

HB

293

HOUSE COMMITTEE REPORT

3/9

Rules

(7)

Date referred: 3/2/88

FURTHER REFERRALS:

DATE: March 9, 1988

The Rules Committee has considered HB 293

"An Act relating to elections."

RECOMMENDS:

- replace with CS HB 293 (Rules) 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
- zero fiscal note
- zero with analysis
- same as previous fiscal note published 3/2/88 ^{FY89} _{interim}
- same as previous zero fiscal note published _____

SIGNING DO PASS:

Mike Swane

[Signature]

[Signature]

[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature]

Terry Martin - No Rec.

Mike Swane
Chairman's signature

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

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. RULES

3-9-88



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

AGENDA - HOUSE RULES COMMITTEE MEETING

WEDNESDAY, MARCH 9, 1988 / 8:00a.m.

AGENDA:

HB 293 - "An Act relating to elections."
(Representative Pourchot)

INDEX

- I. Proposed CSHB 293 (RULES) AND ANALYSIS
- II. CSHB 293 (JUDICIARY)
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- IV. FISCAL NOTE - HB 293
- V. ALASKA STATUTES / ELECTIONS
- VI. LETTER DATED MARCH 8, 1988 - TO: REP. POURCHOT FROM:
DEPT. OF ELECTIONS
- VII. COMMENTS IN SUPPORT OF CSHB 293 (JUD) PREPARED BY
DIVISION OF ELECTIONS MARCH 1, 1988

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 8, 1988

SUBJECT: Elections
(CSHB 293 (Rules))

TO: Representative Mike Navarre
Chair, House Rules Committee

FROM: Richard A. Bradley
Legislative Counsel

We have provided you with a committee substitute for the above bill. Jeannie Smith has requested a sectional analysis. The Rules Committee Substitute is identical to the Judiciary Committee Substitute except for the title and Secs. 2 and 4 of the bill.

The title has been narrowed.

Section 2 of the bill provides that the director may provide notice to individuals affected by a change in a precinct boundary or polling place as necessary.

Section 4 of the bill has two portions of existing law that are amended.

The first portion, at page 2, lines 7 - 12, is unchanged from the Judiciary committee substitute.

The second portion, at page 2, lines 22 - 29, has what are essentially technical changes.

First, the suggested requirement that an application go to a member of the election board (in place of the chairman or his designee) does not change the practice since the chairman of an election board designates all of the members of the board as eligible to issue ballots to the personal representative. Second, the change from the voter applying for the ballot to the personal representative applying for the ballot (on behalf of the voter) also reflects the

Representative Mike Navarre
Page 2
March 8, 1988

present reality. The fourth paragraph prevents requests to election boards for the issuance of absentee ballots to a personal representative in those areas where the division of elections has an office that is authorized to issue absentee ballots.

If I may be of further assistance, please advise.

RAB:bb
b3/090

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 29, 1988

SUBJECT: Elections [CSHB 293 (Judiciary)]
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 15.10.020 by adding a new subsection (b). The section provides that "whenever possible," the director shall send written notice of a change in a precinct boundary or polling place to affected voters not less than 7 nor more than 30 days before the next state election.

Section 3 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 at secs. 14 - 17 of the bill.

Section 4 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 26 - 28; the elimination of the limitation seems to broaden the group of officers from whom absentee ballots may be requested.

Section 5 of the bill 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 6 of the bill amends AS 15.20.071(c). The changes are intended to conform the law to the reality of the existing process.

Section 7 of the bill amends AS 15.20.071(d). The law relates to absentee voting by personal representative. It amends out the existing requirement that the election official record the "time" that the absentee ballot is provided and returned; it continues the requirement that the date be recorded when the ballot is provided and adds the requirement that the date when the ballot is returned be recorded.

Section 8 of the bill amends AS 15.20.081(b). It substitutes a requirement that an absentee ballot application be "received by the division not less than four days before the election" in place of the former "postmarked not less than ten days before the election".

Section 9 of the bill amends AS 15.20.220(b). The amendment conforms the section to changes made to AS 15.20.081(e) and (h) several years ago regarding the times within which absentee ballots must be received after an election.

Section 10 of the bill 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).

Section 11 of the bill 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 12 of the bill amends AS 15.25.055. It requires a candidate in the primary election to give notice of a withdrawal from the primary election earlier. The earlier notice is for the better management of the primary election and the preparation of the ballots.

Section 13 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.

Section 14 of the bill 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 15 of the bill 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 16 of the bill 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 17 of the bill 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.

Section 18 of the bill establishes an immediate effective date.

Representative Pat Pourchot
Page 4
February 29, 1988

If I may be of further assistance, please advise.

RAB:gc
WKG2:10

~~1~~
5-0762X ✓
Bradley
3/8/88

Original sponsors: Pourchot, Ulmer
and Boucher

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 293 (Rules)

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 conduct and administration of
7 elections by the director of elections; and providing
8 for an effective date."

