

HB 167

HOUSE COMMITTEE REPORT

(11)

Date Referred: April 28, 1992

FURTHER REFERRALS:

Date of Committee Action: 5/4/92

The FINANCE Committee considered:

HB 167

HOUSE BILL NO. 167

ABSENTEE VOTING

"An Act relating to absentee voting."

RECOMMENDATIONS:

be replaced with CS HB 167 (FIN) the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

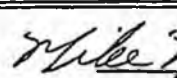
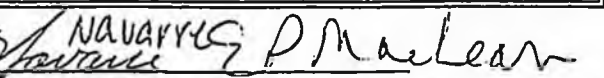
fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) offn of gov 4/28/92

| SIGNING <u>DO</u> PASS | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|------------------------|----|-----------------------|-----|----|----|
| EP Maclean | ✓ | | | | |
| Mike Navarre | ✓ | | | | |
| Mark Boyle | X | | | | |
| Tay Brown | ✓ | | | | |
| Al Kopmen | ✓ | | | | |
| Jamasa Barnes | X | | | | |
| Bob Shaug | X | | | | |
| Bill Phillips | ✓ | | | | |
| Ronald J. Larson | X | | | | |
| T. Ulmer | X | | | | |
| | | | | | |



 CO-CHAIRMAN'S SIGNATURE Maclean

FISCAL NOTE

No. 2

Bil. Version: CSHB 167(JUD)

(H) Publish Date: 4-28-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: 04/08/92
Title: Absentee Voting
Sponsor: House Rules Committee by Request of the Governor
Requestor: House Judiciary Committee

Department Affected: Office of the Governor-Elections
BRU: Division of Elections
Component: !! Primary and General Elections

COMPONENT SERIAL NO.

| | | | |
|---|---|---|---|
| 0 | 0 | 2 | 2 |
|---|---|---|---|

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS, CLAIMS | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|----------------------|---|---|---|---|---|---|
| REVENUE FUND SOURCE: | 0 | 0 | 0 | 0 | 0 | 0 |
|----------------------|---|---|---|---|---|---|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------|---|---|---|---|---|---|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER FUND SOURCE: | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)
There is no fiscal impact associated with this bill.

Prepared by: Laura A. Glaiser, Projects Coordinator Phone: 465-4611
Division: Elections Date: 04/08/92

Approved by Commissioner: [Signature] Date: 4/8/92
Agency: Office of the Governor

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Off., & Impacted Agency(ies).

CS FOR HOUSE BILL NO. 167 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to absentee voting; and providing for an effective date."

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

3 * Section 1. AS 15.20.010 is amended to read:

4 Sec. 15.20.010. PERSONS WHO MAY VOTE ABSENTEE. At any election a qualified
5 voter may vote an absentee ballot for the district in which the voter resides and is registered if
6 the voter

7 (1) believes that the voter will be unavoidably absent from the proper voting
8 precinct on election day, whether inside the state or not; or

9 (2) will be unable to be present at the polls because of physical disability or
10 confinement in an institution.

11 [(3) REPEALED.]

12 * Sec. 2. AS 15.20.071 is repealed and reenacted to read:

13 Sec. 15.20.071. ABSENTEE VOTING BY PERSONAL REPRESENTATIVE. (a) A
14 qualified voter who is physically disabled or confined to an institution may be assisted by a

1 personal representative in voting an absentee ballot as set out in this section.

2 (b) A personal representative may apply to the following election officials, at the times
3 specified, for an absentee ballot on behalf of a voter who is eligible under (a) of this section:

4 (1) to an absentee voting official on or after the 15th day before an election up to
5 and including the day of the election;

6 (2) to an election supervisor

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

8 (B) on or after the 15th day before an election up to and including the day
9 of the election;

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

12 (4) to a member of a precinct election board on election day except that the
13 personal representative may not apply to a member of an election board in an area in which
14 absentee voting officials have been designated.

15 (c) The application by the personal representative must include

16 (1) the full name of the personal representative;

17 (2) the full residence address of the personal representative;

18 (3) the name of the voter on whose behalf the personal representative is applying
19 for an absentee ballot;

20 (4) a form of identification of the personal representative as required by regulation
21 for a voter who requests an absentee ballot by mail; and

22 (5) a statement signed by the personal representative that the voter for whom the
23 personal representative is applying for an absentee ballot will be unable to go to the polling place
24 because of physical disability or confinement in an institution.

