

HB

293

STATE OF ALASKA THE LEGISLATURE

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POUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
707-465-3800

May, 1988

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

Mary Van Nimwegen

H. JUD.	2-23-88	1:30p.m.
H. JUD.	2-22-88	1:30p.m.

HOUSE COMMITTEE REPORT

(7)

Date referred: 5/7/87

FURTHER REFERRALS: Finance

DATE: Feb 23, 1988

The Judiciary Committee has considered HB 293

"An Act relatig to elections."

RECOMMENDS:

- replace with CS HB 293 (JUL) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published 5/7/87
- zero with analysis

SIGNING TO PASS:

SIGNING OTHER RECOMMENDATIONS:

Chairman's signature

Original sponsors: Pourchot, Ulmer
and Boucher

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 293 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to elections; and providing for an
7 effective date."

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

9 * Section 1. AS 15.07.090(a) is amended to read:

10 (a) A voter whose name is changed by marriage or court order may
11 vote under the previous name, but a [IF THE] voter who desires to use
12 a [THE] new name shall vote a questioned ballot [, HE OR SHE SHALL
13 NOTIFY THE DIRECTOR NOT LATER THAN 30 DAYS PRECEDING AN ELECTION SO
14 THAT THE REGISTRATION MAY BE AMENDED TO REFLECT THE CHANGE].

15 * Sec. 2. AS 15.10.020 is amended by adding a new subsection to read:

16 (b) Whenever possible, the director shall send written notice of
17 any change in a precinct boundary or polling place to each affected
18 registered voter in the precinct not less than 7 nor more than 30 days
19 before the next state election.

20 * Sec. 3. AS 15.15.030(10) is amended to read:

21 (10) A [SEPARATE] nonpartisan [JUDICIAL] ballot shall be
22 designed for each judicial district in which a justice or judge is
23 seeking retention in office [TO SUCCEED HIMSELF]. The ballot shall be
24 divided into four parts and each part shall bear a heading indicating
25 the court to which the candidate is seeking approval. Within each
26 part the question of whether the justice or judge shall be approved or
27 rejected shall be set out in substantially the following manner: (A)
28 "Shall be retained as justice of the supreme court for
29 10 years?"; (B) "Shall be retained as judge of the

1 court of appeals for eight years?"; (C) "Shall be re-
2 tained as judge of the superior court for six years?"; or (D) "Shall .
3 be retained as judge of the district court for four
4 years?" Provision shall be made for marking each question "Yes" or
5 "No."

6 * Sec. 4. AS 15.20.071(a) is amended to read:

7 (a) A qualified voter who is physically disabled, imprisoned, or
8 confined to an institution may vote by [APPLY FOR AN] absentee ballot
9 through a personal representative. A personal representative may
10 apply for absentee ballots on behalf of physically disabled voters or
11 voters imprisoned or confined to an institution to the following
12 election officials at the times specified:

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

16 (2) to an election supervisor

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

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

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

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

29 * Sec. 5. AS 15.20.071(b) is amended to read:

1 (b) Upon receipt of a written application and proof of identi-
2 fication from a [BY] personal representative, the election official
3 authorized to issue the absentee ballots under (a) of this section
4 [BALLOT] shall provide the ballots [BALLOT] and other absentee voting
5 material to the personal representative [IF THE WRITTEN APPLICATION IS
6 SIGNED BY THE APPLICANT AND IS ACCOMPANIED BY A LETTER FROM A LICENSED
7 PHYSICIAN OR A STATEMENT SIGNED BY TWO QUALIFIED VOTERS STATING THAT
8 THE APPLICANT WILL BE UNABLE TO GO TO THE POLLING PLACE BECAUSE OF
9 PHYSICAL DISABILITY].

10 * Sec. 6. AS 15.20.071(c) is amended to read:

11 (c) The personal representative shall deliver the application
12 for an absentee ballot to the voter as soon as practicable. On the
13 completion and receipt of the application for an absentee ballot, the
14 personal representative shall deliver an absentee ballot to the voter.
15 The [UPON RECEIPT OF AN ABSENTEE BALLOT THROUGH A PERSONAL REPRESENTA-
16 TIVE, THE] voter shall proceed to mark the ballot in secret, to place
17 the ballot in the small envelope, to place the small envelope in the
18 larger envelope, and to sign the voter's certificate on the envelope
19 in the presence of the personal representative who shall witness and
20 date the signature of the voter. The voter must complete the applica-
21 tion for the absentee ballot, mark the ballot, and sign the voter's
22 certification not later than election day. The voter shall then
23 return the application and the absentee ballot to the personal rep-
24 resentative who shall deliver the ballot to the election official who
25 provided the ballot. The application and the absentee ballot must be
26 returned to the election official not later than 3:00 p.m. on election
27 day.

28 * Sec. 7. AS 15.20.071(d) is amended to read:

29 (d) Each election official shall keep a record of the name and

1 signature of each personal representative requesting an absentee
2 ballot and the name of the person on whose behalf the ballot is re-
3 quested. The election official shall record the date [AND TIME] the
4 absentee ballot is provided and the date [TIME] the ballot is returned
5 to the election official.

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

7 (b) An application for an absentee ballot by mail must be re-
8 ceived by the division of elections [POSTMARKED] not less than four
9 [TEN] days before the election for which the absentee ballot is
10 sought. The absentee ballot application shall permit the person to
11 register to vote under AS 15.07.070 and to request an absentee ballot
12 for each state election held within that calendar year for which the
13 voter is eligible to vote.

14 * Sec. 9. AS 15.20.220(b) is amended to read:

15 (b) The state review board shall review and count absentee
16 ballots under AS 15.20.081(e) and (h) and questioned ballots that have
17 been forwarded to the director and that have not been reviewed or
18 counted by a district counting board. [ABSENTEE AND QUESTIONED BALLOTS
19 NOT RECEIVED IN THE OFFICE OF THE DIRECTOR BY 4:00 P.M. ON THE 15TH
20 DAY FOLLOWING THE ELECTION MAY NOT BE COUNTED IN THE REVIEW.]

21 * Sec. 10. AS 15.20.480 is amended to read:

22 Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the re-
23 count, the director shall review all ballots whether the ballots were
24 counted at the precinct or by computer or by the district absentee
25 counting board or the questioned ballot counting board to determine
26 which ballots, or part of ballots, were properly marked and which
27 ballots are to be counted in the recount, and shall check the accuracy
28 of the original count, the precinct certificate and the review. The
29 director shall check the number of ballots and questioned ballots cast

1 in a precinct against the registers and shall check absentee ballots
2 voted against absentee ballots distributed. [THE DIRECTOR SHALL COUNT
3 ABSENTEE BALLOTS RECEIVED AFTER CLOSE OF BUSINESS ON THE 15TH DAY
4 FOLLOWING THE ELECTION AND BEFORE THE COMPLETION OF THE RECOUNT.] For
5 administrative purposes, the director may join and include two or more
6 applications in a single review and count of votes. The rules in
7 AS 15.15.360 governing the counting of hand- marked ballots and the
8 rules in AS 15.20.730 governing the counting of punch-card ballots
9 shall be followed in the recount. The ballots and other election
10 material shall remain in the custody of the director during the re-
11 count and the highest degree of care shall be exercised to protect the
12 ballots against alteration or mutilation. The recount shall be com-
13 pleted within 10 days. The director may employ additional personnel
14 necessary to assist in the recount.

