

HOUSE
COMMITTEE REPORT

(11)

Date referred: 4/17/86

FURTHER REFERRALS:

DATE: 5-1-86

The FINANCE Committee has considered HB 402

"An Act relating to military and overseas voters."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 402 (JUD) same title
- new title

and recommends Individual Recommendations

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note 4-28-86
- New

SIGNING DO PASS:

Pat Fouchet

Rich Uelsh

Ronald J. Turner (with Reservations)

Mark

SIGNING OTHER RECOMMENDATIONS:

Albert Adams - NO REC.

John Condit - NO REC

Mike Summerville - DO NOT PASS - 15

Jim Duncan - DO NOT PASS

Alvin Rigg - No Recommendation

John Risher - NO REC.

Jim Coste - DO NOT PASS

Albert Adams
Chairman

Offered: 4/17/86
Referred: Finance

Original sponsors: Martin and M.W.Miller

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 402 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to absentee voting."

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

8 * Section 1. AS 15.20.081(b) is amended to read:

9 (b) An application for an absentee ballot by mail must be post-
10 marked not [MORE THAN SIX MONTHS NOR] less than 14 [SEVEN] days before
11 the election for which the absentee ballot is sought. The application
12 for an absentee ballot shall permit the person to register to vote
13 under AS 15.07.070 and to request an absentee ballot for each state
14 election held that year in which the voter is eligible to vote.

15 * Sec. 2. AS 15.20 is amended by adding a new section to read:

16 Sec. 15.20.082. ABSENTEE VOTING BY MAIL FROM OUTSIDE THE UNITED
17 STATES. (a) The director shall prepare special absentee ballots
18 under this section for use in a state primary election, a state
19 general election, and a state special election when the voter notifies
20 the director in writing that the voter expects to be living, working,
21 or traveling outside the United States at the time of the election.
22 The director shall prepare the ballot so that it may be sent to the
23 absentee voter 60 days before the date of the election. The director
24 shall list on the ballot the different races to be voted on at the
25 particular election on a statewide basis and, if the director prepares
26 the ballot without the names of candidates printed on the ballot, the
27 director shall provide the voter with information described in (c) of
28 this section.

29 (b) A special state absentee ballot prepared for use under (a)

1 of this section shall contain each judicial retention election and
2 ballot proposition or question scheduled to appear on the particular
3 ballot.

4 (c) A special state absentee ballot prepared for the state
5 general election or for a state special election shall, if the names
6 of candidates are not yet certified, permit a voter to cast a ballot
7 for all the candidates of a particular political party that expects to
8 have candidates appear on the ballot; for this purpose, the director
9 shall prepare the ballot with party boxes and a blank line for each
10 office to be voted on in that election. The voter may vote for a
11 candidate for that office by writing in the name of a person and
12 marking the box to the right of that name or the voter may mark one of
13 the party boxes. If the voter puts a mark in a party box for that
14 office, the director shall count the mark as a vote cast for the
15 candidate for that office nominated by that party. If the voter
16 writes in a name for an office, the vote shall be counted as a write-
17 in vote for that office. The director shall count the ballots under
18 AS 15.15.360. The director shall provide the voter with the names of
19 each candidate appearing on the primary election ballot and the names
20 of any candidates who have qualified by petition to appear on the
21 general election ballot.

22 (d) The director shall prepare the regular absentee ballots as
23 soon as is reasonably possible and shall send the regular absentee
24 ballot to each person receiving a special absentee ballot under this
25 section. The director shall, if the regular absentee ballot is re-
26 ceived within the time required by law, count the regular absentee
27 ballot in preference to the special absentee ballot.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CS HB 402 (JUD)
 Title : Absentee Voting

 Sponsor : Representative Martin
 Requestor : House Finance Committee
 Date of Request : 4/28/86

FISCAL DETAIL

Agency Affected : Governor's Office
 BRU : Division of Elections/Lt. Governor

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL		-0-	-0-	-0-	-0-	-0-
CONTRACTUAL		-0-	-0-	-0-	-0-	-0-
SUPPLIES		-0-	-0-	-0-	-0-	-0-
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS		-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS		-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL		-0-	-0-	-0-	-0-	-0-
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REVENUE		-0-	-0-	-0-	-0-	-0-
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FUNDING : (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS		-0-	-0-	-0-	-0-	-0-
OTHER		-0-	-0-	-0-	-0-	-0-
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME		-0-	-0-	-0-	-0-	-0-
TEMPORARY		-0-	-0-	-0-	-0-	-0-

ANALYSIS : Attach a separate page if necessary

Funds needed to print the overseas ballot and mailing costs can be absorbed in the Division's Budget.

