

HB

404

**FISCAL NOTE**

1  
 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  
 Component: Elections  
 Sponsor: Office of the Governor  
 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						
---------	--	--	--	--	--	--

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

**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: 465-4617  
 Division: Division of Elections

Approved by Commissioner: \_\_\_\_\_  
 Agency: **COMMITTEE CO**

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*

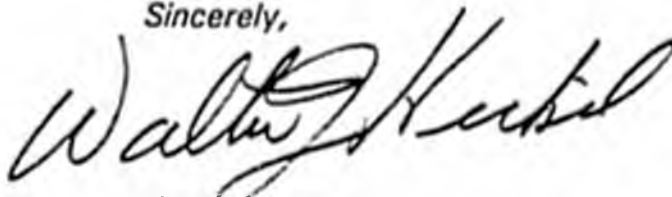
*The Honorable Ben Grussendorf  
January 16, 1992  
Page 2*

*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 cursive script, appearing to read "Walter J. Hickel".

*Walter J. Hickel  
Governor*

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS  
P.O. BOX AF  
JUNEAU, ALASKA 99811-0105  
PHONE (907) 465-4811

### 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.

AMENDMENT

IN THE HOUSE

BY

TO: HB 404

Page 1, line 1, following "Act":

Insert "amending the requirements for changing voter residence;"

Page 1, following line 4:

Insert a new bill section to read:

"\* Section 1. AS 15.05.020(10) is amended to read:

(10) The address of a voter as it appears on an official voter registration card is presumptive evidence of the person's voting residence. If the person has changed voting residence, this presumption is negated only by the voter executing a sworn statement (AN AFFIDAVIT) on a form prepared by the director setting out the new voting residence. Notwithstanding AS 09.63, the sworn statement may be witnessed as provided in AS 15.20.081(d) for the execution of an absentee ballot."

Renumber following bill sections accordingly.

# 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:       the same title  
be replaced with CSHB404 (STA)       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 DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Eugene A. Rutledge</i>					
<i>(And Vice)</i>					
<i>[Signature]</i>	-				
<i>James W. Baker</i>	-				
<i>[Signature]</i>	-				
<i>[Signature]</i>	-				

*Eugene A. Rutledge*  
CHAIRMAN'S SIGNATURE



# House State Affairs Committee

## Representative Gene Kubina, Chair

DATE: April 1, 1992

PLACE: Capitol Room #102

### SUBJECT OF MEETING:

- HB 171-Relating to Prohibit Sealing of Certain Court Records
- HB 528-Relating to Public Works Contr/Wage Increases
- HB 404-Relating to Filing Deadline for Certain Candid
- \*HB 564-Relating to Salaries for Non-Covered State Employees
- HB 565-Relating to Approp: Contr. Settlement Costs

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
John Abshire	DOA	Juneau		465 2701		Quest Y N	#528
Kathryn Kallchoff	lawyers for civil justice	Juneau		997- 0047		Y N	171
Mike McMullan	DOA	Box 110201 Juneau, AK	99811	465- 4433	465- 4430	Quest Y N	564, 565
Laino Glover	Doctors	PO Box 110017 Juneau	99811	4614	→	Y N	HB 404
Cheryl Fraser	CIVIC					Y N	564, 565
MARY NORISAKI	Am. Jus. Area	PO Box 21211, Juneau	99802	586- 5346	→	Y N	HB 171
Russ Winner		900 W 5th Ave, Ste 20 Anch AK 95501		272-0313	277-9522	Y N	HB 171
Hayden Kubina	Rep. Dalby + Area Justice	Rm. 120 - St. Cap.			4990	Y N	HB 171
						Y N	
						Y N	



# House State Affairs Committee

## Representative Gene Kubina, Chair

DATE: February 5, 1992

PLACE: Capitol Room 102

**SUBJECT OF MEETING:**  
 HCR 16 - Relating to Bone Marrow Donor Week  
 HB 327 - Relating to Primary Elections  
 HB 301 - Relating to Regular Legislative Sessions  
 HB 328 - Relating to Public Comment on Proposed Regulations

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Elizabeth Ziegler	Elections					(Y) N	KB 404
Deborah Behr	Law	Dept of LAW P.O. Box K, Juneau	99801	7	465-3600	(Y) N	HB 328
Terry Martin	Leg.					(Y) N	HB 301
Ann Boudreau	occ. LIC.	Commerce				Y (N)	
JOAN SAUVINE	LAW	PO BOX Y JNU	99801		465-3600	IF ASKED (Y) N	<del>HB 327</del> HB 327
Bob Casey	Leg. Affairs	P.O. Box Y Juneau	99801		2450	Thank (Y) N	HB 327
						(Y) N	
						Y N	
						Y N	
						Y N	
						Y N	

2.