15 * Sec. 11. AS 15.20.730(b) is amended to read:

16 (b) The computer shall be programmed to count ballots as fol-
17 lows:

18 (1) a vote may be counted only if the punch is clearly
19 spaced in the square [DESIGNATED BY A PLUS SIGN] following the name of
20 the candidate the voter desires to select;

21 (2) if there is only one [PLUS-MARKED] square marked for a
22 team whose names are on separate lines, such as president and vice-
23 president or governor and lieutenant governor, a punch in the square
24 or elsewhere in the rectangle following the names shall be counted for
25 that team;

26 (3) a failure to properly punch a ballot card as to one or
27 more candidates does not itself invalidate the entire ballot;

28 (4) if a voter punches fewer names than there are persons
29 to be elected to the office, a vote shall be counted for each

1 candidate properly marked;

2 (5) if a voter punches more names than there are persons to
3 be elected to the office, the votes for candidates to that office
4 shall not be counted;

5 (6) improper marks on the ballots shall not be counted and
6 shall not invalidate punches for candidates properly made;

7 (7) an erasure or correction invalidates only that section
8 of the ballot in which it appears;

9 (8) a vote marked for the candidate for President of the
10 United States is considered and counted as a vote for the election of
11 presidential electors.

12 * Sec. 12. AS 15.25.055 is amended to read:

13 Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candi-
14 date's name will appear on the primary election ballot unless notice
15 of the [HIS] withdrawal from the primary is received by the director
16 at least 54 [40] days before the date of the primary election.

17 * Sec. 13. AS 15.25.110 is amended to read:

18 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a
19 candidate nominated at the primary election dies, withdraws, resigns,
20 becomes disqualified from holding the office for which the candidate
21 [HE] is nominated, or is certified as being incapacitated in the
22 manner prescribed by this section after the primary election and 54
23 [40] days or more before the general election, the vacancy may be
24 filled by party petition. The central committee of any political
25 party or any party district committee may certify as being incapaci-
26 tated any candidate nominated by their respective party by presenting
27 to the director a sworn statement made by a panel of three licensed
28 physicians, not more than two of whom may [SHALL] be of the same
29 political party, that the candidate is physically or mentally

1 incapacitated to an extent that would [IN HIS JUDGMENT] prevent the
2 candidate from active service during the term of office if elected.
3 The director shall place the name of the person nominated by party
4 petition on the general election ballot. The name of a candidate
5 disqualified under this section may [SHALL] not appear on the general
6 election ballot.

7 * Sec. 14. AS 15.35.050 is amended to read:

8 Sec. 15.35.050. PLACING NAME OF SUPREME COURT JUSTICE ON BALLOT.
9 The director shall place the name of a supreme court justice who has
10 properly filed a declaration of candidacy for retention on the [JUDI-
11 CIAL] ballot in each judicial district of the state for the general
12 election at which approval is sought.

13 * Sec. 15. AS 15.35.059 is amended to read:

14 Sec. 15.35.059. PLACING NAME OF JUDGE OF THE COURT OF APPEALS ON
15 BALLOT. The director shall place the name of a judge of the court of
16 appeals who has properly filed a declaration of candidacy for reten-
17 tion on the [JUDICIAL] ballot in each judicial district of the state
18 for the general election at which approval is sought.

19 * Sec. 16. AS 15.35.090 is amended to read:

20 Sec. 15.35.090. PLACING NAME OF SUPERIOR COURT JUDGE ON BALLOT.
21 The director shall place the name of a superior court judge who has
22 properly filed a declaration of candidacy for retention on the [JUDI-
23 CIAL] ballot in the judicial district designated in the [HIS] declara-
24 tion of candidacy for the general election at which approval is
25 sought.

26 * Sec. 17. AS 15.35.130 is amended to read:

27 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The
28 director shall place the name of a district judge who has properly
29 filed a declaration of candidacy for retention on the [JUDICIAL]

1 ballot in the judicial district designated in the [HIS] declaration of
2 candidacy for the general election at which approval is sought.

3 * Sec. 18. This Act takes effect immediately under AS 01.10.070(c).
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Offered: 5/7/87
Referred: Judiciary and
Finance

5-0762B

*12% of voters
in absentia
18% of those voters*

Original sponsors: Pourchot and Ulmer

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 293 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

new title

6 For an Act entitled: "An Act relating to elections."

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

8 * Section 1. AS 15.07.090(a) is amended to read:

9 (a) A voter whose name is changed by marriage or court order may
10 vote under the previous name, but a [IF THE] voter who desires to use
11 a [THE] new name shall vote a questioned ballot [, HE OR SHE SHALL
12 NOTIFY THE DIRECTOR NOT LATER THAN 30 DAYS PRECEDING AN ELECTION SO
13 THAT THE REGISTRATION MAY BE AMENDED TO REFLECT THE CHANGE].

14 * Sec. 2. AS 15.15.030(10) is amended to read:

15 (10) A [SEPARATE] nonpartisan [JUDICIAL] ballot shall be
16 designed for each judicial district in which a justice or judge is
17 seeking retention in office [TO SUCCEED HIMSELF]. The ballot shall be
18 divided into four parts and each part shall bear a heading indicating
19 the court to which the candidate is seeking approval. Within each
20 part the question of whether the justice or judge shall be approved or
21 rejected shall be set out in substantially the following manner: (A)
22 "Shall be retained as justice of the supreme court for
23 10 years?"; (B) "Shall be retained as judge of the
24 court of appeals for eight years?"; (C) "Shall be re-
25 tained as judge of the superior court for six years?"; or (D) "Shall .
26 be retained as judge of the district court for four
27 years?" Provision shall be made for marking each question "Yes" or
28 "No."

29 * Sec. 3. AS 15.20.071(a) is amended to read:

1 (a) A qualified voter who is physically disabled, imprisoned, or
2 confined to an institution may vote by [APPLY FOR AN] absentee ballot
3 through a personal representative. A personal representative may
4 apply for absentee ballots on behalf of physically disabled voters or
5 voters imprisoned or confined to an institution to the following
6 election officials at the times specified:

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

10 (2) to an election supervisor

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

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

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

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

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

24 (b) Upon receipt of a written application and proof of identi-
25 fication from a [BY] personal representative, the election official
26 authorized to issue the absentee ballots under (a) of this section
27 [BALLOT] shall provide the ballots [BALLOT] and other absentee voting
28 material to the personal representative [IF THE WRITTEN APPLICATION IS
29 SIGNED BY THE APPLICANT AND IS ACCOMPANIED BY A LETTER FROM A LICENSED

1 PHYSICIAN OR A STATEMENT SIGNED BY TWO QUALIFIED VOTERS STATING THAT
2 THE APPLICANT WILL BE UNABLE TO GO TO THE POLLING PLACE BECAUSE OF
3 PHYSICAL DISABILITY].