APA

Prepared by : Representative Adams - Chairman Phone : 465-3706
 Division : House Finance Committee Date : 4/28/86

Approved by Commissioner : _____ Date : _____
 Agency : _____

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Amendment to 402 ^{Purchase}

page 1, line 21, after the word
"states" insert the following:

" and provides an overseas, APO,
or FPO address at which they
expect to be "



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

April 24, 1986

MEMORANDUM

TO: Representative Terry Martin
FROM: Carol Hart, Secretary ^{CH}
RE: Submarine Ballot

David Teal asked that I send you the attached legislation on Submarine Ballot Act.

This is contained in Suggested State Legislation, 1986, Volume 45, published by the Council of State Governments.

CH

Attachment

Submarine Ballot Act

Four to five million qualified American voters live in other countries and must often cope with complex obstacles in order to exercise their right to vote. In some cases, such as Navy personnel stationed on nuclear submarines that remain submerged for sixty to ninety days at a time, these obstacles can prevent voting entirely.

Many states are unable or unwilling to alter primary dates in order to print absentee general election ballots soon enough to accommodate overseas voters. An alternative that promotes enfranchisement is the "submarine ballot," a special ballot that can be mailed up to ninety days in advance of the election to voters who apply that early and can certify they expect not to be able to vote in the usual absentee manner. The ballot does not have all the candidates' names, only titles of offices and as many names or measures as can qualify before the printing deadline. The absentee voter marks the ballot by writing in a name or expressing a party preference for each office.

This draft bill combines 1984 Washington and Connecticut legislation and incorporates minor changes suggested by the U.S. Department of Defense's Federal Voting Assistance Program.

(Title, enacting clause, etc.)

1 Section 1. [Short Title.] This act may be cited as the Submarine Ballot Act.

1 Section 2. [Providing Absentee Ballots.]

2 (a) As provided in this section, the county election officer shall provide
3 special absentee ballots to be used for state primary or state general elec-
4 tions. A special absentee ballot shall only be provided to a voter who com-
5 pletes an application stating that:

6 (1) The voter believes that she or he will be residing or stationed or
7 working outside the continental United States.

8 (2) The voter believes that she or he will be unable to vote and return
9 a regular absentee ballot by normal mail delivery within the period provided
10 for regular absentee ballots.

1 Section 3. [Application for Absentee Ballot.]

2 (a) The application for a special absentee ballot may not be filed earlier
3 than [ninety] days prior to the applicable state primary or general election.

4 (b) The application for an overseas ballot shall be the federal application
5 permitted under [cite appropriate act] or in the form of an affidavit sub-
6 scribed and sworn to before an officer authorized to administer oaths, and
7 shall provide substantially as follows:

8 To the Town Clerk of the Town of [town, state] I, the undersigned, swear
9 that the following statements are true:

10 (1) I am a citizen of the United States.

11 (2) I have not at any time forfeited my right to become an elector and my
12 electoral privileges because of conviction of a disfranchising crime or, in the
13 event that I have so forfeited such rights and privileges, all fines in con-
14 junction with such conviction have been paid, I have been discharged from
15 any confinement, parole, or probation, as the case may be, relating to such
16 conviction and I submit written proof thereof.

17 (3) I was born on [date], and on the day of the next federal election,
18 I shall be at least eighteen years of age.

19 (4) I am a former resident of the above town, to which I am making this
20 application, and resided at [street address] therein. I moved from such town
21 to my present residence on [date]. I now reside in [town] at [street address]
22 therein.

23 (5) I have a valid passport or card of identity and registration issued
24 under the authority of the Secretary of State of the United States or alternate
25 form of identification.

