

**S B**

**378**

STATE OF ALASKA  
THE LEGISLATURE

OFFICE OF THE CLERK  
LEGISLATIVE COUNSEL  
1000 EAST BROADWAY  
ANCHORAGE, ALASKA 99514  
PHONE: 273-3111


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 27, 1990

SUBJECT: Voter qualification and registration for state elections, etc. (CSSB 378 (State Affairs))

TO: Senator Pat Pourchot  
Chair, Senate State Affairs Committee

FROM: Richard A. Bradley  
Legislative Counsel 

You have requested that we provide your committee with a CS for the governor's bill on the above subject. We have done so; in the process we also made some technical changes to the bill.

We also had some reservations about other sections of law that seem implicated by the bill but that were not amended in the bill. Because your request did not ask that these matters be dealt with and because the need for the suggested amendments was not clear, we have not addressed these matters. But we believe that subsequent committees of reference may wish to review these questions.

AS 15.20.015 is implicated by the amendment to AS 15.05.-010(4) in Section 1 of the bill.

AS 15.07.030(b), AS 15.07.040, and 15.07.160 are also implicated by the changes made in the bill.

If the division of elections is satisfied with the bill and the committees of reference concur, then we have no difficulties.

But we believe that a subsequent committee of reference may wish to review this matter.

If I may be of further assistance, please advise.

RAB:pl  
WKP2/100  
Enclosure

SENATE COMMITTEE REPORT  
FIRST COMMITTEE OF REFERRAL

DATE: January 8, 1990

FURTHER: Judiciary

Date of 5-Day Notice: 2.22.90  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: \_\_\_\_\_

State Affairs Committee considered

SENATE BILL NO. 378

"An Act relating to voter qualification and registration for state elections; and relating to computation of time for purposes of AS 15."

and recommended:

- replace with \_\_\_\_\_ (CS) SB 378  same title
- attached amendment(s)  new title
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  
office of the auditor 1.8.90  
\_\_\_\_\_  
\_\_\_\_\_

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Al Adams  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

John Uley (No Rec)  
Tom Kelly (No Rec)  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Chair: Signature and Recommendation

CS — Added effective date  
1.1.91.

# Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman  
Sen. Al Adams  
Sen. Tim Kelly  
Sen. Rick Uehling



P.O. Box V  
State Capitol  
Juneau, Alaska 99811

907-465-3712

## Senate State Affairs Committee

### MEMORANDUM

TO: Senate State Affairs Committee Members  
FROM: Senator Pat Pourchot  
RE: Monday, February 26 Committee Hearing  
DATE: February 24, 1990

On Monday, February 26 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:

SB 378. An Act relating to voter qualification and registration for state elections; and relating to computation of time for purposes of AS 15.

This bill, introduced at the request of the Governor, would allow qualified individuals voting in person before an election official, who have been residents of the state for at least 30 days, but who have failed to register in time for election, to register on election day and to vote in statewide elections for statewide candidates and measures. SB 378 also clarifies that absentee ballots are subject to the same review process and are counted in the same manner as questioned ballots. A clarification of the "computation of time rule" is added to provide that if a deadline for an election activity or requirement falls on a weekend or holiday, the deadline is extended to the first weekday after the weekend/holiday.

SB 370. An Act expanding the Public Employees Retirement Board and the Teachers' Retirement Board to include two physician members to hear disability appeals; dissolving the Public Employees' and Teachers' Disability Review Board; and providing for an effective date.

This bill, introduced at the request of the Governor, repeals AS 39.36, which was enacted in 1982 to establish the Disability Review Board (DRB) as an advisory board to the Public Employees Retirement Board (PERB), the Teachers' Retirement Board (TRB) and the administrator of the state retirement systems on disability claims. A high percentage of appeals to PERB have been contrary to DRB's advice. This bill would dissolve the DRB and provide for the appointment of physician members to serve on PERB and TRB only for the purpose of hearing appeals involving medical issues.

Proposed CS for SS SB 150. An Act establishing a senior housing office and loan program in the Department of Community and Regional Affairs; and authorizing the issuance of bonds for senior housing.

Senator Duncan has revised the previous proposed CS, to include the following: clarification of AHFC's and the Department of Community and Regional Affairs roles in setting regulations, approving loans and administering loans. This bill sets a \$30 million bond cap, specifies the interest rates on construction loans and permanent loans and clarifies how the Senior Housing Revolving Fund works.

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: An Act relating to elections & computation of time.  
 Sponsor: Rules Committee  
 Requestor: Governor

Agency Affected: Office of the Governor  
 BRU: Elections

Components: I - Elections. II Primary & Gene.

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

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

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

**FUNDING:** (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Linda Edgeworth, Information Officer Phone: 465-4611  
 Division: Division of Election Date: 12/22/89

Approved by Commissioner: *[Signature]* (Acting) Date: 12.22.89  
 Agency: Dave Koevuniemi  
Office of the Governor

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

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

### COMMENTS IN SUPPORT OF SB 378

Prepared By  
Division of Elections  
January 18, 1990

#### What the Bill Does:

The intent of this bill is to increase voter participation and to expand Alaska's registration opportunities. The bill would allow qualified individuals who have been residents of the State for at least 30 days, but who have failed to register in time for the election, to register on election day, and to vote in statewide elections for statewide candidates and measures. The bill imposes certain restrictions and guidelines to ensure the integrity of the process, and provide administrative guidelines:

1. The voter would still have to meet all basic voter qualifications established in AS 15.05.
2. The voter would have to have resided in the state for at least 30 days;
3. To be eligible, the voter would have to vote in person before an election official at a polling place, or before an absentee official at a designated absentee voting site; and,
4. The voter registering on election day would only be eligible to vote and have his or her ballot counted for statewide candidates and measures.