4 * Sec. 5. AS 15.20.071(c) is amended to read:

5 (c) The personal representative shall deliver the application
6 for an absentee ballot to the voter as soon as practicable. On the
7 completion and receipt of the application for an absentee ballot, the
8 personal representative shall deliver an absentee ballot to the voter.
9 The [UPON RECEIPT OF AN ABSENTEE BALLOT THROUGH A PERSONAL REPRESENTA-
10 TIVE, THE] voter shall proceed to mark the ballot in secret, to place
11 the ballot in the small envelope, to place the small envelope in the
12 larger envelope, and to sign the voter's certificate on the envelope
13 in the presence of the personal representative who shall witness and
14 date the signature of the voter. The voter must complete the applica-
15 tion for the absentee ballot, mark the ballot, and sign the voter's
16 certification not later than election day. The voter shall then
17 return the application and the absentee ballot to the personal rep-
18 resentative who shall deliver the ballot to the election official who
19 provided the ballot. The application and the absentee ballot must be
20 returned to the election official not later than 8:00 p.m. on election
21 day.

22 * Sec. 6. AS 15.20.480 is amended to read:

23 Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the re-
24 count, the director shall review all ballots whether the ballots were
25 counted at the precinct or by computer or by the district absentee
26 counting board or the questioned ballot counting board to determine
27 which ballots, or part of ballots, were properly marked and which
28 ballots are to be counted in the recount, and shall check the accuracy
29 of the original count, the precinct certificate and the review. The

1 director shall check the number of ballots and questioned ballots cast
2 in a precinct against the registers and shall check absentee ballots
3 voted against absentee ballots distributed. [THE DIRECTOR SHALL COUNT
4 ABSENTEE BALLOTS RECEIVED AFTER CLOSE OF BUSINESS ON THE 15TH DAY
5 FOLLOWING THE ELECTION AND BEFORE THE COMPLETION OF THE RECOUNT.] For
6 administrative purposes, the director may join and include two or more
7 applications in a single review and count of votes. The rules in
8 AS 15.15.360 governing the counting of hand- marked ballots and the
9 rules in AS 15.20.730 governing the counting of punch-card ballots
10 shall be followed in the recount. The ballots and other election
11 material shall remain in the custody of the director during the re-
12 count and the highest degree of care shall be exercised to protect the
13 ballots against alteration or mutilation. The recount shall be com-
14 pleted within 10 days. The director may employ additional personnel
15 necessary to assist in the recount.

16 * Sec. 7. AS 15.20.730(b) is amended to read:

17 (b) The computer shall be programmed to count ballots as fol-
18 lows:

19 (1) a vote may be counted only if the punch is clearly
20 spaced in the square [DESIGNATED BY A PLUS SIGN] following the name of
21 the candidate the voter desires to select;

22 (2) if there is only one [PLUS-MARKED] square marked for a
23 team whose names are on separate lines, such as president and vice-
24 president or governor and lieutenant governor, a punch in the square
25 or elsewhere in the rectangle following the names shall be counted for
26 that team;

27 (3) a failure to properly punch a ballot card as to one or
28 more candidates does not itself invalidate the entire ballot;

29 (4) if a voter punches fewer names than there are persons

1 to be elected to the office, a vote shall be counted for each candi-
2 date properly marked;

3 (5) if a voter punches more names than there are persons to
4 be elected to the office, the votes for candidates to that office
5 shall not be counted;

6 (6) improper marks on the ballots shall not be counted and
7 shall not invalidate punches for candidates properly made;

8 (7) an erasure or correction invalidates only that section
9 of the ballot in which it appears;

10 (8) a vote marked for the candidate for President of the
11 United States is considered and counted as a vote for the election of
12 presidential electors.

13 * Sec. 8. AS 15.25.055 is amended to read:

14 Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candi-
15 date's name will appear on the primary election ballot unless notice
16 of the [HIS] withdrawal from the primary is received by the director
17 at least 54 [40] days before the date of the primary election. *issue*

18 * Sec. 9. AS 15.25.110 is amended to read:

19 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a
20 candidate nominated at the primary election dies, withdraws, resigns,
21 becomes disqualified from holding the office for which the candidate
22 [HE] is nominated, or is certified as being incapacitated in the
23 manner prescribed by this section after the primary election and 54
24 [40] days or more before the general election, the vacancy may be
25 filled by party petition. The central committee of any political
26 party or any party district committee may certify as being incapaci-
27 tated any candidate nominated by their respective party by presenting
28 to the director a sworn statement made by a panel of three licensed
29 physicians, not more than two of whom may [SHALL] be of the same

1 political party, that the candidate is physically or mentally in-
2 capacitated to an extent that would [IN HIS JUDGMENT] prevent the
3 candidate from active service during the term of office if elected.
4 The director shall place the name of the person nominated by party
5 petition on the general election ballot. The name of a candidate
6 disqualified under this section may [SHALL] not appear on the general
7 election ballot.

8 * Sec. 10. AS 15.35.050 is amended to read:

9 Sec. 15.35.050. PLACING NAME OF SUPREME COURT JUSTICE ON BALLOT.

10 The director shall place the name of a supreme court justice who has
11 properly filed a declaration of candidacy for retention on the [JUDI-
12 CIAL] ballot in each judicial district of the state for the general
13 election at which approval is sought.

14 * Sec. 11. AS 15.35.059 is amended to read:

15 Sec. 15.35.059. PLACING NAME OF JUDGE OF THE COURT OF APPEALS ON
16 BALLOT. The director shall place the name of a judge of the court of
17 appeals who has properly filed a declaration of candidacy for reten-
18 tion on the [JUDICIAL] ballot in each judicial district of the state
19 for the general election at which approval is sought.

20 * Sec. 12. AS 15.35.090 is amended to read:

21 Sec. 15.35.090. PLACING NAME OF SUPERIOR COURT JUDGE ON BALLOT.

22 The director shall place the name of a superior court judge who has
23 properly filed a declaration of candidacy for retention on the [JUDI-
24 CIAL] ballot in the judicial district designated in the [HIS] declara-
25 tion of candidacy for the general election at which approval is
26 sought.

27 * Sec. 13. AS 15.35.130 is amended to read:

28 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The

29 director shall place the name of a district judge who has properly

1 filed a declaration of candidacy for retention on the [JUDICIAL]
2 ballot in the judicial district designated in the [HIS] declaration of
3 candidacy for the general election at which approval is sought.

Immediate effective date

A M E N D M E N T

Offered in the HOUSE

By Gruenberg and Donley

TO: CSHB 293 (State Affairs)

Page 1, after line 13:

Insert a new bill section to read:

"* Sec. 2. AS 15.10.020 is amended by adding a new subsection to read:

(b) Whenever possible, the director shall send written notice of any change in a precinct boundary or polling place to each registered voter in the precinct between 7 and 30 days before the next state election."

RECOMMENDED CONFORMING AMENDMENT
FOR SPONSOR OR COMMITTEE SUBSTITUTE
HB 293

Division of Elections
May 4, 1987

The following amendment to be inserted after line 22 is recommended to assure that paragraphs (b) and (c) of AS 15.20.071 conform with the intent prescribed by the amendment to paragraph (a). As it stands, paragraph (b) requires that the personal representative be issued ballots for the voter if the written application has already been signed by the voter. It is the intent of this bill to reduce the number of separate trips the personal representative must make in order to assist the disabled or confined voter in voting. In addition, it is recommended that paragraph (b) be further amended to eliminate language regarding a signed statement from a physician or two qualified voters stating that the voter is unable to vote at the polling place because of physical disability. The requirement is prohibited under federal law.