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

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

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

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

17 (b) Whenever possible, the director shall send written notice of
18 any change in a precinct boundary or polling place to each affected
19 registered voter in the precinct.

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 district [PRECINCT] in which the
 26 voter is entitled to vote except that the personal representative
 27 [VOTER] may not apply for absentee ballots to a member of an [THE]
 28 election board [CHAIRMAN] in an area in which absentee voting
 29 officials have been designated.

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

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

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

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

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

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

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

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

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

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

22 * Sec. 10. AS 15.20.430 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. 11. 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. 12. 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.

18 * Sec. 13. 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. 14. 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. 15. 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. 16. 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. 17. 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.

4 * Sec. 18. This Act takes effect immediately under AS 01.10.070(c).
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STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 293 (JUD)
PUBLISH DATE: HOUSE 3/2/88

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						
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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: _____
Agency: Office of the Governor

Date: 1/26/88

Distribution (by preparer):

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

W

Mow

1/26/88

CONTINUATION FISCAL NOTE
CSHB 293

Division 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)

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.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

VI

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

March 8, 1988

The Honorable Pat Pourchot
Alaska State House of Representatives
Pouch V
Juneau, AK 99811

Subject: HB 293

Dear Representative Pourchot:

You have requested input from the Division of Elections on three elements of the elections process which relate to the payment of return postage on absentee ballots, procurement practices concerning the purchase of ballots for the statewide Primary & General Elections, and proposed improvements to personal representative voting. My input is as follows:

1. Return postage on absentee ballots: A suggestion has been made that the Division no longer pay return postage for absentee ballots with the rationale being that if the envelope is not franked "Postage Paid" that the Post Office would then assure that the return date is stamped on the outside of the envelope. It should be noted that many states require only civilian and in-country voters to pay their own postage, while military and overseas voters are allotted prepaid returns. Section 201 of the Uniformed and Overseas Citizens Absentee Voting Act mandates that balloting materials be sent expeditiously and free of postage. Since Alaska Statutes have never required registrants to declare military status we have no computer program in place that would allow us to sort or separate military voters from the civilian and in-country voters. Therefore, return postage is paid on all returned ballots.

The Division views the payment of return postage on absentee ballots as an incentive to voters to return their voted ballot, and because of the Uniformed & Overseas Citizens Absentee Voting Act has continued to pay the return postage. However, due to budget reductions the Division no longer pays for return postage on absentee ballot applications although legislation has been introduced in Congress which, if passed, would result in election jurisdictions being required to pay return postage for absentee-by-mail applications used by voters to apply for an absentee ballot.

The Honorable Pat Pourchot
March 8, 1988
Page 2

If Congress passes legislation requiring the payment of returned absentee ballot applications, one can anticipate the same requirement may be adopted concerning returned ballots.

2. Ballot Procurement: AS 15.15.030(3) states: "The director may contract for the preparation of the ballots on a regional basis if necessary and may contract for the preparation of ballots without obtaining competitive bids." This provision has provided the Division with a "safety net" to purchase ballots from a vendor capable of meeting the State's complex ballot rotation requirements and short timeframes. This is an important distinction since it is imperative that we have the assurance and confidence that the order will be completed within the short timeframes available for printing, and that the ballot order is free of error.

Up until 1986 there were no vendors in Alaska capable of facilitating an order of 1,000,000 ballots with the complex rotation and distribution requirements to 442 precincts statewide. As you are aware, Alaska's ballot order is one of the most complex in the nation due to rotation of candidate names within each race, the short timeframes available for printing the ballots after the candidate withdrawal deadline and in order to meet the Official Election Pamphlet timeframes, and because the ballots must be gang punched to accommodate the rotations prior to beginning the printing process.

Following the 1986 elections, my staff began making contact with Alaskan vendors to determine the feasibility of having the ballots printed in Alaska. Printers in Fairbanks and Juneau have indicated that they do not have the capability to print the ballots. One printing company in Anchorage who has printed the municipality's ballots will be meeting with my staff this Wednesday in Juneau concerning providing a bid for the 1988 ballots.

Although the bottom line is that the Division must have absolute confidence in the chosen vendor's ability to complete the order in an accurate and timely manner, every step will be taken to obtain an Alaskan vendor(s) to print them. There is absolutely no room for error, and we cannot reschedule an election because of printer error. I believe this is one of the prevailing reasons that the Division has statutory authority to sole source its ballot order.