#### What the Bill Does Not Do:

The bill does not affect the 30 day prior registration requirement for voting in districtwide, regional, municipal or areawide elections. To be eligible to vote in these elections and races the voter would still have to have registered in the jurisdiction at least 30 days prior to the election.

Continuation of the 30 day prior registration requirement for subjurisdictions of the state safeguards the integrity of elections where the specific residence of the voter dictates his or her eligibility to vote in specific district or regional races and on

local issues. For statewide candidates and measure residency anywhere in the state qualifies the voter. The 30 day prior registration requirement for districtwide, regional and local elections, also inhibits the potential for fraudulent cross-district voting which might occur on election day if the prior registration requirement already mandated by law were not maintained.

#### General Comments:

Limited and controlled election day registration is not a new concept in Alaska. Similar procedures are already in place for presidential elections when these same voters are allowed to register on election day and have their ballot counted for presidential candidates. House Bill 378 merely extends the program to provide similar service in all statewide elections, rather than only those held in presidential years. The fundamental systems and procedures are already in place, have already proved themselves in actual use, and are fully accountable.

The bill is also offered in response to growing congressional support and active pursuit of federal legislation which would require such measures for any federal race. Many of the federal bills gaining momentum contain provisions which would be detrimental to Alaska's existing election procedures. Often in federal legislation, however, exemptions are introduced and included for states who already have similar provisions in place. In anticipation of eventual federal intervention, enactment of legislation like that proposed in SB 378 could allow Alaska to continue to maintain control over its own election process.

#### Additional Technical Amendments:

While much of the bill is dedicated to conforming amendments related to the primary subject matter of the bill, two other issues are addressed.

1. The bill adds clarification to the statutes that absentee ballots are treated in the same manner as questioned ballots with regard to their review and counting. As a matter of practice and in the interests of guaranteeing equal protection, the counting rules specified for questioned ballots have been applied to votes cast by in person absentee ballot. This bill merely codifies the traditional practice.
2. A clarification of the "computation of time rule" is added to provide that, for the purposes in Title 15, if a deadline for an election activity, voter or candidate requirement falls on a weekend or holiday, the deadline is extended to the first weekday after the weekend or holiday.

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

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

### SECTIONAL ANALYSIS SENATE BILL 378

Prepared by  
Division of Elections  
January 19, 1990

Most sections of this bill provide technical amendments and conforming language related to the general issue of election day registration for statewide elections.

#### Related Sections:

#### Section 1      Voter Qualifications - General

The only change in this section of the statute is the splitting of the 30 day residency requirement in the state from the 30 day residency requirement in the district. By treating these eligibility criteria as separate requirements, the bill clarifies the basis on which a voter is eligible to vote in the different types of elections covered by this bill.

#### Section 2      Voter Qualifications - Presidential Elections

The current statute refers to voters who have not resided in "an election district" for 30 days being eligible to vote for president and vice president. The amendment adds reference to 30 day residency in the state. Any citizen of the United States should be eligible to vote for President even if they have only just recently moved.

#### Section 3      Election Day Registration - Statewide Races

This section contains the substance of the proposal. It provides that an individual who has been a resident of the state for at least 30 days, but who has failed to register at least 30 days prior to the election may register on election day and vote in statewide races if:

1. the voter registers by voting a questioned ballot before an election official on election day; or,

2. the voter votes in person before an absentee official at a designated absentee voting site.

Section 4

Registration

This section maintains the existing 30 day prior registration requirement but adds a reference to the exceptions involving voting for president, or statewide candidates and measures.

Maintaining the 30 day prior registration requirement is critically important for the purposes of preparing precinct registers. Under existing law, any voter who is not registered by the 30 day cut-off will not appear on the precinct register, forcing the person to vote a questioned ballot. The questioned ballot is, in fact, a registration form subject to full review by the District Review Board. It is during this review that the eligibility of the voter is evaluated, and it is determined exactly how much of the voter's ballot may be counted.

Section 5

Re-registration by Voters Who have been Purged

This section makes conforming amendments to the statute covering voters whose prior registration has been cancelled for failure to vote. The 30 day prior registration with exceptions for presidential and statewide races is clarified in conformity with the election day registration provisions.

Section 6

Transfer of Registration

This amendment clarifies the stipulation that to vote in a district's election, the voter must be registered or transfer his or her registration to the district at least 30 days prior to the election.

Section 7

Questioned Ballots

Any voter whose name does not appear on a precinct register shall be allowed to vote a "questioned ballot" under the law. The current statute is misleading and confusing in that it indicates the voter "shall vote a questioned ballot in the precinct in which the voter resides." In reality, and as indicated in the beginning of the text in the same section, the voter is allowed to vote a questioned ballot in any precinct. The language within this section of the statute seems to contain conflicting language which is corrected by the amendment.

Unrelated Sections:

Section 8      Computation of Time

AS 01.10.080 states how the time in which an act is to be done is to be computed, extends a "deadline" date that falls on a weekend or holiday to the first working day after the weekend or holiday. Unfortunately, that rule only covers the typical situation of counting forward from a particular triggering event or date. However, since a number of election deadlines are determined by counting backwards from a given date, such as election day, the computation of time under Title 1 can have the effect of requiring voters and candidates to perform acts earlier than intended. The amendment clarifies that for Title 15, the computation of time rule always extends the deadline until the first weekday following the weekend or holiday.

Section 9      Treating Absentee In Person Ballot in the Same Manner as Questioned Ballots

This language is almost identical to that found in AS 15.07.090 (d), (Section 7 of the bill), and clearly provides that the handling of absentee ballots will be the same as that stipulated for questioned ballots. This new provision only serves to codify existing practice.