AMENDMENT:

(b) Upon receipt of a written application by the personal representative, the election official authorized to issue the absentee ballot shall provide the ballot and other absentee voting material, including an application for absentee ballot to be completed by the voter, 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].

(c) The personal representative shall deliver the voter's application for an absentee ballot and the ballot to

the voter as soon as practicable. Upon receipt of the application and an absentee ballot through a personal representative, the voter shall proceed to complete and sign the application and to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the envelope in the presence of the personal representative who shall witness and date the signature of the voter. The voter must mark the ballot and sign the voter's certificate and application not later than election day. The voter shall then return the application and the absentee ballot to the personal representative who shall deliver the ballot to the election official who provided the ballot. The absentee ballot must be returned to the election official not later than 8:00 p.m. on election day.

Adopted

5-5762Bb
Bradley

A M E N D M E N T #1

Offered in the HOUSE

By Gruenberg

TO: CSHB 293(State Affairs)

Page 1, line 6, after "elections":

Insert "; and providing for an effective date"

Page 7, after line 3:

Insert a new bill section to read:

"* Sec. 14. This Act takes effect immediately under AS 01.10.070(c)."

Adopted

A M E N D M E N T #2

Offered in the HOUSE

By Gruenberg and Donley

TO: CSHB 203 (State Affairs)

Page 1, after line 13:

Insert a new bill section to read:

"* Sec. 2. AS 15.10.020 is amended by adding a new subsection to read:

(b) Whenever possible, the director shall send written notice of any change in a precinct boundary or polling place to each ^{affected} registered voter in the precinct ^{Not less than 7 nor more than 30} [between 7 and 30] days before the next state election."

Adopted

A M E N D M E N T #3

Offered in the HOUSE

By Gruenberg

TO: CSHB 293(State Affairs)

Page 3, after line 21:

Insert a new bill section to read:

"* Sec. 6. AS 15.20.071(d) is amended to read:

(d) Each election official shall keep a record of the name and signature of each personal representative requesting an absentee ballot and the name of the person on whose behalf the ballot is requested. The election official shall record the date [AND TIME] the absentee ballot is provided and the date [TIME] the ballot is returned to the election official."

Renumber remaining bill sections.

Adopted

A M E N D M E N T #4

Offered in the HOUSE

By Gruenberg

TO: CSHB 293 (State Affairs)

Page 3, after line 21:

Insert a new bill section to read:

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

(b) An application for an absentee ballot by mail must be re-
ceived by the division of elections [POSTMARKED] not less than four
[TEN] days before the election for which the absentee ballot is
sought. The absentee ballot application shall permit the person to
register to vote under AS 15.07.070 and to request an absentee ballot
for each state election held within that calendar year for which the
voter is eligible to vote."

Renumber remaining bill sections.

A M E N D M E N T #5

Adopted
AS
Amended

Offered in the HOUSE

TO: CSHB 293 (State Affairs)

By Pourchot

Page 3, after line 21:

Insert a new bill section to read:

"* Sec. 6. AS 15.20.220(b) is amended to read:

(b) The state review board shall review and count absentee and questioned ballots that have been forwarded to the director and that have not been reviewed or counted by a district counting board. [ABSENTEE AND QUESTIONED BALLOTS NOT RECEIVED IN THE OFFICE OF THE DIRECTOR BY 4:00 P.M. ON THE 15TH DAY FOLLOWING THE ELECTION MAY NOT BE COUNTED IN THE REVIEW.]"

Renumber remaining bill sections accordingly.

Add reference to AS 15.20.081(e) + (h)

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT



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ANCHORAGE, AK 99510
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HOUSE FINANCE COMMITTEE,
VICE CHAIR
HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT
COMMITTEE

JUNEAU
P.O. BOX V
STATE CAPITOL
JUNEAU, AK 99811
(907) 465-3712

House of Representatives

MEMORANDUM

DATE: February 1, 1988
TO: Representative John Sund, Chair
House Judiciary Committee
FROM: Representative Pat Pourchot *Pat*
SUBJECT: HB 293 - Relating to Elections

Last session I introduced HB 293, relating to elections. As you know the bill passed the House State Affairs Committee and is awaiting a hearing before the Judiciary Committee.

The bill makes several technical changes to the statutes in an attempt to clean-up existing ambiguities and simplify certain procedures. Passage of HB 293 will aid the Division in effectively and efficiently performing its mandated responsibilities.

I recently spoke with the Division of Elections and they have reaffirmed their strong support for this legislation and desire to see it passed this session.

I would greatly appreciate your scheduling HB 293 before the Judiciary Committee at your earliest convenience.

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE,
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT
COMMITTEE



House of Representatives

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JUNEAU
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(907) 465-3712

MEMORANDUM

DATE: May 6, 1987

TO: Members of the House State Affairs Committee
Rep. Fran Ulmer, Chairman
Rep. Lyman Hoffman, Vice-Chairman
Rep. "Red" Boucher
Rep. Cliff Davidson
Rep. Dave Donley
Rep. Terry Martin
Rep. Curt Menard

FROM: Rep. Pat Pourchot *Pat*

SUBJECT: House Bill 293 - Relating to Elections

The bill addresses the issue of voters who change their name due to marriage or divorce; eliminates a statutory requirement that judicial retention candidates be placed on a separate ballot; simplifies the process by which a disabled or otherwise confined person can vote; changed the deadline for withdrawal of a candidate's name from the ballot from 40 days to 54 days before the election; deletes references to the language "designated by a plus sign" when describing ballots.

Finally, this bill would eliminate the provision that allows ballots to be counted in a recount that are received after the statutory deadlines thus reducing the potential for fraud.

A brief summary of House Bill 293 is attached for your information. Thank you for your consideration of this bill.

Rep. Pat Pourchot
May 5, 1987

SUMMARY OF HOUSE BILL 293
"An Act relating to elections"

Section 1. Current statute states that a voter who has changed their name may vote under their previous name, but if the voter desires to vote under their new name they must change their registration 30 days prior to the election.

Questions concerning this section of the statute were raised in the recent Fischer/Uehling recount. The Supreme Court ordered the ballots counted of those voters who voted under their new name but had not updated their registration records as required by statute. In order to clarify this statute, this proposed amendment simply allows the voter to vote under their previous name or vote a questioned ballot if they wish to vote using their new name.

Section 2, 8-11. These sections address the requirement that judicial retention candidates be printed on a separate nonpartisan judicial ballot. Often there is adequate space on the first ballot card to include the judges. The Division of Elections believes they could reduce costs by eliminating the statutory requirement of printing an additional, separate ballot card for retention of judges. Each ballot card costs approximately 16 cents.

Historically it was necessary to print the judicial retention on separate nonpartisan ballot cards when territorial elections involved closed partisan races. The Alaska Court System indicates that the Judicial Branch has no problem with the elimination of this statutory reference.

Section 3. This proposed change allows for a simplified process by which a qualified voter who is physically disabled, imprisoned or confined to an institution may vote by absentee ballot through a personal representative. Currently the process is cumbersome, impractical and leads to discouraging people from voting.