25 (d) Upon receipt of a written application and proof of identification from a personal
26 representative, the election official shall issue the absentee ballot and other absentee voting
27 material to the personal representative for use by a voter under (a) of this section.

28 (e) The personal representative shall deliver the absentee ballot and other absentee voting
29 materials to the voter as soon as practicable. Upon receipt of the voting materials, the voter shall
30 complete the voter's application, stating the name of the personal representative who applied for
31 the absentee ballot and stating that the voter will be unable to go to a polling place because of

1 physical disability or confinement to an institution. The voter shall sign the application and
2 provide identification as required by regulation for a voter who requests an absentee ballot by
3 mail. The voter shall then proceed to mark the ballot in secret, to place the ballot in the small
4 secrecy envelope, to place the small envelope in the larger envelope, and to sign the voter's
5 certificate on the envelope in the presence of the personal representative who shall witness and
6 date the signature of the voter. The voter must mark the ballot and sign the voter's certification
7 not later than election day. The voter shall then return the absentee ballot to the personal
8 representative who shall deliver the ballot to the election official who provided the ballot. The
9 absentee ballot must be returned to the election official not later than 8:00 o'clock in the evening
10 on election day.

11 (f) Each election official shall keep a record of the name and signature of each personal
12 representative requesting an absentee ballot, the name of the person on whose behalf the ballot
13 is requested, and the date on which the ballot was issued. The election official shall record the
14 date the absentee ballot is provided and the date the ballot is returned to the election official.

15 (g) A candidate for office at that election, the voter's employer, agent of the employer,
16 or officer or agent of the voter's union may not act as a personal representative.

17 * Sec. 3. AS 15.20 is amended by adding a new section to article 1 to read:

18 Sec. 15.20.225. DEFINITION. In AS 15.20.010 - 15.20.225, "institution" means a
19 hospital, rehabilitation center, pioneer home, nursing home, or senior center.

20 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

STATE OF ALASKA

OFFICE OF THE GOVERNOR

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

March 31, 1992

Representative Dave Donley, Chairman
House Judiciary Committee
P.O. Box V
Juneau, Alaska 99811

Dear Representative Donley:

The Division of Elections would like to formally request that you bring House Bill 167, "An Act Relating to Absentee Voting," before the House Judiciary Committee for a hearing.

House Bill 167 simplifies the procedures for absentee voting through a personal representative. This service is available to voters who are disabled, handicapped or elderly and who are unable to go to the polls on election day because of their disability.

The existing law requires the personal representative to make 5 separate trips to the Division of Elections to accomplish the task of assisting an individual in their right to vote. This bill would allow the personal representative to apply for an absentee ballot on behalf of the voter, and pick up the voter's confirming application and ballots at the same time. The personal representative would then take them to the voter and return both the application and voted ballots at the same time.

This bill has wide-spread support from various constituent groups, and is designed to make the voting process more accessible.

Once again, I urge you to schedule House Bill 167 to be heard in the House Judiciary Committee at the earliest convenience.

Sincerely,



Charlot E. Thickstun,
Director

cc: Lori Nottingham, Deputy Legislative Liason

48167

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 25, 1991

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Speaker Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to absentee voting.

Currently, AS 15.20.071 provides a procedure for absentee voting by personal representative that is extraordinarily burdensome for the voter and for the personal representative. A personal representative must make several trips between the voter and election officials in order for a disabled voter to use this method of voting. The bill streamlines the procedure, allowing the personal representative to accomplish in a single round trip all of the steps necessary to allow a disabled voter to vote. Additionally, the bill would allow a person confined to an institution to vote absentee by personal representative. Safeguards and accountability necessary to ensure the integrity of the election process are also maintained in this bill.

Currently, AS 15.20.071(e) prohibits a candidate from acting as a personal representative. In the bill, that provision is removed. New AS 15.20.071(g) would prohibit a voter's employer, an agent of the employer, or an officer or agent of the voter's union from acting as the voter's personal representative. Both these changes are required by federal law. 42 U.S.C. 1973aa-6. Federal law also provides that, for federal elections, state laws may require medical certification from handicapped voters only in limited circumstances. 42 U.S.C. 1973ee-3. This bill removes the current requirement (in existing AS 15.20.071(b)) that a voter's application under this section be accompanied by a letter or statement regarding the voter's disability from a physician or from two qualified voters.

I urge your favorable action on this bill.