26 (6) I hereby apply for an overseas ballot for the

- 27 () Primary
- 28 () General Election
- 29 () Special Election

30 to be held on [date]. I do not maintain a domicile in this state or in any other
31 state or election district of any state or territory or any territory or posses-
32 sion of the United States. I have not voted and will not vote otherwise than by
33 this ballot at such election for which I now apply for an overseas ballot.
34 I am not eligible to vote in any other town in [state] or in any other state
35 or election district of any state or territory or any territory or possession
36 of the United States.

37 (7) The said ballot is to be mailed to me at [mailing address].

38 Dated at _____ this _____ day of _____ 19_____.

39 _____ (Signature of applicant)

40 Subscribed and sworn to before me this _____ day of _____,
41 19_____

42 _____ (Signature and title of officer
43 administering oath)

44 (c) The oath to be administered in connection with any such application
45 may be administered by any officer empowered to administer oaths under
46 [cite appropriate act] or any officer empowered to administer oaths under
47 the laws of any state or country or by any commissioned officer in the armed
48 forces, or any consul, vice consul or deputy consul representing the United
49 States in a foreign country, and shall be attested to by such officer over his
50 signature and title or statement of rank. In addition, any such oath may be
51 administered and attested by any two persons, one of whom shall be an
52 American citizen, if taken in a foreign country.

1 Section 4. [Contents of Ballot.]

2 (a) The special absentee ballot shall list the titles of all offices contested
3 at such election and measures, if known, scheduled to appear on the state
4 primary or general election ballot. The voter may use the special absentee
5 ballot to write in a party preference, the name of any eligible candidate for
6 each office, and vote on any measure.

7 (b) With any special absentee ballot issued under this section, the county
8 election officer shall include a listing of any candidates who have filed be-
9 fore the time of the application for offices that will appear on the ballot
10 at that primary or election and a list of any issues that have been referred
11 to the ballot before the time of the application.

12 (c) Write-in votes on special absentee ballots shall be counted in the same
13 manner provided by law for the counting of other write-in votes. The county
14 election officer, shall process and canvass the special absentee ballots pro-
15 vided under this section in the same manner as other absentee ballots under
16 [cite appropriate act].

1 Section 5. [Validity of Ballot.] A voter who requests a special absentee
2 ballot under this act may also make application for an absentee ballot under
3 [cite appropriate act] or a service absentee ballot under [cite appropriate
4 act]. If the regular absentee or service absentee ballot is properly voted and
5 returned, the special absentee ballot shall be deemed void and the county
6 election officer shall reject it in whole when special absentee ballots are
7 canvassed.

1 Section 6. [Severability.] [Insert severability clause.]

1 Section 7. [Repealer.] [Insert repealer clause.]

1 Section 8. [Effective Date.] [Insert effective date.]

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. SHE 402 (And)
 Title: An Act relating to Military and Overseas voters

Sponsor: Martin
 Requestor: House State Affairs
 Date of Request: 2/28/86

FISCAL DETAIL

Agency Affected: Office of the Governor
 BRU: Elections

Components: Primary and General

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		5.4		1.1		1.2
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		5.4	-0-	1.1	-0-	1.2
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND		5.4	-0-	1.2	-0-	1.5
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary. The costs reflected in this fiscal note cover printing and postage of the special absentee ballot based on the number of voters anticipated to avail themselves of the program. In FY87, the one time additional costs cover modifying the existing computer system to accommodate the special ballot program.

Prepared by: Linda Edgeworth Phone: 465-4611
 Division: Elections Date: 3/6/86

Approved by Commissioner: Harry Valente for Sandra Strait Date: 3/10/86
 Agency: Division of Elections

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN JACK SPRINGS
NUNAKA VALLEY
ELMENDORF A.F.B.
CREEKSIDE
EAST ANCHORAGE



HOME
3960 REKA DRIVE-B6
ANCHORAGE, AK 99508
PHONE 333-6990

DURING SESSION
POUCH V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE 465-3783

Alaska House of Representatives

MEMORANDUM

To: Representative Al Adams, Chairman
House Finance Committee

From: Representative Terry Martin *T.M.*

Date: April 15, 1986

Subject: CS HB 402 Judiciary

"An Act relating to military and overseas voters."

