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STATE OF ALASKA  
THE LEGISLATURE

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JUNEAU, ALASKA 99811  
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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary	4/15/86	1:30 pm
"	4/16/86	1:30 pm



Original sponsors: Ray and Kelly

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 252 (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 applications for absentee bal-  
7 lots."

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

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

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

17 \* Sec. 2. AS 15.20.071(a) is amended to read:

18 (a) A qualified voter who is physically disabled, imprisoned, or  
19 confined to an institution may vote by [APPLY FOR AN] absentee ballot  
20 through a personal representative. A personal representative may  
21 apply for an absentee ballot on behalf of a physically disabled voter  
22 or a voter imprisoned or confined to an institution to the following  
23 election officials at the times specified:

24 (1) to an absentee voting official in the election district  
25 in which the voter resides on or after the 15th day before an election  
26 up to and including the day of the election;

27 (2) to an election supervisor

28 (A) after a date announced by the director under  
29 AS 15.20.048(b); and

1 (B) on or after the 15th day before an election up to  
2 and including the date of the election;

3 (3) to an absentee voting official at an absentee voting  
4 station designated under AS 15.20.045(b) at a time when the absentee  
5 voting station is operating;

6 (4) to a member of the election board [CHAIRMAN OR HIS  
7 DESIGNEE] on election day in the precinct in which the voter is enti-  
8 tled to vote [EXCEPT THAT THE VOTER MAY NOT APPLY TO THE ELECTION  
9 BOARD CHAIRMAN IN AN AREA IN WHICH ABSENTEE VOTING OFFICIALS HAVE BEEN  
10 DESIGNATED].

11 \* Sec. 3. AS 15.20.071(b) is amended to read:

12 (b) Upon receipt of a written application and exhibition of  
13 proof of identification as required in AS 15.15.225 by the personal  
14 representative, the election official authorized to issue the absentee  
15 ballot shall provide the ballot and other absentee voting material to  
16 the personal representative [IF THE WRITTEN APPLICATION IS SIGNED BY  
17 THE APPLICANT AND IS ACCOMPANIED BY A LETTER FROM A LICENSED PHYSICIAN  
18 OR A STATEMENT SIGNED BY TWO QUALIFIED VOTERS STATING THAT THE APPLI-  
19 CANT WILL BE UNABLE TO GO TO THE POLLING PLACE BECAUSE OF PHYSICAL  
20 DISABILITY].

21 \* Sec. 4. AS 15.20.071(d) is amended to read:

22 (d) Each election official shall keep a record of the name and  
23 signature of each personal representative requesting an absentee  
24 ballot and the name of the person on whose behalf the ballot is re-  
25 quested. The election official shall record the date [AND TIME] the  
26 absentee ballot is provided and the date [TIME] the ballot is returned  
27 to the election official.

28 \* Sec. 5. AS 15.20.081(b) is amended to read:

29 (b) An application for an absentee ballot by mail must be

1 postmarked not more than six months nor less than 14 [SEVEN] days  
2 before the election for which the absentee ballot is sought. The  
3 application for an absentee ballot shall permit the person to register  
4 to vote under AS 15.07.070 and to request an absentee ballot for each  
5 state election held that year in which the voter is eligible to vote.  
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# 550

Original sponsors: Ray and Kelly

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 252 (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 15.07.070 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  
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21 or a voter imprisoned or confined to an institution to the following  
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23 (1) to an absentee voting official in the election district  
24 in which the voter resides on or after the 15th day before an election  
25 up to and including the day of the election;

26 (2) to an election supervisor

27 (A) after a date announced by the director under

28 AS 15.20.048(b); and

1 and including the date of the election;

2 (3) to an absentee voting official at an absentee voting  
3 station designated under AS 15.20.045(b) at a time when the absentee  
4 voting station is operating;

5 (4) to a member of the election board [CHAIRMAN OR HIS  
6 DESIGNEE] on election day in the precinct in which the voter is enti-  
7 tled to vote [EXCEPT THAT THE VOTER MAY NOT APPLY TO THE ELECTION  
8 BOARD CHAIRMAN IN AN AREA IN WHICH ABSENTEE VOTING OFFICIALS HAVE BEEN  
9 DESIGNATED].

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12 proof of identification as required in AS 15.15.225 by the personal  
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14 ballot shall provide the ballot and other absentee voting material to  
15 the personal representative [IF THE WRITTEN APPLICATION IS SIGNED BY  
16 THE APPLICANT AND IS ACCOMPANIED BY A LETTER FROM A LICENSED PHYSICIAN  
17 OR A STATEMENT SIGNED BY TWO QUALIFIED VOTERS STATING THAT THE APPLI-  
18 CANT WILL BE UNABLE TO GO TO THE POLLING PLACE BECAUSE OF PHYSICAL  
19 DISABILITY].