Section 4. Current law allows absentee ballots to be counted during a recount regardless of when the ballots were received. The statute change in this section would disallow the counting of absentee ballots received via the mail after their respective deadlines. In a recount, domestically mailed ballots would be included only when received through the 10th day after the election. Military or Internationally mailed ballots received through the 15th day after the election would be included in a recount.

This change would help limit the possibility of "ballot-stuffing" of unvoted absentees after the day of elections. Alaska currently has the longest time periods in which to receive absentee ballots after election day.

Section 5. This suggested change is "housekeeping" in nature. This section proposes the deletion of the references to the language "designated by a plus sign" when describing the square box in which the voter punches the ballot. The plus sign serves no purpose. Statutory citations regarding handmarked ballots contain no such descriptive language and no other sections of the election law contains any reference to this "plus sign".

Sections 6 and 7. Current statute set the deadline for withdrawal of a candidate's name from the ballot, or replacement of a name on the ballot at 40 days prior to the election. A change in the deadline from 40 to 54 days would significantly improve the Division of Elections ability to meet the other statutory deadlines which are dependent on completion of ballot printing.

HOUSE COMMITTEE REPORT

(7)

Date referred: 4/24/87

FURTHER REFERRALS: Judiciary
Finance

DATE: 5-6-87

The State Affairs Committee has considered HB 293

"An Act relating to elections."

RECOMMENDS:

- replace with CS HB 293(SA) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING TO PASS:

[Signature]

[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

Chairman's signature

FISCAL IMPACT
PROPOSED AMENDMENT
HB 293

February 23, 1988

The Division of Elections anticipates that the amendment requiring the mailing of official notice of precinct boundary or polling place change to each impacted voter would add to the overall costs of elections. However, in view of the fact that the existing bill generates an overall savings in the costs of ballot printing, it is not expected that the costs related to the amendment will cause the fiscal note to require an increase in funding. However, the savings in ballot printing would be generally offset by the increased costs relative to implementation to the amendment. It should be remembered that the actual savings/costs ratio would fluctuate from year to year.

Costs anticipated should the amendment pass would include printing of computer self-mailers and 1st class postage.

Based on the prior bid awards the printing of similar forms, printing would come to \$0.069 per unit. Postage is figured at \$0.22.

In 1986, 65 polling places were changed, impacting 44,070 voters.

At 28.9 cents per item, the cost of mailing these notices would have been \$12,736.

RECEIVED

JAN 26 1988

STATE OF ALASKA
1988 LEGISLATIVE SESSION

DIRECTOR OF ELECTIONS

BILL VERSION: HB 293

PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to elections

Agency Affected: Office of the Governor
BRU: Elections

Sponsor: Pourchot & Ulmer
Requestor: House Judiciary Committee

Components: II - Primary & General
Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0	(*)	0	(*)	0	(*)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	(*)	0	(*)	0	(*)

CAPITAL						
---------	--	--	--	--	--	--

REVENUE	0	(*)	0	(*)	0	(*)
---------	---	-----	---	-----	---	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	(*)	0	(*)	0	(*)
FEDERAL FUNDS						
OTHER						
TOTAL	0	(*)	0	(*)	0	(*)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Linda Edgeworth
Division: Division of Elections

Phone: 465-4611
Date: 1/22/88

Approved by Commissioner: [Signature]
Agency: Office of the Governor

Date: 1/26/88

Distribution (by preparer):

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

Maw

1/26/88

CONTINUATION FISCAL NOTE
HB 293

Division of Elections
January 22, 1988

RECEIVED
JAN 26 1988
DIRECTOR OF ELECTIONS

This bill will result in an additional cost to the Division of Elections in only one of its provisions. That provision relates to the increase in the number of sites which will have to have materials for personal representative voting on election day. There will be 238 additional precincts in which materials for this type of voting will be necessary. The estimated cost for these materials will be about \$1,000 for envelopes, accountability reports and applications.

The rest of this bill will result in a savings to the Division of Elections in fiscal years during which their primary and general elections. However, the savings to be realized will fluctuate from year to year.

Most of the cost savings relate to the provision which eliminates the requirement that judicial retention candidates be printed on a separate ballot card, and elimination of language requiring a plus sign in the voting squares on punch card ballots. Often there is adequate space on the other cards to be printed to accommodate the judicial candidates. However, the number of house districts in which this is the case depends on the number of candidates and offices appearing on the ballot, as well as the number of judges up for retention, and the number of total ballots needed to cover the number of voters in the given districts.

The average cost saving related to the elimination of the extra judicial card is about \$115.00 per thousand. Elimination of the plus sign would save approximately \$2,000 per election. With that in mind, a review of the cost savings for the 1984 and 1986, statewide elections, had this bill been in effect would have been as follows:

1984 (14.8)

1986 (18.1)

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version : HB 293

Publish Date : _____

Revision Date: _____

Title: An Act relating to elections

Agency Affected: Office of the Governor

BRU: Elections

Sponsor: Pourchot and Ulmer

Requestor: House State Affairs

Components: II Primary and General

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0	0	(*)	0	(*)	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	(*)	0	(*)	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE	0	0	(*)	0	(*)	0
---------	---	---	-----	---	-----	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	(*)	0	(*)	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	(*)	0	(*)	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* See Attached Sheet

Prepared by: Linda Edgeworth

Phone: 465-4611

Division: Division of Elections

Date: 5-1-87

Approved by Commissioner: *Sandra J. Stout* Director

Date: 5/4/87

Agency: Office of the Governor

Distribution (by preparer):

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

CONTINUATION FISCAL NOTE
HB 293

Division of Elections
May 1, 1987

This bill will result in an additional cost to the Division of Elections in only one of its provisions. That provision relates to the increase in the number of sites which will have to have materials for personal representative voting on election day. There will be 238 additional precincts in which materials for this type of voting will be necessary. The estimated cost for these materials will be about \$1,000 for envelopes, accountability reports and applications.

The rest of this bill will result in a savings to the Division of Elections in fiscal years during which their primary and general elections. However, the savings to be realized will fluctuate from year to year.

Most of the cost savings relate to the provision which eliminates the requirement that judicial retention candidates be printed on a separate ballot card, and elimination of language requiring a plus sign in the voting squares on punch card ballots. Often there is adequate space on the other cards to be printed to accommodate the judicial candidates. However, the number of house districts in which this is the case depends on the number of candidates and offices appearing on the ballot, as well as the number of judges up for retention, and the number of total ballots needed to cover the number of voters in the given districts.

The average cost saving related to the elimination of the extra judicial card is about \$115.00 per thousand. Elimination of the plus sign would save approximately \$2,000 per election. With that in mind, a review of the cost savings for the 1984 and 1986, statewide elections, had this bill been in effect would have been as follows:

1984 (14.8)

1986 (18.1)

COMMENTS IN SUPPORT OF
HOUSE BILL 293
"An Act relating to elections"

Prepared by
The Division of Elections
April 30, 1987

The Division of Elections has reviewed HB 293 and supports its provisions in their entirety.

