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SENATE COMMITTEE REPORT

FURTHER

JUDICIARY
FINANCE

DATE TURNED INTO OFFICE 4-28-88

3/15/88

Mr. President:

STATE AFFAIRS

Committee considered CSHB 293 (RULES) am

conduct and administration of elections by the director of elections; efd

and recommended

replace with 5 CS CSHB 293 (SA)) same title
 or adopt CS) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Richard [unclear] DO PASS

Gen. [unclear] DO PASS

[Signature]
Chairman signature and recommendation

Committee Backup attached

Sen. Ahoad

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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MEMORANDUM

DATE: April 26, 1988
TO: Senator Rick Uehling
FROM: Representative Pat Pourchot *[Signature]*
SUBJECT: HB 293 - Relating to Elections

Following is some additional information on HB 293, Section 5 which relates to the application deadline for absentee ballots.

State statute originally required that an application for an absentee ballot be postmarked 7 days prior to an election but was amended in 1986 to require that the application be postmarked 10 days prior to an election.

The Division of Elections was faced with the problem of what to do with applications that were properly postmarked but not received until one or two days before the election, thus leaving insufficient time to mail a ballot to the applicant. Another problem was the lack of equity in the treatment of voters whose application was received, for example, on the 8th day before the election. In this case applications having the proper postmark would be honored but applications either lacking or with an unreadable postmark would not be honored - even though they were received on the same day. To address these problems, the Division adopted regulations specifying the fourth day before the election as the last day for receipt of applications.

Because the postmark no longer serves a useful purpose and as a "housekeeping" measure, the House Judiciary Committee deleted the requirement that an application be postmarked 10 days prior to an election and adopted into statute the Division's regulation requiring the application to be received 4 days prior to an election.

SUMMARY

CS HB 293 (Rules) - "An Act Relating to conduct and administration of elections by the director of elections; and providing for an effective date."

Section 1. Current statute states that a voter who has changed one's name but wishes to vote under the new name must reregister 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 one's previous name OR to vote a questioned ballot if the voter wishes to use his/her new name.

Section 2. This new subsection directs the director of elections, whenever possible, to send written notice of any change in a precinct boundary or polling place to each affected registered voter.

This amendment attempts to mitigate any inconvenience caused a voter because of a change in polling place.

Sections 3, and 13 through 16. These sections remove the requirement that judicial retention candidates be printed on a separate nonpartisan judicial ballot.

In territorial days when elections involved closed partisan races, it was necessary to print the judicial retention candidates on separate nonpartisan ballot cards. Because we now include candidates of all parties on the same card - the card is essentially nonpartisan. The Court System has no problem with the proposed amendment.

Based on a review of 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 4. Current statute requires that an election official record the date and time an absentee ballot is provided and received. This amendment eliminates the requirement to record the time - which serves no useful purpose.

Section 5. Current statute requires that an application for an absentee ballot must be postmarked ten days prior to the election. Because mail often lacks a postmark or the postmark is unreadable, the amendment would delete the reference to a postmark and would require that the application be received four days

prior to the election. This would still allow a minimum time for a ballot to be sent to and received by an applicant on or prior to election day.

Section 6. Amends language relating to state review board's review and counting of absentee ballots to conform to language in Section 7 relating to procedure for recount.

Section 7. This amendment would eliminate the provision in current statute which allows ballots that are received after statutory deadlines to be opened and counted in recounts.

Alaska currently has the longest time periods of any state in which to receive and count absentee ballots after election day. This amendment would make the existing deadlines consistent for both regular counts and recounts.

Domestically mailed ballots would be counted when received through the 10th day after the election. Military or internationally mailed ballots received through the 15th day after the election would be counted.

Current statutes provide the opportunity for an individual to "work" the absentee voter list to solicit voters (who did not return their ballots) to cast them after election day because postmarks are missing in about 1/3 of the returns. This amendment eliminates a very real potential for fraud.

Section 8. 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."

This amendment 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 and will result in a savings of \$2,000 in ballot printing costs.

Section 9 and 10. 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.

This severely constricts to three weeks the time in which to prepare, print and distribute ballots across the state. In cases where a lawsuit is filed contesting a candidate's eligibility (the 1986 gubernatorial race, for example) the time frame can be further reduced.

A change in the deadline from 40 to 54 days would significantly improve the Division of Elections' ability to meet their statutory deadlines which are dependent on completion of ballot printing.

Section 11. This technical amendment would change the deadline for filing a petition for nomination in the general election from 5:00 p.m. on June 1 of the election year to the close of business on June 1 of the election year.

Section 12. Amends language relating to withdrawal of name of candidate nominated by petition to conform to language contained in Sections 9 and 10.

Alaska State Legislature



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REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE,
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT
COMMITTEE

House of Representatives

MEMORANDUM

DATE: April 25, 1988

TO: Senate State Affairs Committee
Senator Mitch Abood, Chairman
Senator Rick Uehling, Vice Chair
Senator Willie Hensley
Senator Joe Josephson
Senator Ken Fanning

FROM: Representative Pat Pourchot

SUBJECT: CS HB 293 (Rules am) - "An Act Relating to conduct and administration of elections by the director of elections; and providing for an effective date."