20 \* Sec. 4. AS 15.20.071(c) is amended to read:

21 (c) The personal representative shall deliver the absentee  
22 ballot to the voter as soon as practicable. Upon receipt of an absen-  
23 tee ballot through a personal representative, the voter shall proceed  
24 to mark the ballot in secret, to place the ballot in the small enve-  
25 lope, to place the small envelope in the larger envelope, and to sign  
26 the voter's certificate on [THE BACK OF] the envelope [IN THE PRESENCE  
27 OF THE PERSONAL REPRESENTATIVE WHO SHALL SIGN AS ATTESTING WITNESS AND  
28 DATE HIS SIGNATURE]. The voter must mark the ballot and sign the  
29 voter's certification not later than election day. The voter shall

1 then return the absentee ballot to the [HIS] personal representative  
2 who shall deliver the ballot to the election official who provided the  
3 ballot. The absentee ballot must be returned to the election official  
4 [WITHIN THREE DAYS FROM THE DATE IT IS OBTAINED BUT] not later than  
5 8:00 p.m. on election day. [AN ABSENTEE BALLOT THAT IS NOT RETURNED  
6 TO THE ELECTION OFFICIAL BY THE CLOSE OF BUSINESS ON THE THIRD DAY  
7 FROM THE DAY IT IS OBTAINED MAY NOT BE COUNTED BUT THE VOTER MAY VOTE  
8 IN THE ELECTION.]

9 \* Sec. 5. AS 15.20.071(d) is amended to read:

10 (d) Each election official shall keep a record of the name and  
11 signature of each personal representative requesting an absentee  
12 ballot and the name of the person on whose behalf the ballot is re-  
13 quested. The election official shall record the date [AND TIME] the  
14 absentee ballot is provided and the date [TIME] the ballot is returned  
15 to the election official.

16 \* Sec. 6. AS 15.20.081(b) is amended to read:

17 (b) An application for an absentee ballot by mail must be post-  
18 marked not more than six months nor less than 14 [SEVEN] days before  
19 the election for which the absentee ballot is sought.  
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STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: April 4, 1985

REQUEST

Bill/resolution No.: CSSB 252  
 Title: An act relating to absentee ballot applications  
 Sponsor: Ray, Kelly  
 Requestor: Senate State Affairs  
 Date of Request: 4/4/85

FISCAL DETAIL

Agency Affected: Office of the Governor  
 Program Category Affected: Division of Elections  
 BRU, Program or Subprogram(s) Affected: Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FI 85	FI 86	FI 87	FI 88	FI 89	FI 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	-0-	2.5	-0-	-0-	-0-	-0-
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	2.5	-0-	-0-	-0-	-0-
<b>CAPITAL</b>					-0-	
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND	2.5				
FEDERAL FUNDS					
OTHER					
<b>TOTAL</b>					

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: Attach a separate page if necessary

This fiscal note reflects the estimated one-time costs incurred in the initial printing of a revised absentee ballot application. The quantity to be produced in the initial printing is 40,000.

Prepared By: [Signature] Phone: 465-4611  
 Division: Division of Elections Date: 4/4/85

Approved by Commissioner: [Signature] Date: 4/4/85  
 Agency: Office of the Governor

Distribution (by Agency preparing fiscal note):

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

7/1/84

SB 252

MEASURE HISTORY

PAGE 01 OF 02

CSSB 252 FIN

AN ACT RELATING TO APPLICATIONS FOR ABSENTEE BALLOTS.

PRIME SPONSOR: RAY

CO-SPONSORS: KELLY

\$2,500 GENERAL(FNOTE)

\$000 OTHER(FNOTE)

CURRENT STATUS: (H) JUD

DATE		PAGE	ACTION
03/22/85	(S)	613	READ THE FIRST TIME - REFERRAL(S)
04/08/85	(S)	731	SA RPT CS 4DP NEW TITLE
04/08/85	(S)	731	FISCAL NOTE SS#28
04/08/85	(S)	731	FIN REFERRAL ADDED
04/26/85	(S)	940	FIN RPT CS 4DP NEW TITLE
04/29/85	(S)	964	RLS RPT CALENDAR TODAY
04/29/85	(S)	966	READ THE SECOND TIME
04/29/85	(S)	966	FIN CS ADOPTED UNAN CONSENT
04/29/85	(S)	966	ADVANCED TO THIRD READING UNAN CONSENT
04/29/85	(S)	966	READ THE THIRD TIME CSSB 252 FIN

SB 252

MEASURE HISTORY

PAGE 02 OF 02

DATE		PAGE	ACTION
04/29/85	(S)	967	PASSED Y19 N1 A1
04/29/85	(S)	971	TRANSMITTED TO (L)
04/30/85	(H)	1179	READ THE FIRST TIME - REFERRAL(S) JUDICIARY FINANCE RULES

SECTIONAL ANALYSIS FOR CS FOR SENATE BILL 252 (Fin)

An Act relating to applications for absentee

Section 1

Would require the Division of Elections to revise the absentee ballot application to incorporate information which would allow the Division to also register the requestor to vote.