Section 1 eliminates the current requirement that voters who change their names may vote under the previous name, but must update their registration record 30 days prior to the election in which they seek to vote, in order to vote under their new names. In the Supreme Court action regarding the Fischer/Uehling recount, the Division was directed to count the ballots of voters who voted under their new names but had not updated their registration as required by statute. While we have not received the formal opinion on which the court based its decision, we believe that the amendment proposed by the sponsor is in keeping with the intent of the court. We believe that this amendment is a step forward in assuring that no otherwise qualified voter is disenfranchised on the basis of an administrative technicality.

Sections 2 and 8 through 11 relate to a requirement that judicial retention candidates be placed on a separate ballot. Often there is adequate space on other ballot cards to include the judicial candidates for a specific district. While several districts consistently require printing of a third card during a general election, we anticipate that in any given election year, 1/3 to 1/2 of the districts in the state could be accommodated with just 2 ballot cards if the requirement for a separate card for judicial candidates were eliminated. Based on a review of the number of districts which would have fallen into this category in the 1986 general election, 14 districts would have required the printing of only 2 ballot cards if the judicial candidates had been printed on the same card as other candidates. This would have resulted in a savings of nearly \$15,000 in ballot printing costs.

Section 5 of this bill calls for a "housekeeping" amendment which would also result in simplification of ballot printing requirements and additional savings in printing costs. No reference is made to the box in which the voter marks his or her vote having "a plus sign", in sections of the statute setting out guidelines for form of the ballot. However, citing the rules by which the director is directed to count or not count the votes on punch card ballots based on the positioning of the punch mark within the square, the

statute includes language "in the square designated by the plus sign". This is the only reference to a plus sign but because of the inference, the Division has been printing two versions of the same ballot in all instances where there is punch card voting and handmark voting in the same district. The plus sign serves no viable purpose, but does complicate the printing, collating, packaging and distribution of ballot preparation. While simplification of the logistics involved outweighs other advantages of this amendment, the state could expect to save an additional \$2,000 dollars in its ballot printing costs.

Section 3 of the bill relates to personal representative voting. The provisions of this section simplify the process by which a disabled or confined individual votes through the assistance of another party. Under the existing statutes, an individual attempting to help a disabled voter vote must make two round trips between the voter and the Division of Elections to complete the process.

1. The personal representative must visit the Division of Elections to pick up an application for the voter. Once the voter has completed the application, the personal representative returns it to the Division.
2. The personal representative then picks up the ballots, goes back to the voter who votes the ballots, and then the personal representative must return the voted ballots back to the Division.

Under this amendment, the personal representative would apply to be a personal representative on behalf of the disabled voter, pick up the application to be completed by the voter, and the voter's ballots all at the same time. The voter's completed application and ballots would be returned in a single trip.

This proposed amendment duplicates language in Senate Bill 252 which successfully passed the Senate and all committees in the House during the 14th Legislature. At that time, it was a companion bill to House Bill 284 which was passed into law. However, SB 252 died in House Rules in the final hours of the session. It is our belief that there was a misunderstanding at the time, that the provisions of SB 252 had already been incorporated into the HB 284 which was passed out.

We support this provision which has been introduced again, because we believe that the existing statutes put an undue burden on personal representatives, and discourage voting by disabled and institutionalized voters.

Section 4 of the bill eliminates the provision in current statutes which allows ballots that are received after the statutory deadlines from being opened and counted in recounts. Concern has been expressed that the allowance for counting ballots received after the statutory deadline enhances the opportunity for inappropriate use of the system. In a review of 1,800 by mail ballots from the 1984 general election it was determined that approximately 1/3 of mailed ballots had no readable postmark. Recounts are usually called for in very close races. More and more voters are voting by mail, and individuals have greater access to absentee voter lists than ever before. Concern has been expressed that these circumstances combined with inconsistent use of postmarks could result in individuals working the absentee lists to solicit voters who did not return their ballots to cast them after election day, potentially impacting the outcome of the recount.

Sections 6 and 7 suggest conforming amendments to the deadline for withdrawal of a candidate's name from the ballot, or replacement of a name on the ballot prior to the election. The amendments change the deadline from 40 days to 54 days prior to the election. The Division strongly supports this change. The 40 day deadline severely constricts the actual time frame in which ballots must be typeset, proofread, printed and distributed. For example, for general elections, the existing deadline allows only 10 days for preparing camera ready samples of each finalized ballot for inclusion in the Official Election Pamphlet which, by statute, must be printed and in the mail to voters 30 days before the election.

In addition, by mail absentee voters should be mailed their ballots at least three full weeks before election day, and absentee in person voting starts 15 days before each election. That means that even in primary elections, allowing adequate shipping time for rural absentee sites, and adequate preparation for mass mailing of by mail ballots, the Division has at best, three weeks in which to finalize, typeset, proofread, print, receive and sort, and finally distribute ballots across the State. This tight three week period can be further dwindled in situations where lawsuits are filed contesting a candidate's eligibility, such as occurred in the 1986 gubernatorial race which affected the printing of every candidate card statewide.

May 1, 1987
Date

Sandra Stout
Sandra Stout
Director

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE,
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT
COMMITTEE



House of Representatives MEMORANDUM

ANCHORAGE

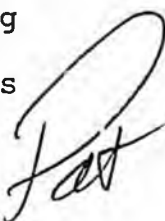
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JUNEAU

P.O. BOX V
STATE CAPITOL
JUNEAU, AK 99811
(907) 465-3712

DATE: February 15, 1988

TO: House Judiciary Committee
Representative John Sund, Chair
Representative Fran Ulmer, Vice Chair
Representative Sam Cotten
Representative Max Gruenberg
Representative Mike Navarre
Representative Ramona Barnes
Representative Robin Taylor

FROM: Representative Pat Pourchot 

SUBJECT: CS HB 293 (State Affairs) - Relating to Elections

Last session I introduced HB 293, relating to elections. The bill makes several technical changes to the statutes in an attempt to clean-up existing ambiguities and simplify certain procedures. Passage of HB 293 will aid the Division in effectively and efficiently performing it's mandated responsibilities.

- 1) Section 1 amends existing statutes to allow a person who has changed his/her name but has not reregistered under the new name to vote a questioned ballot.
- 2) Section 2 would delete a requirement that judicial retention candidates be printed on a separate judicial ballot. The Alaska Court System has indicated that the Judicial Branch has no problem with the elimination of this statutory reference. Sections 10 through 13 contain conforming amendments.
- 3) Sections 3, 4 and 5 would simplify the process by which a qualified voter who is physically disabled, imprisoned or confined to an institution may vote by absentee ballot through a personal representative.
- 4) Section 6 would disallow the counting of absentee ballots not received by the end of the 10th day after the election when mailed within the U.S. and those not received by the end of the 15th day after the election when mailed from outside the U.S. or from a military APO or FPO address.

- 5) Section 7 clarifies existing statutes by removing existing reference to a "plus sign" which has necessitated the printing of two versions of the same ballot where there is both punch card voting and handmark voting in the same district.
- 6) Section 8 changes the deadline for removal of a name from the primary ballot from 40 to 54 days prior to the primary election. The earlier notice is for the better management of the primary election and the preparation of the ballots.
- 7) Section 9 amends the statutes relating to filling vacancies by party petition to conform to the requirements in section 8.