CS HB 293 (Rules am) makes several technical changes to the statutes in an attempt to clean-up existing ambiguities and simplify certain procedures. The Division of Elections supports CS HB 293 (Rules am) and has stated that passage will aid the Division in effectively and efficiently performing its 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 adds a new subsection which directs the Division of Elections, whenever possible, to provide written notice of a change in a precinct boundary or polling place to each affected registered voter.
- 3) Section 3 deletes 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 13 through 16 are conforming amendments.
- 4) Section 4 would retain the requirement that an election official record the date an absentee ballot is provided

and returned to the election official but would delete the requirement to record the time.

- 5) Section 5 would require that an application for an absentee ballot by mail must be received by the Division four days prior to the election rather than postmarked ten days before the election. Mail often lacks a postmark and when there is a postmark it is often unreadable.
- 6) Section 6 amends the statutes relating to the state review board's review and counting of absentee ballots to conform to language in Section 7.
- 7) Section 7 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.
- 8) Section 8 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.
- 9) Section 9 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.
- 10) Section 10 amends the statutes relating to filling vacancies by party petition to conform to the requirements in Section 9.
- 11) Section 11 changes the deadline for filing a petition for nomination in the general election from 5:00 p.m. on June 1 of the election year to the close of business on June 1 of the election year.
- 12) Section 12 amends language relating to withdrawal of name of candidate nominated by petition to conform to language contained in Sections 9 and 10.
- 13) Section 17 establishes an immediate effective date.

SUMMARY

CS HB 293 (Rules am) - "An Act Relating to conduct and administration of elections by the director of elections; and providing for an effective date."

Section 1. Current statute states that a voter who has changed one's name but wishes to vote under the new name must reregister 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 one's previous name OR to vote a questioned ballot if the voter wishes to use his/her new name.

Section 2. This new subsection directs the director of elections, whenever possible, to send written notice of any change in a precinct boundary or polling place to each affected registered voter.

This amendment attempts to mitigate any inconvenience caused a voter because of a change in polling place.

Sections 3, and 13 through 16. These sections remove the requirement that judicial retention candidates be printed on a separate nonpartisan judicial ballot.

In territorial days when elections involved closed partisan races, it was necessary to print the judicial retention candidates on separate nonpartisan ballot cards. Because we now include candidates of all parties on the same card - the card is essentially nonpartisan. The Court System has no problem with the proposed amendment.

Based on a review of 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 4. Current statute requires that an election official record the date and time an absentee ballot is provided and received. This amendment eliminates the requirement to record the time - which serves no useful purpose.

Section 5. Current statute requires that an application for an absentee ballot must be postmarked ten days prior to the election. Because mail often lacks a postmark or the postmark is

unreadable, the amendment would delete the reference to a postmark and would require that the application be received four days prior to the election. This would still allow a minimum time for a ballot to be sent to and received by an applicant on or prior to election day.

Section 6. Amend language relating to state review board's review and counting of absentee ballots to conform to language in Section 7 relating to procedure for recount.

Section 7. This amendment would eliminate the provision in current statute which allows ballots that are received after statutory deadlines to be opened and counted in recounts.

Alaska currently has the longest time periods of any state in which to receive and count absentee ballots after election day. This amendment would make the existing deadlines consistent for both regular counts and recounts.

Domestically mailed ballots would be counted when received through the 10th day after the election. Military or internationally mailed ballots received through the 15th day after the election would be counted.

Current statutes provide the opportunity for an individual to "work" the absentee voter list to solicit voters (who did not return their ballots) to cast them after election day because postmarks are missing in about 1/3 of the returns. This amendment eliminates a very real potential for fraud.

Section 8. 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."

This amendment 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 and will result in a savings of \$2,000 in ballot printing costs.

Section 9 and 10. 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.

This severely constricts to three weeks the time in which to prepare, print and distribute ballots across the state. In cases where a lawsuit is filed contesting a candidate's eligibility (the 1986 gubernatorial race, for example) the time frame can be further reduced.

A change in the deadline from 40 to 54 days would significantly improve the Division of Elections' ability to meet their statutory deadlines which are dependent on completion of ballot printing.

Section 11. This technical amendment would change the deadline for filing a petition for nomination in the general election from 5:00 p.m. on June 1 of the election year to the close of business on June 1 of the election year.

Section 12. Amends language relating to withdrawal of name of candidate nominated by petition to conform to language contained in Sections 9 and 10.

Section 17. Establishes an immediate effective date.

STATE OF ALASKA
THE LEGISLATURE

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LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 23, 1988

SUBJECT: Conduct and administration of elections by the
director of elections [CSHB 293 (Rules) am]

TO: Representative Pat Pourchot

FROM: Tamara Brandt Cook ^{TBC}
Director
Legal Services Division ^{K TBC}

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.

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. 13 - 17 of the bill.

Section 4 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 5 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 6 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 7 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 8 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 9 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 10 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 11 amends AS 15.25.150. A petition must be filed at the close of business rather than at 5:00 p.m.

Section 12 amends AS 15.25.200. If a candidate nominated by petition dies or withdraws at least 54 days before the date of the general election, the candidate's name shall not be placed on the ballot. Under existing law this is the case if the candidate dies or withdraws before September 1 of the election year.

Section 13 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 14 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 15 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 16 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 17 of the bill establishes an immediate effective date.

If I may be of further assistance, please advise.

TBC:mkr
b5/035

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 O/41
- Impacted Agency(ies)

Maw
1/26/88

CONTINUATION FISCAL NOTE
HB 293

Division of Elections

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.

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.

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

Prepared by
Division of Elections
March 10, 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. 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.

2. 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.

3. 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.
4. 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.
5. 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.