Alaska's overseas and military voters need a simple process and adequate time to apply for and receive absentee ballots. This bill accomplishes both.

First, it backs up in statute procedures already established by the Division of Elections, which a) allow an absentee voter to send in one form to request absentee ballots for all state elections occurring in the following year; and, b) permit the voter to register to vote. All of these actions can be accomplished on one form, in one mailing.

Second, the bill allows a voter to request absentee ballots up to one year in advance of an election. Current law allows ballots to be requested no more than six months in advance, which means that if a voter desires an absentee ballot for both the primary and general elections, then the request can be made no more than three months before the primary, or else it will be more than six months before the general.

Third, the bill sets up a procedure so that absentee ballots can be mailed out to voters earlier, giving military and overseas voters enough time to apply for, receive and return their ballots so that their votes can be counted. As you may know, it is not unusual for overseas mail to require 15 days or more for delivery in one direction. Because of this unique circumstance, we recognize the need to provide overseas and military voters with a mechanism to receive their absentee ballots earlier than other voters.

Under existing law, it would be difficult for Division of Elections to have regular ballots ready for mailing 60 days before an election, especially a general election, since so much time is required to certify the primary election.

Therefore, HB 402 sets up a new system, similar to that used by Washington State and others.



A special absentee ballot will be prepared for each state general election. This ballot will show all ballot propositions or questions. The special ballot will contain party boxes and a blank line with a box, for each race, sort of like this:

<input type="checkbox"/>	Democrat	<input type="checkbox"/>	Republican	<input type="checkbox"/>	Libertarian
_____			<input type="checkbox"/>		

The absentee voter may then vote in one of two ways: 1) by marking one of the boxes, thereby voting for the candidate nominated by the party (the primary winner); or, 2) by writing in a candidate and checking the corresponding box. The Division of Elections will provide an enclosure with the special ballot which lists the names of all the qualified candidates that were in the primary race, as well as any candidates who qualify by petition to appear on the general election ballot.

When the regular ballots are prepared, Division of Elections will send one out to each voter who received a special absentee ballot. As this regular ballot will be complete, containing all the candidates' names, this ballot would be counted in preference to the special ballot if the regular ballot is received back in time to meet statutory deadlines. If the second ballot is not returned in time, the first (special) ballot would be counted.

The Division of Elections has given their support to this bill, and you will note that the fiscal note is minimal.

It is vital that you give careful consideration to this measure, in the interests of all Alaskan voters. I will be happy to provide additional information or to answer any questions.

Offered: 3/26/86
Referred: Judicial; and
Finance

Original sponsors: Martin and M.W.Miller

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 402 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to absentee voting."

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

8 * Section 1. AS 15.20.081(b) is amended to read:

9 (b) An application for an absentee ballot by mail must be post-
10 marked not [MORE THAN SIX MONTHS NOR] less than seven days before the
11 election for which the absentee ballot is sought. The application for
12 an absentee ballot shall permit the person to register to vote under
13 AS 15.07.070 and to request an absentee ballot for each state election
14 held that year in which the voter is eligible to vote.

15 * Sec. 2. AS 15.20 is amended by adding a new section to read:

16 Sec. 15 20.082. ABSENTEE VOTING BY MAIL FROM OUTSIDE THE UNITED
17 STATES. (a) The director shall prepare special absentee ballots
18 under this section for use in a state primary election, a state
19 general election, and a state special election when the voter notifies
20 the director in writing that the voter expects to be living, working,
21 or traveling outside the United States at the time of the election.
22 The director shall prepare the ballot so that it may be sent to the
23 absentee voter 60 days before the date of the election. The director
24 shall list on the ballot the different races to be voted on at the
25 particular election on a statewide basis and, if the director prepares
26 the ballot without the names of candidates printed on the ballot, the
27 director shall provide the voter with information described in (c) of
28 this section.

29 (b) A special state absentee ballot prepared for use under (a)

1 of this section shall contain each judicial retention election and
2 ballot proposition or question scheduled to appear on the particular
3 ballot.