SUMMARY OF HOUSE BILL CS HB 293 (STATE AFFAIRS)
"An Act Relating to Elections"

Section 1. Current statute states that a voter who has changed his/her name may vote under their previous name. However, if the voter desires to vote under his/her new name, the voter must re-register 30 days prior to the election.

Questions concerning this section of the statute were raised in the 1986 Fischer/Uehling recount. The Supreme Court ordered the ballots counted of those voters who voted under their new name but had not updated their registration records as required by statute.

In order to clarify this statute, the proposed amendment allows a voter to vote under their previous name OR to vote a questioned ballot if the voter wishes to use his/her new name.

Sections 2, 10 - 13. These sections address the requirement that judicial retention candidates be printed on a separate nonpartisan judicial ballot.

Historically it was necessary to print the judicial retention candidates on separate nonpartisan ballot cards when territorial elections involved closed partisan races. The Alaska Court System indicates that the Judicial Branch has no problem with the elimination of this statutory reference.

Often there is adequate space on the first ballot card to include the judges. The Division of Elections believes they could reduce costs if the statutory requirement for printing an additional, separate ballot card for retention of judges was eliminated. Each ballot card costs approximately 16¢.

Sections 3, 4, 5. The changes proposed in these sections allow for a simplified process by which a qualified voter who is physically disabled, imprisoned or confined to an institution may vote by absentee ballot through a personal representative. Currently, the process is cumbersome, impractical and leads to discouraging people from voting. Under these amendments a personal representative would be able to accomplish in one trip to the elections office what it now takes at least two and sometimes three trips to accomplish.

Section 3 provides for a personal representative to apply for an absentee ballot on behalf of a voter who is physically disabled, imprisoned or confined to an institution and broadens the group of officers from whom the absentee ballots may be requested.

Section 4 adds an identification requirement to conform to existing law and eliminates the requirement that a letter from a licensed physician or a signed statement by two qualified voters attesting to the inability of the applicant to go to a polling place be provided to the election official.

Section 5 adds conforming language.

Section 6. Current law allows absentee ballots to be counted during a recount regardless of when the ballots were received.

The statute change in this section would disallow the counting of absentee ballots received via the mail after their respective deadlines. In a recount, domestically mailed ballots would be included only when received through the 10th day after the election. Military or internationally mailed ballots received through the 15th day after the election would be included in a recount. Alaska currently has the longest time periods in which to receive absentee ballots after election day.

Section 7. This amendment is "housekeeping" in nature. The section proposes the deletion of references to language "designated by a plus sign" when describing the square box in which the voter punches the ballot. The plus sign serves no purpose. Statutory citations regarding handmarked ballots contain no such descriptive language and no other sections of the election law contain any reference to this "plus sign."

Removal of existing references to a "plus sign" will eliminate the necessity for printing two versions of the same ballot where there is both punch card voting and handmark voting in the same district.

Sections 8 and 9. Current statutes set the deadline for withdrawal of a candidate's name from the ballot, or the replacement of a name on the ballot 40 days prior to the election. A change in the deadline from 40 to 54 days would significantly improve the Division of Elections' ability to meet the other statutory deadlines which are dependent on completion of ballot printing.


STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 1, 1988

SUBJECT: Elections (CSHB 293 (State Affairs))
TO: Representative Pat Pourchot
FROM: Richard A. Bradley
Legislative Counsel 

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 of the bill amends AS 15.07.090(a) to alter the procedure under which a voter whose name is changed (by court order or by marriage) may vote. Existing law requires that the voter notify the division of election 30 days before the election or vote under the old name. Under the amendment, the voter may vote a questioned ballot.

Section 2 of the bill amends AS 15.15.030(10). The goal of the amendment was to eliminate the requirement that judicial retention election ballots be printed on a separate ballot. In that connection, note that art. IV, sec. 6 requires that the retention ballot be "nonpartisan"; presumably this means that judges may not appear on the ballot used for the election of the political officers of the state.

Note: in this connection the conforming amendments later in the bill are secs. 10 - 13 of the bill.

Section 3 of the bill amends AS 15.20.071(a). It authorizes a personal representative to assist voters to vote by absentee ballot when the voter is imprisoned or confined to

an institution. Under the Alaska Constitution, only those convicted of a felony involving moral turpitude lose the right to vote. With regard to those confined to an institution, only those "who have been judicially determined to be of unsound mind" have lost the right to vote. Art. V, sec. 2.

The same section also permits the application for the absentee voter to apply to a member of the election board; existing language says the application goes to the chairman or his designee. My records do not indicate why the changes were made at page 2, lines 20 - 22; the elimination of the limitation seems to broaden the group of officers from whom absentee ballots may be requested.

Section 4 amends AS 15.20.071(b). The addition of the requirement of identification conforms to the requirements of existing law. Compare AS 15.07.060. The remainder of the changes seem conforming.

Section 5 amends AS 15.20.071(c). The changes are intended to conform the law to the reality of the existing process.

Section 6 amends AS 15.20.480. The section is, I believe, a section that was omitted from an earlier revision of the election recount procedure dates. With the amendment of this section, the general law on the counting of absentee ballots received after an election is now controlled by AS 15.20.081(e) and (h). I note, however, that the last sentence of AS 15.20.220(b) is still not conforming; it should either be deleted from the law or tied in with AS 15.20.081(e) and (h).

Section 7 amends AS 15.20.730(b). The elimination of the references to "plus signs" is designed to remedy a confusion: The existing law talks about "punches" and "plus signs" and the question has been which controlled.

Section 8 amends AS 15.25.055. It requires a candidate in the primary election to give notice earlier. The earlier notice is for the better management of the primary election and the preparation of the ballots.

Section 9 of the bill amends AS 15.25.110. It permits a party to name a candidate to fill a vacancy caused by a withdrawal, disqualification, etc., of a candidate nominated at a primary election.

Representative Pat Pourchot
Page 3
February 1, 1988

Section 10 amends AS 15.35.050. It eliminates the requirement that the retention election for supreme court justices be on a judicial ballot; as suggested earlier, there is still a requirement that the ballot be nonpartisan.

Section 11 amends AS 15.35.059. It eliminates the requirement that the retention election for court of appeals judges be on a judicial ballot; as suggested earlier, there is still a requirement that the ballot be nonpartisan.

Section 12 amends AS 15.35.090. It eliminates the requirement that the retention election for superior court judges be on a judicial ballot; as suggested earlier, there is still a requirement that the ballot be nonpartisan.

Section 11 amends AS 15.35.130. It eliminates the requirement that the retention election for district court judges be on a judicial ballot; as suggested earlier, there is still a requirement that the ballot be nonpartisan.

If I may be of further assistance, please advise.

