

HB

47

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: April 5, 1994

FURTHER REFERRALS:

Date of Committee Action: 4/13/94

The FINANCE Committee considered:

HB 47

HOUSE BILL NO. 47

ABSENTEE BALLOTS - PRIMARY ELECTIONS

"An Act relating to the delivery of the primary ballots to persons making application for them when, by operation of political party rule, two or more primary ballots must be provided to the public."

RECOMMENDATIONS:

be replaced with HS HB 47 (FIN) the same 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 of of Governor

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Terry Martin</i> MARTIN	✓	<i>Ronald J. Larson</i> Larson		X	
<i>Bill Grussendorf</i> grussendorf	X	<i>Mark Hanley</i> Hanley		X	
		<i>Alan R. Parnell</i> Parnell		X	X
		<i>Tom Hoffmann</i> Hoffmann		✓	
		<i>Jan Brown</i> Brown		✓	
		<i>Tom Thuniant</i> Thuniant			X
		<i>Eileen P. Meehan</i> Meehan		X	

Eileen P. Meehan Meehan
 ED Meehan
 CO CHAIRMAN'S SIGNATURE
Ronald J. Larson Larson

FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB47

1994 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Office of the Governor

Title: An Act relating to primary elections and to the delivery of the primary ballots to person making application for them when, by operation of political party rule, two or more primary ballots must be provided to the public.

BRU: Div of ElectionsComponent: Gen/PrimSponsor: Rep. Martin

Requestor: _____

COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 93	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	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 &	0	0	0	0	0	0
GRANTS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING:

1002 Federal	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program	0	0	0	0	0	0
1006 GF/MHTLA	0	0	0	0	0	0
OTHER	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 (FY94) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Joseph L. Swanson, DirectorPhone: 465-4611Division: Division of ElectionsDate: Apr 13, 1994Approved by Commissioner: John B. Coghill, Lieutenant GovernorAgency: Office of the GovernorDate: Apr 13, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 47

Revision Date: 3/25/94

Department Affected: Office of the Governor

Title: "An Act relating to primary elections and to the delivery of the primary ballots to persons making application for them when, by operation of political party rule, two or more primary ballots must be provide: to the public."

BRU: Division of Elections

Component: General and Primary

Sponsor: Representative Martin

Requestor: _____

COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	7.9	0	7.9	0	7.9	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND &	0	0	0	0	0	0
GRANTS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	7.9	0	7.9	0	7.9	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING:

1002 Federal	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	7.9	0	7.9	0	7.9	0
1005 GF/Program	0	0	0	0	0	0
1008 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	7.9	0	7.9	0	7.9	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 (FY94) impact: 0

ANALYSIS: (Attach a separate page if necessary.)*

Prepared by: Joseph L. Swanson, Director
Division: Division of Elections

Phone: 465-4611

Date: 3/25/94

Approved by Commissioner: John B. Coghill, Lieutenant Governor

Agency: Office of the Governor

Date: 3/25/94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 47

ANALYSIS:

Contractual (7.9)

Assumption: 10,000 absentee ballots are sent out for the primary election. 330,000 ballots cost \$165.0 or .50 per ballot. Therefore, absentee ballots for each party costs (10,000 ballots x .50) = \$5,000.00.

Postage for mailing absentee ballots for each party costs. (10,000 ballots x .29) \$2,900.00.

If a political party had their own designated ballot, it would cost the State of Alaska 309.6. This cost includes printing and postage.

ELECTIVE DISTRICT 14
ELMENDORF A.F.B.
EAST ANCHORAGE
GOVERNMENT HILL

REP. TERRY MARTIN

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DURING SESSION
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STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE: 465-3763

Alaska House of Representatives

SPONSOR STATEMENT

CSHB47 (JUD)

An Act pertaining to the delivery of a primary ballot under political party rule, when two or more ballots must be provided.

As a direct result of the 1992 Primary Election, this legislation has been drafted in the event an absentee ballot applicant does not indicate a ballot preference or lacks the opportunity. The absentee voter would receive the appropriate primary election ballot, as determined by their political affiliation on record. The bill also creates a 30-day limitation on party affiliation changes to facilitate a flowing election process.

Need for Legislation

In retrospect of last year's primary, a significant number of votes were lost for primary candidates due to the Division of Elections' emergency regulation 6 AAC 28.040(c) requiring the statutory ballot to be sent to applicants failing to signify their ballot choice. Many Republican absentee voters expected a ballot aligned with their registered party affiliation. Instead, all eligible absentee voters with the affiliation of Republican, Independent, and Undeclared who did not mark their ballot preference on the absentee ballot application received the statutory ballot with only Democrat, Green, and Alaska Independent Party candidates to select. As a result, they either voted for a candidate they did not truly support or opted not to vote. In either case, this hindrance to equal selection is an example of why the regulation of the electoral process should be changed.