The Honorable Pat Pourchot
March 8, 1988
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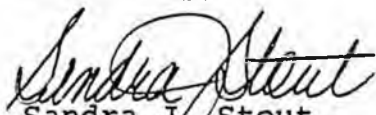
3. Personal Representative Voting: Absentee voting by personal representative, AS 15.20.071, allows a qualified voter who is physically disabled to apply for an absentee ballot through a personal representative. Federal statute (H.R. 1250, PL 98-345), Voting Accessibility for the Elderly and Handicapped, directs the states to ensure that all polling places are made accessible or that an alternative method be provided. 6 AAC 25.100 defines a "physically disabled voter" as a person who is unable to go to the polling place because of illness, age, or physical handicap.

The Division's interpretation of AS 15.20.071 has been that absentee voting by personal representative can be used primarily in two ways--for voters who are not physically able to visit their polling place to cast their ballot due to either a long term or short term illness; or voters whose precincts are not handicapped accessible (in some of our remote precincts, handicapped facilities are simply not available). The existing statute provides that an individual attempting to assist a disabled person vote must make two round trips between the voter and the Division of Elections. We feel that this not only places an unfair burden on the voter, but on the individual who has agreed to assist the disabled voter.

During the 1986 General Election, 447 people were voted by personal representative. This figure is .00245% of the total ballots cast (182,526). The largest number of voters (46) who voted through a personal representative occurred in District 4 - Juneau. In researching these voters, we found that they were voted in St. Ann's Nursing Home by the Region I Election staff, and at Bartlett Hospital by the Election Board for the Salmon Creek Precinct which is housed in the lobby of the hospital. The Division supports the proposed amendments to personal representative voting because we believe that the existing statutes put an undue burden on personal representatives, and discourages voting by disabled and institutionalized voters.

I hope that these comments are useful to you. If we may be of further assistance, please do not hesitate to call.

Sincerely,


Sandra J. Stout
Director

COMMENTS IN SUPPORT OF
CS FOR HOUSE BILL 293 (Judiciary)

Prepared by
Division of Elections
March 1, 1988

The Division of Elections has reviewed CSHB 293 and supports its provisions in their entirety. Much of this bill is "housekeeping" in nature. The thrust of the bill is to accomplish the following major objectives:

1. Streamline absentee by personal representative voting. The current statutes put an undue burden on the friend or volunteer who offers to provide voting assistance to a handicapped, disabled or institutionalized voter. The bill reduces the number of individual trips required by the representative back and forth between the Division of Elections and the voter from 5 to 2 by allowing application and issuance of ballots to occur simultaneously rather than as two separate parts of the process. The bill would also extend personal representative voting services to all precincts on election day rather than only at selected sites.
2. Reduce the complexity and expense of ballot printing. Under the current statutes, judicial retention candidates must appear on a "separate" ballot. Often there is adequate space on other ballot cards to include the judicial candidates for specific districts. A review of the 1984 and 1986 general election ballots, illustrated that in 1/3 to 1/2 of the districts in the state, all candidates and issues could have been accommodated on 2 ballot cards instead of 3. Reductions in the number of cards which must be printed could result in a savings in paper and printing costs.

Additionally, the bill deletes reference to a "+" sign which appears in the punch boxes in computer type ballots. The "+" sign serves no real purpose but does require us to print two versions of the same ballot in districts where some precincts vote punch cards and some precincts vote hand marked ballots.

3. Remedy the deficiency in the current statutes which tends to disenfranchise voters who change their names just prior to an election. Existing laws require that a voters who change their names must update their registration record 30 days prior to the election in which they seek to vote.

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 registrations as required by law. The amendment proposed in this bill is consistent with the findings of the court.

4. Elimination of late ballots from inclusion in recounts. The bill eliminates the provision which allows ballots received after the statutory deadline from being counted in recounts. Concern has been expressed that accepting these very late ballots opens a window for fraudulent use of the absentee program because 1/3 of all mailed ballots have no readable postmark. With more and more voters using the by mail voting program, and greater access to absentee voter lists that indicate whether or not the voter has returned a voted ballot, there is concern a greater opportunity exists to "work" the absentee lists to solicit voters who did not return their ballots, to cast them after election day, where races are very close, potentially impacting the outcome of the recount.
5. Ease the impact of late candidacy withdrawals by changing the deadline from 40 to 54 days prior to an election. The Division of Elections strongly supports these amendments. The current 40 day deadline severely constricts the actual time frame in which ballots must be typeset, proofread, printed and distributed. In addition, the existing deadlines allow only 10 days for preparing camera ready sample ballots for inclusion in the Official Election Pamphlet which by law must be printed and in the mail to voters 30 days prior to the election.
6. Expanded services to voters. The bill provides that voters impacted by polling place or precinct boundary changes will be sent notification of the changes before the election. This notification should be beneficial in assuring that voters know where to vote on election day.

The bill also removes the requirement that applications for absentee ballots be postmarked 10 days prior to the election. Rather, it extends the application period by requiring, simply, that applications be received not later than 4 days prior to the election.