RAB:bb
wkb2/026

RECEIVED

JAN 26 1988

STATE OF ALASKA
1988 LEGISLATIVE SESSION

DIRECTOR OF ELECTIONS

BILL VERSION: HB 293

PUBLISH DATE:

REQUEST:

FISCAL NOTE

Revision Date: _____
Title: An Act relating to elections

Agency Affected: Office of the Governor
BRU: Elections

Sponsor: Pourchot & Ulmer
Requestor: House Judiciary Committee

Components: II - Primary & General
Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0	(*)	0	(*)	0	(*)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	(*)	0	(*)	0	(*)

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

GENERAL FUND	0	(*)	0	(*)	0	(*)
FEDERAL FUNDS						
OTHER						
TOTAL	0	(*)	0	(*)	0	(*)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Linda Edgeworth
Division: Division of Elections

Phone: 465-4611

Date: 1/22/88

Approved by Commissioner: [Signature]
Agency: Office of the Governor

Date: 1/26/88

Distribution (by preparer):

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

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JAN 26 1988
DIRECTOR OF ELECTIONS

CONTINUATION FISCAL NOTE
HB 293

Division of Elections
January 22, 1988

This bill will result in an additional cost to the Division of Elections in only one of its provisions. That provision relates to the increase in the number of sites which will have to have materials for personal representative voting on election day. There will be 238 additional precincts in which materials for this type of voting will be necessary. The estimated cost for these materials will be about \$1,000 for envelopes, accountability reports and applications.

The rest of this bill will result in a savings to the Division of Elections in fiscal years during which their primary and general elections. However, the savings to be realized will fluctuate from year to year.

Most of the cost savings relate to the provision which eliminates the requirement that judicial retention candidates be printed on a separate ballot card, and elimination of language requiring a plus sign in the voting squares on punch card ballots. Often there is adequate space on the other cards to be printed to accommodate the judicial candidates. However, the number of house districts in which this is the case depends on the number of candidates and offices appearing on the ballot, as well as the number of judges up for retention, and the number of total ballots needed to cover the number of voters in the given districts.

The average cost saving related to the elimination of the extra judicial card is about \$115.00 per thousand. Elimination of the plus sign would save approximately \$2,000 per election. With that in mind, a review of the cost savings for the 1984 and 1986, statewide elections, had this bill been in effect would have been as follows:

1984 (14.8)

1986 (18.1)

COMMENTS IN SUPPORT OF
HOUSE BILL 293
"An Act relating to elections"

Prepared by
The Division of Elections
April 30, 1987

The Division of Elections has reviewed HB 293 and supports its provisions in their entirety.

Section 1 eliminates the current requirement that voters who change their names may vote under the previous name, but must update their registration record 30 days prior to the election in which they seek to vote, in order to vote under their new names. In the Supreme Court action regarding the Fischer/Uehling recount, the Division was directed to count the ballots of voters who voted under their new names but had not updated their registration as required by statute. While we have not received the formal opinion on which the court based its decision, we believe that the amendment proposed by the sponsor is in keeping with the intent of the court. We believe that this amendment is a step forward in assuring that no otherwise qualified voter is disenfranchised on the basis of an administrative technicality.

Sections 2 and 8 through 11 relate to a requirement that judicial retention candidates be placed on a separate ballot. Often there is adequate space on other ballot cards to include the judicial candidates for a specific district. While several districts consistently require printing of a third card during a general election, we anticipate that in any given election year, 1/3 to 1/2 of the districts in the state could be accommodated with just 2 ballot cards if the requirement for a separate card for judicial candidates were eliminated. Based on a review of the number of districts which would have fallen into this category in the 1986 general election, 14 districts would have required the printing of only 2 ballot cards if the judicial candidates had been printed on the same card as other candidates. This would have resulted in a savings of nearly \$15,000 in ballot printing costs.

Section 5 of this bill calls for a "housekeeping" amendment which would also result in simplification of ballot printing requirements and additional savings in printing costs. No reference is made to the box in which the voter marks his or her vote having "a plus sign", in sections of the statute setting out guidelines for form of the ballot. However, citing the rules by which the director is directed to count or not count the votes on punch card ballots based on the positioning of the punch mark within the square, the

statute includes language "in the square designated by the plus sign". This is the only reference to a plus sign but because of the inference, the Division has been printing two versions of the same ballot in all instances where there is punch card voting and handmark voting in the same district. The plus sign serves no viable purpose, but does complicate the printing, collating, packaging and distribution of ballot preparation. While simplification of the logistics involved outweighs other advantages of this amendment, the state could expect to save an additional \$2,000 dollars in its ballot printing costs.

Section 3 of the bill relates to personal representative voting. The provisions of this section simplify the process by which a disabled or confined individual votes through the assistance of another party. Under the existing statutes, an individual attempting to help a disabled voter vote must make two round trips between the voter and the Division of Elections to complete the process.

1. The personal representative must visit the Division of Elections to pick up an application for the voter. Once the voter has completed the application, the personal representative returns it to the Division.
2. The personal representative then picks up the ballots, goes back to the voter who votes the ballots, and then the personal representative must return the voted ballots back to the Division.

Under this amendment, the personal representative would apply to be a personal representative on behalf of the disabled voter, pick up the application to be completed by the voter, and the voter's ballots all at the same time. The voter's completed application and ballots would be returned in a single trip.

This proposed amendment duplicates language in Senate Bill 252 which successfully passed the Senate and all committees in the House during the 14th Legislature. At that time, it was a companion bill to House Bill 284 which was passed into law. However, SB 252 died in House Rules in the final hours of the session. It is our belief that there was a misunderstanding at the time, that the provisions of SB 252 had already been incorporated into the HB 284 which was passed out.

We support this provision which has been introduced again, because we believe that the existing statutes put an undue burden on personal representatives, and discourage voting by disabled and institutionalized voters.

Section 4 of the bill eliminates the provision in current statutes which allows ballots that are received after the statutory deadlines from being opened and counted in recounts. Concern has been expressed that the allowance for counting ballots received after the statutory deadline enhances the opportunity for inappropriate use of the system. In a review of 1,800 by mail ballots from the 1984 general election it was determined that approximately 1/3 of mailed ballots had no readable postmark. Recounts are usually called for in very close races. More and more voters are voting by mail, and individuals have greater access to absentee voter lists than ever before. Concern has been expressed that these circumstances combined with inconsistent use of postmarks could result in individuals working the absentee lists to solicit voters who did not return their ballots to cast them after election day, potentially impacting the outcome of the recount.

Sections 6 and 7 suggest conforming amendments to the deadline for withdrawal of a candidate's name from the ballot, or replacement of a name on the ballot prior to the election. The amendments change the deadline from 40 days to 54 days prior to the election. The Division strongly supports this change. The 40 day deadline severely constricts the actual time frame in which ballots must be typeset, proofread, printed and distributed. For example, for general elections, the existing deadline allows only 10 days for preparing camera ready samples of each finalized ballot for inclusion in the Official Election Pamphlet which, by statute, must be printed and in the mail to voters 30 days before the election.

In addition, by mail absentee voters should be mailed their ballots at least three full weeks before election day, and absentee in person voting starts 15 days before each election. That means that even in primary elections, allowing adequate shipping time for rural absentee sites, and adequate preparation for mass mailing of by mail ballots, the Division has at best, three weeks in which to finalize, typeset, proofread, print, receive and sort, and finally distribute ballots across the State. This tight three week period can be further dwindled in situations where lawsuits are filed contesting a candidate's eligibility, such as occurred in the 1986 gubernatorial race which affected the printing of every candidate card statewide.

May 1, 1987
Date

Sandra Stout
Sandra Stout
Director