Section 2 (Added in Senate Finance CS)

Requests for absentee ballot applications would have to be postmarked at least 14 days before the election instead of the current 7 days.

There is Division of Elections fiscal note for one time \$2,500 cost associated with the reprinting of absentee ballot applications.

**OFFICE OF THE GOVERNOR**

PHONE: (907) 586-6181

RECOMMENDED ADDITION TO  
SENATE BILL 252

Submitted by  
Division of Elections  
April 25, 1985

Congress recently passed House Joint Resolution 1250 relating to voting accessibility for the elderly and handicapped. The Act was signed into law by the President on September 28, 1984. Public Law 98-435, under Section 5 of the Act reads:

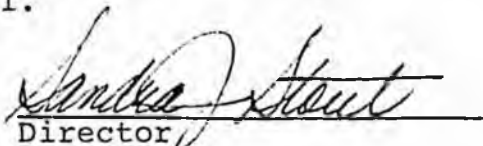
(2) (b) No notarization or medical certification shall be required of a handicapped voter with respect to an absentee ballot or an application for such a ballot...

The amendment proposed below seeks to revise an existing statute in the Alaska Election Code which if not amended will be inconsistent with this new Federal law which takes effect December 31, 1985.

Sec. 15.20.071(4) (b) is amended to read:

(b) Upon receipt of a written application by personal representative, the election official authorized to issue the absentee ballot shall provide the ballot and other absentee voting material to the personal representative if the written application is signed by the applicant [AND IS ACCOMPANIED BY A LETTER FROM A LICENSED PHYSICIAN OR A STATEMENT SIGNED BY TWO QUALIFIED VOTERS STATING THAT THE APPLICANT WILL BE UNABLE TO GO TO THE POLLING PLACE BECAUSE OF PHYSICAL DISABILITY].

We appreciate the consideration of the sponsor and the committee in reviewing this proposal.

  
Director



FEDERAL VOTING ASSISTANCE PROGRAM  
OFFICE OF THE SECRETARY OF DEFENSE  
WASHINGTON, D.C. 20301

March 3, 1986

SB252

The Honorable Mike Miller  
House State Affairs Committee  
State Capitol  
Juneau, Alaska 99811

Dear Mr. Miller:

This office administers the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975. These statutes deal with the absentee voting rights of military personnel, their dependents and U.S. citizens overseas.

State legislatures have supported changes in their absentee voting laws to make it easier for military personnel and overseas citizens to vote absentee. Over the last four years tremendous progress has been made in achieving this goal. Particularly encouraging is the recent change in Alaska procedure in 1985, which allows the FPCA to serve as a simultaneous request for absentee ballot and registration if certain information is included.

Our survey of military and overseas citizens conducted after the 1984 Presidential election, indicates that the problem of mail ballot transit time continues to be a major barrier to successful absentee voting by military and overseas voters. Nearly sixteen percent of Alaska voters were unsuccessful because they did not receive their absentee ballot or received it too late to return it in time to be counted. We would appreciate your consideration and support to eliminate this problem and the remaining problem areas this session so that military and overseas voters will have a better opportunity to vote in November 1986. The legislative initiatives are listed in priority order.

Surveys of international and U.S. military postal services indicate a need for forty-five days transit time for absentee ballots sent through international mail or military overseas post offices to allow timely return of such ballots to local election officials. This transit time is necessary due to the remoteness of many military personnel and American citizens overseas. Alaska permits the counting of absentee ballots received as late as fifteen days after the election. Ballots are mailed anywhere from fifteen to thirty days prior to the election. While the outer limit affords adequate mailing time the fifteen day mailing is insufficient. We urge you to address this problem this session.

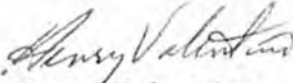
We also note Alaska has a specified period during which requests for absentee ballots may be received by the Director, Division of Elections. The "not earlier than" limitation causes considerable problems for these persons. Frequently, voting programs are held on military bases and various other locations during an election year encouraging persons to submit

registration and/or absentee ballot applications. On other occasions a candidate may address a large gathering of personnel to encourage them to register and vote. A voter motivated by these sessions will usually send an application at that time. In some cases, the application is returned to the voter because it was received too early. This can be very discouraging to first time voters. We recommend the "not earlier than" acceptance date be eliminated.

