high degree of probability, although not demonstrable, as a certainty." It has also been used as indicating a conclusion of the mind established beyond a reasonable doubt. Gray v. State, 50 Okl.Cr. 208, 38 P.2d 967.

The phrase "moral certainty" has been introduced into our jurisprudence from the publicists and metaphysicians.

very lowest presumption." Com. v. Costley, 118 Mass. 11.

MORAL CONSIDERATION. See Consideration.

MORAL DURESS. Consists in imposition, oppression, undue influence, or the taking of undue advantage of the business or financial stress or extreme necessity or weakness of another. Lafayette Dramatic Productions v. Ferentz, 305 Mich. 193, 9 N.W.2d 57, 66, 145 A.L.R. 1158.

MORAL EVIDENCE. As opposed to "mathematical" or "demonstrative" evidence, this term denotes that kind of evidence which, without developing an absolute and necessary certainty, generates a high degree of probability or persuasive force. It is founded upon analogy or induction, experience of the ordinary course of nature or the sequence of events, and the testimony of men.

MORAL FRAUD. This phrase is one of the less usual designations of "actual" or "positive" fraud or "fraud in fact," as distinguished from "constructive" fraud or "fraud in law." It means fraud which involves actual guilt, a wrongful purpose, or moral obliquity.

MORAL HAZARD. See Hazard.

MORAL INSANITY. See Insanity.

MORAL LAW. The law of conscience; the aggregate of those rules and principles of ethics which relate to right and wrong conduct and prescribe the standards to which the actions of men should conform in their dealings with each other. Moore v. Strickling, 46 W.Va. 515, 33 S.E. 274, 50 L.R.A. 279.

MORAL OBLIGATION. See Obligation.

MORAL TURPITUDE. An act of baseness, villainess, or depravity in the private and social duties which a man owes to his fellow men, or to society in general, contrary to the accepted and customary rule of right and duty between man and man. Traders & General Ins. Co. v. Russell, Tex.Civ. App., 99 S.W.2d 1079, 1084; Jordan v. De George, 341 U.S. 223, 71 S.Ct. 703, 706.

Conduct contrary to justice, honesty, modesty, or good morals. Marsh v. State Bar of California, 210 Cal. 303, 291 P. 583, 584.

MORANDÆ SOLUTIONIS CAUSA. Lat. For the purpose of delaying or postponing payment or performance.

MORATORIUM. A term designating suspension of all or of certain legal remedies against debtors, sometimes authorized by law during financial distress. Brown v. State Nat. Bank of Shawnee, 133 Okl. 173, 271 P. 833, 834. A period of permissive or obligatory delay; specifically, a period during which an obligor has a legal right to delay meeting

of his opponent and deterring

MORAVIANS. or "United Br social polity sprung up in ing of that re of St. Peter o to so many c give evidence Steph.Comm.

MORBUS SO sickness whic tending to bus

MORE COLO band-like man

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MOREOVER. more, likewise v. Cerri, 93 Ok 1917A, 486; A 168 P. 1153, 115

MORGANATI

MORGANGIN the morning a band's gift to ding. Du Car

MORGEN. A a measure of

MORGUE. A found dead are to view to the them.

MORMON. Christ of Lat. ganized in 183 Smith, and tod City, Utah.

MORON. One ceeds normally then is arreste mal child of ab N.Y. 61, 134 N.

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State of Alaska

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