Sincerely,

Walter J. Hickel
Governor

RECEIVED
APR 26 1989
DIRECTOR OF ELECTIONS

April 24, 1989
PO Box 1583
Fairbanks, AK 99707

Sandra Stout, Director
Division of Elections
PO Box AF
Juneau, AK 99811

Dear Mrs. Stout:

I understand that the Division of Elections is working on amending present law to simplify the Personal Representative form of voting. I strongly endorse this action.

My wife suffers from Multiple Sclerosis and is incapacitated and housebound. In order for her to vote in the 1988 elections I was required to travel from my home, which is approximately 15 miles from downtown Fairbanks, no fewer than three times. I had to go to the Fairbanks election office and pick up the required application form, return to my home to have it completed and witnessed, return to the Fairbanks election office and pick up a ballot, take it back to my home for my wife to vote, and then finally, make a third trip to return the ballot to the election office. This was a total of 90 miles of driving for each election! If I had been unable to be my wife's personal representative she would not have been able to vote as she would not have asked this kind of time or effort of our neighbors or friends.

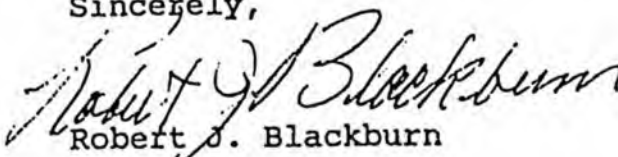
If I had been able to pick up both the application form and the ballot the first time, I could have assisted my wife in completing the application, have her vote, and then returned the application form and ballot at the same time.

I am certain that there are many other people who face this same situation at election time who may not know that you are considering changes to your procedures or who may feel inadequate to contact you to support this move. Over the years I have seen many of the election laws changed to make it easier for voters to register and vote. However, in the case of the voter who is ill or handicapped, the regulations continue to be extremely restrictive and the procedures cumbersome.

The right to vote is important, and I encourage you to support changes that would facilitate voting for handicapped persons.

Thank you for your consideration.

Sincerely,


Robert J. Blackburn

Tanana Valley League of Women Voters

P.O. Box 1974 — Fairbanks, Alaska 99707

Samdra Stout, director
Division of Elections
P.O. Box AF
Juneau, Alaska 99811-0105

RECEIVED
FEB 14 1990
DIRECTOR OF ELECTIONS
February 1990

Dear Ms. Stout,

I am writing to reiterate the support of the state and local leagues of Women Voters for the simplification of personal representative voting procedures.

I asked league members, statewide, to write you in support of the legislative Proposal. I hope you have received mail from these volunteers and that attention is being paid by legislators to the proposal.

I have just called our LIO to see what they know of the Proposal, but they can find no bill that sounds like it. Has it been introduced? I realize that it is getting late to do that, and am concerned that the opportunity has been missed.

Sincerely,

Elizabeth J. Esten, director
League of Women Voters, Alaska
Voter Service Chain.

Box 207
Esten, Alaska 99725

OUR LADY
OF COMPASSION
CARE CENTER

4900 EAGLE STREET
ANCHORAGE, ALASKA 99503-7446
PHONE:(907) 562-2281



SERVING IN THE WEST SINCE 1856

Mr Steven McAlpine
Office of the Lt. Governor
PO Box AA
Juneau, AK 99801

STATE OF ALASKA
RECEIVED
FEB 23 1989

February 20, 1989

LIEUTENANT GOVERNOR

Dear Sir:

I am writing concerning proposed changes in the procedures associated with voting by personal representative. I understand you are contemplating simplifying the process.

I am the sole registrar for a residential facility that has between 65 and 85 registered voters. Much of this population has resided here for some time and will continue to do so. There is, however an approximate 30% turnover of people who are capable and interested in voting.

At present we attempt to serve them by completing absentee voter forms prior to each election. This method best serves those that are stable in their residency. Others who have moved recently, or been recently admitted are more problematic. For these people we must pursue the personal representative procedure. This requires the time consuming process of either myself or another registered voter helping them complete the form, three trips down and back to the Elections Office, and helping them vote along with the others who have received their absentee ballots. (In order to emphasize the importance of voting, and to minimize staff time we try to complete all balloting at one time.)

As you can see we are very interested in any change that might reduce staff or volunteer time expenditures would be welcome. I would be happy to review and offer comment on any proposed changes.

Sincerely,

Liz Illg
Volunteer Services Coordinator