4 (c) A special state absentee ballot prepared for the state
5 general election or for a state special election shall, if the names
6 of candidates are not yet certified, permit a voter to cast a ballot
7 for all the candidates of a particular political party that expects to
8 have candidates appear on the ballot; for this purpose, the director
9 shall prepare the ballot with party boxes and a blank line for each
10 office to be voted on in that election. The voter may vote for a
11 candidate for that office by writing in the name of a person and
12 marking the box to the right of that name or the voter may mark one of
13 the party boxes. If the voter puts a mark in a party box for that
14 office, the director shall count the mark as a vote cast for the
15 candidate for that office nominated by that party. If the voter
16 writes in a name for an office, the vote shall be counted as a write-
17 in vote for that office. The director shall count the ballots under
18 AS 15.15.360. The director shall provide the voter with the names of
19 each candidate appearing on the primary election ballot and the names
20 of any candidates who have qualified by petition to appear on the
21 general election ballot.

22 (d) The director shall prepare the regular absentee ballots as
23 soon as is reasonably possible and shall send the regular absentee
24 ballot to each person receiving a special absentee ballot under this
25 section. The director shall, if the regular absentee ballot is re-
26 ceived within the time required by law, count the regular absentee
27 ballot in preference to the special absentee ballot.

Introduced: 4/25/85
Referred: State Affairs,
Judiciary and Finance

1 IN THE HOUSE

BY MARTIN

2

HOUSE BILL NO. 402

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to military and overseas voters."

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

8 * Section 1. AS 15.07.070 is amended by adding a new subsection to
9 read:

10 (g) In preparing forms necessary to achieve the purposes of this
11 chapter, the director shall ensure that a form used by a voter to
12 apply for an absentee ballot also permits the person to register to
13 vote and the director may accept a single application from a person
14 that requests absentee ballots for each state election to be held that
15 year.

16 * Sec. 2. AS 15.20 is amended by adding a new section to read:

17 Sec. 15.20.082. ABSENTEE VOTING BY MAIL FROM OUTSIDE THE UNITED
18 STATES. (a) The director shall prepare special absentee ballots
19 under this section for use in a state primary election, a state
20 general election, and a state special election when the voter expects
21 to be living, working, or traveling outside the United States at the
22 time of the election and anticipates being unable to return the ballot
23 by air mail within the time otherwise required by this chapter. The
24 director shall prepare the ballot so that it may be sent to the absen-
25 tee voter 60 days before the date of the election.

26 (b) A special state absentee ballot prepared for use under (a)
27 of this section shall contain each ballot proposition or question
28 scheduled to appear on the particular ballot.

29 (c) A special state absentee ballot prepared for the state

1 general election or for a state special election shall, if the names
2 of candidates are not yet certified, permit a voter to cast a ballot
3 for all the candidates of a particular political party that expects to
4 have candidates appear on the ballot; for this purpose, the director
5 shall place the names of the candidates that have been certified in
6 columns by political party and permit the voter to cast a vote for the
7 identified and unidentified candidates of that party by marking a box
8 at the head of the column; if a mark is placed in the box at the head
9 of a column, a vote has been cast for each candidate actually nomin-
10 ated by that party on the ballot prepared for use in the district and
11 a vote cast for an individual candidate in another party may not be
12 counted. The ballot shall indicate that marking the box constitutes a
13 vote for each candidate of that party whose name appears on the offi-
14 cial ballot.

15 (d) Notwithstanding AS 15.25.070, a special absentee ballot
16 prepared for a state primary election that fails to list the name of
17 each candidate seeking nomination at the primary election shall permit
18 the absentee voter to write in the names of individual candidates and
19 the director shall count, in addition to votes cast for a candidate
20 whose name is printed on the special primary election ballot, the
21 names of individual candidates who are written in under this sub-
22 section.

23 (e) The director shall prepare the regular absentee ballots as
24 soon as is reasonably possible and shall send the regular absentee
25 ballot to each person receiving a special absentee ballot under this
26 section. The director shall, if the regular absentee ballot is re-
27 ceived within the time required by law, count the regular absentee
28 ballot in preference to the special absentee ballot.