

HB

404

HOUSE COMMITTEE REPORT

(7)
Date Referred: April 2, 1992

FURTHER REFERRALS:

Date of Committee Action: 4/24/92

The JUDICIARY Committee considered:

HB 404

HOUSE BILL NO. 404

FILING DEADLINE FOR CERTAIN CANDIDATES

"An Act amending the filing deadline for a candidate seeking to appear on the general election ballot as a candidate not representing a political party; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB404 (JWD) 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) Elections 1/16/92

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>W. P. ...</i>		<i>David G. Donley</i>		✓	
		<i>Ellis</i>		X	
<i>Mark ...</i>	X				
<i>Terry ...</i>					

David G. Donley

CHAIRMAN'S SIGNATURE

FISCAL NOTE

Bill Version: HB 404

(H) Publish Date: 1/16/92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Office of the Governor

Title: "An Act amending filing deadline for candidates not representing a political party." BRU: Elections

Sponsor: Office of the Governor Component: Elections

Requestor: _____

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						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Elizabeth A. Ziegler Phone: 465-4611

Division of Elections

Approved by Commissioner: _____

Agency: _____ Date: _____

COMMITTEE COPY

STATE OF ALASKA

OFFICE OF THE GOVERNOR

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

April 6, 1992

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

Dear Representative Donley:

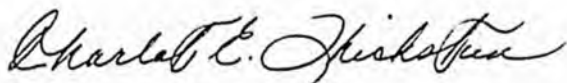
The Division of Elections would like to formally request that you bring CS for House Bill 404 (STA), "An Act amending the requirements for changing voter residence; amending the filing deadline for a candidate seeking to appear on the general election ballot as a candidate not representing a political party; and providing for an effective date," before the House Judiciary Committee for a hearing.

CS for House Bill 404 (STA) allows for a voter to request that their voter registration reflect a change of address by executing a sworn statement which could be witnessed by a notary public, commissioned officer of the armed forces including the National Guard, district judge or magistrate, United States postal official, registration official, or other person qualified to administer oaths and deletes the current language which requires that the voter execute an affidavit.

This bill also addresses the filing deadline for a candidate not representing a political party who is seeking to appear on the general election ballot. As you know the Courts ruled that the Division of Elections must accept the filing application for "no party" candidates no sooner than Primary Election Day of the year the candidate wishes to appear on the General Election ballot. Statute previously set the filing deadline for at or before 5:00pm August 1st as that date, but CSHB 404 (STA) changes that date to Primary Election Day.

CS for House Bill 404 (STA) received no opposition in the House State Affairs Committee and is a necessary piece of legislation. I urge you to schedule CS for House Bill 404 (STA) to be heard in the House Judiciary Committee at your earliest convenience.

Sincerely,



Charlot E. Thickstun,
Director

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 16, 1992

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 4/1/92

The STATE AFFAIRS Committee considered:

HB 404

HOUSE BILL NO. 404

FILING DEADLINE FOR CERTAIN CANDIDATES

"An Act amending the filing deadline for a candidate seeking to appear on the general election ballot as a candidate not representing a political party; and providing for an effective date."

RECOMMENDATIONS:

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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) ELECTIONS 1/16/92

SIGNING DQ PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Eugene A. Kaboni</i>					
<i>Paul H. ...</i>					
<i>...</i>					
<i>James ... Baker</i>	-				
<i>...</i>	-				
<i>...</i>	-				

Eugene A. Kaboni
CHAIRMAN'S SIGNATURE

STATE OF ALASKA

OFFICE OF THE GOVERNOR

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

MEMORANDUM

To: Representative Eugene Kubina, Chair
House State Affairs Committee

From: Charlot E. Thickstun, Director
Division of Elections
Office of the Lt. Governor

Subj: HB 404, "Amending filing deadline for no-party candidate petitions"

Date: February 5, 1992

The Division of Elections requested that HB 404 be drafted to correct in statute the filing date for no party candidate petitions because the existing statute was held to be unconstitutional in 1990. In Sykes v. Division of Elections, the state superior court determined that the existing August 1 filing deadline did not serve any compelling state interest.

We now request that HB 404 be amended to change the deadline from the day of the primary to September 1. In the current version of HB 404 the deadline for filing a no party petition is the date of the primary election. Upon further review the Division determined that it would be best to change the date so that it would be fixed like the party candidacy deadline of June 1.

Also we request that the Committee consider allowing the Division to add another section to this bill which would take care of a problem in AS 15.05.020(10). This statute requires that when a voter changes his or her voting residence that the voter execute an affidavit on a form prepared by the director of elections. The Attorney General's office recently advised the Division that the required affidavit can not be witnessed by an election official such as a registrar. AS 09.63, the code of civil procedure, expressly limits who can witness an affidavit. These witnesses include a notary, magistrate, judge or commissioned officer in the military.

The Division feels strongly that a voter should not be required to find a special type of witness to make an address change. This existing statutory process requires the voter to go to more effort than when he or she originally registered to vote since at that time the registration can be witnessed by a registrar.

The Division urges the committee to pass out HB 404 with these requested changes.

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 16, 1992

*The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear Speaker Grussendorf:

Under the authority of art. III, sec. 18 of the Alaska constitution, I am transmitting a bill that would change the deadline by which a candidate not representing a political party must file a nominating petition for an office to be voted upon at the general election. The bill would change the deadline under AS 15.25.150 from the current date of August 1 in the year of a general election to the date of the primary election, which under AS 15.25.020 is the fourth Tuesday in August of that year.

In 1990, the superior court in Anchorage, in the case of Sykes v. Division of Elections, 3AN-90-5708 Civ., ruled that the August 1 date unconstitutionally burdened the constitutional right of access to the ballot of a candidate not representing a political party. The court found that the Division of Elections did not require over three months to process such a candidate's petition and, if the petition was sufficient, to take the administrative steps required in connection with the candidate's ballot placement. I am submitting this bill in response to that decision.

The Sykes court specifically noted that, for a candidate not representing a political party, a filing deadline that was no earlier than the date of the primary election would be constitutionally defensible. I have chosen the earliest deadline that the court found acceptable in order to give the Division of Elections the most time possible to accomplish its functions. For instance, under AS 15.58.080(a), the official election pamphlet must be mailed to all registered voters at least 30 days before the election, or no later than early October. It must be printed before it can be mailed, a process requiring two or three more weeks. A filing deadline any later

The Honorable Ben Grussendorf

January 16, 1992

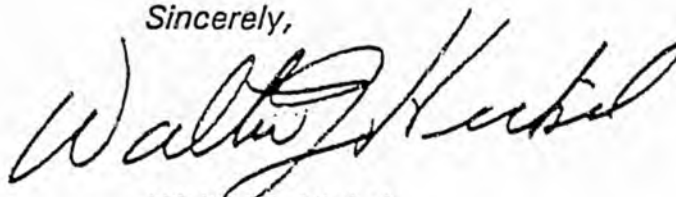
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than the date of the primary would make it very difficult for the division to ascertain the sufficiency of the petition of a candidate not representing a political party and, if the petition is found sufficient, to rework the election pamphlet in time to meet the statutory deadlines. Similarly, in light of the statutory command in AS 15.20.082(a) that special absentee ballots be prepared so that they may be sent to voters outside of the United States no later than 60 days before the general election, the division needs the earliest deadline constitutionally permissible.

Because this bill will affect the 1992 legislative election, I am proposing an immediate effective date.

I urge your prompt and favorable action on this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter J. Hickel". The signature is written in a cursive, flowing style with a large initial "W".

Walter J. Hickel
Governor