We also recommend Alaska provide for voting by military and other persons overseas who, due to military contingencies or special circumstances such as submariners, Peace Corps volunteers, or missionaries, will be out of communication for an extended period and cannot receive and return the normal absentee ballots within the regular mailing time. These voters could request a blank ballot ninety days in advance and write in the names of the candidates or party preferences. California, Connecticut, Georgia, Maine, Oregon and Washington have adopted such a ballot. (Sample enclosed)

Your support of these initiatives will improve the absentee voting process for military and overseas citizens. Please let me know if we may be of further assistance. You may contact my office at (202) 695-0663 for further information.

Sincerely,

  
Henry Valentino  
Director

Enclosure

21-2-381.1. Procedures for voting with special write-in absentee ballot by qualified absentee electors.

(a) Notwithstanding any other provisions of this chapter, a qualified absentee elector, as defined in Code Section 21-2-380, may apply not earlier than 90 days before an election for a special write-in absentee ballot. This ballot shall be for presidential electors and United States senator or representative in Congress.

(b) The application for a special write-in absentee ballot may be made on the federal post card application form or on a form prescribed by the Secretary of State.

(c) In order to qualify for a special write-in absentee ballot, the voter must state that he or she is unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas or extremely remote areas of the world. This statement may be made on the federal post card application or on a form prepared by the Secretary of State and supplied and returned with the special write-in absentee ballot.

(d) Upon receipt of said application, the superintendent shall issue the special write-in absentee ballot which shall be prescribed and provided by the Secretary of State. Such ballot shall permit the elector to vote by writing in a party preference for each office, the names of specific candidates for each office, or the name of the person whom the voter prefers for each office. (Code 1981, § 21-2-381.1, enacted by Ca. L. 1984, p. 1, § 12.)



COPY M. MILLER (House Jud)  
SB 252 - more backup

FEDERAL VOTING ASSISTANCE PROGRAM  
OFFICE OF THE SECRETARY OF DEFENSE  
WASHINGTON, D.C. 20301

March 3, 1986

The Honorable Bill Ray  
Senate State Affairs Committee  
State Capitol  
Juneau, Alaska 99811

Dear Senator Ray:

This office administers the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975. These statutes deal with the absentee voting rights of military personnel, their dependents and U.S. citizens overseas.

State legislatures have supported changes in their absentee voting laws to make it easier for military personnel and overseas citizens to vote absentee. Over the last four years tremendous progress has been made in achieving this goal. Particularly encouraging is the recent change in Alaska procedure in 1985, which allows the FPCA to serve as a simultaneous request for absentee ballot and registration if certain information is included.

Our survey of military and overseas citizens conducted after the 1984 Presidential election, indicates that the problem of mail ballot transit time continues to be a major barrier to successful absentee voting by military and overseas voters. Nearly sixteen percent of Alaska voters were unsuccessful because they did not receive their absentee ballot or received it too late to return it in time to be counted. We would appreciate your consideration and support to eliminate this problem and the remaining problem areas this session so that military and overseas voters will have a better opportunity to vote in November 1986. The legislative initiatives are listed in priority order.

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We also note Alaska has a specified period during which requests for absentee ballots may be received by the Director, Division of Elections. The "not earlier than" limitation causes considerable problems for these persons. Frequently, voting programs are held on military bases and various other locations during an election year encouraging persons to submit

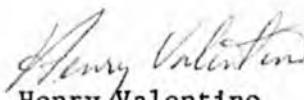
request for all elections in a calendar year would eliminate the voter's confusion and decrease the administrative burden on the voter and election officials.

Current West Virginia law provides that the Federal Post Card Application (FPCA) and all other forms used to register, and the affidavit on the ballot return envelope must be sworn to before a commissioned officer or other person authorized to administer oaths. The notary requirement creates a problem for those individuals living overseas where such services are difficult and expensive if not impossible to obtain. Some voters have paid \$50 to obtain notarial services if they were fortunate to find such services. In many countries there are no provisions for notaries in their system of jurisprudence. In some small military installations, there may be no commissioned officer assigned. We recommend removal of the notary requirement on all forms listed above. If necessary a self-administered oath similar to the one on the current FPCA could be used.

We also recommend West Virginia provide for voting by military and other persons overseas who, due to military contingencies or special circumstances such as submariners, Peace Corps volunteers or missionaries, will be "out of communication" for an extended period and cannot receive the normal absentee ballots within a reasonable forty-five day transit time. In this case, a blank ballot could be made available ninety days before the election whereby the voter could write in the name of the candidate or party preferences. California, Connecticut, Georgia, Maine, Oregon and Washington have adopted such a ballot. (Sample enclosed)

Your support of these initiatives will improve the absentee voting process for military and overseas citizens. Please let me know if we may be of further assistance. You may contact my office at (202) 695-0663 for further information.

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