CSHB47(JUD) removes the barriers to the democratic process of voting in a primary election in Alaska. If an individual voting absentee does not clearly mark the desired ballot on the absentee application, the absentee voter will be sent the ballot allowed under his/her party affiliation. If no determination can be made as to the affiliation, the statutory ballot will be sent.

The prohibition to change party affiliation within 30 days preceding the primary election is strongly supported by the Division of Elections because it prevents confusion and untimely registration changes which muddle the process.

CSHB 47(JUD)

CHANGES

Page 1, Lines 3-6: Adds to the title of the bill that a voter cannot change affiliation within 30 days of a primary election when two or more primary ballots must be provided to the public (i.e., 1992's election when a statutory and Republican ballot existed).

Page 2, Lines 7-8: States that the Div. of Elections did adopt the emergency regulations from 1992 providing that an individual sending an absentee ballot application without a ballot selection will be provided the statutory ballot (6 AAC 28.130(c)).

Page 2, Line 10 States that this Act takes effect for state primary elections after June 30, 1994.

Page 2, Lines 14-16 Provides that if the director cannot determine the appropriate ballot to send an applicant after reviewing relevant division records, the open primary (statutory) ballot will be sent.

Page 2, Line 22 States the provisions of this section apply to state primaries held on or after July 1, 1994.

Page 3-4, Lines 11-5 Describes how the director will attempt to determine the appropriateness of a ballot by analyzing party affiliation and take into consideration any change of affiliation.

Page 5, Lines 14-19 States that when more than one primary ballot exists, the director may prevent party affiliation change completed after the 30 day mark before the primary election.

Page 5, Line 20 Annuls the emergency regulation requiring an individual who fails to mark the appropriate ballot preference on an application to receive the statutory ballot.

Page 5, Line 21 Immediate effective date.

STATE

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
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Position Statement
CSHB 47 (JUD)

This bill provides in statute the legal basis for the current "split" party primary election. It further clarifies how the division of elections is to determine which ballot a voter may receive, and prevents a voter from changing party affiliation within 30 days of the primary election. The division of elections strongly supports this bill. The bill helps the public as well as the division understand better who is eligible to vote in a party's primary and which ballots voters can receive. The 30-day limitation on party affiliation changes provides for a smoother, faster primary election process. It also lessens the chance that the division will not be able to determine the voter's intention and eligibility. In the past, there were some times when the voter filled out a party change form on the same day he or she filled out a registration form. This caused the district and state review boards to be confused about voter eligibility, and resulted in the disenfranchisement of some voters.

Section 1 provides historical background and correctly points out that the current regulations used by the division were based on court proceedings rather than on statute. The division supports the passage of statutes that establish rules for the split primary.

Section 2 adds a new section to AS 15.20, dealing with absentee voting, which clarifies how the division may determine which ballot an absentee applicant may receive. Applicants will be sent the ballot they request and are eligible to receive.

If they do not qualify for the ballot requested or do not indicate a ballot preference, they will receive the appropriate

Mr. Joseph L. Swanson, Director
April 1, 1994
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ballot based on party affiliation or nonaffiliation. The party affiliation used is the one in effect prior to the 30th day before the primary election. The appropriate ballot will be that of the party to which the voter belongs at the above described time if that party has satisfied the requirements to adopt and implement rules limiting participation in the party's primary to voters with certain party affiliations or nonaffiliations. Voters who belong to a party that has not limited participation in its primary, or are not affiliated with any party, and who do not indicate a preference, will receive the primary ballot.

The division strongly supports this section. It is clear, and the division will be able to follow its intent easily. It differs from current regulations, but, of course, procedure will be brought into compliance if this bill becomes law.

Section 3 is a technical amendment to statute which establishes the name of "statutory primary ballot" for candidates whose parties have not limited participation in their primaries.

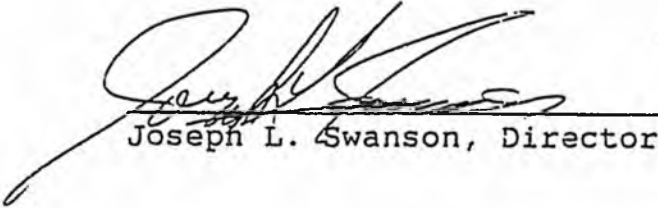
Section 4 establishes the "FILL IN THE BLANK party primary ballot" to those candidates who belong to parties that have adopted rules limiting participation in their party, and have given the rules to the division by March 1 of the primary election year, and the rules have been submitted to the United States Department of Justice and the Justice Department has provided an affirmative indication of nonobjection to the rules. Candidates appearing on this ballot may not appear on the statutory primary ballot.

Finally, this section makes it clear that registered voters may choose the ballot they wish to use, but may not be given a ballot which they are not eligible to vote.

Mr. Joseph L. Swanson, Director
April 1, 1994
Page 3

Section 5 prohibits a voter's change of party affiliation from taking effect for the primary if it is requested by the voter during the period after the 30th day preceding the primary election. The division strongly supports this section. In the past, voters could fill out a change of party affiliation at the polling place. Not only did this slow down the voting process, resulting in lines and delays for the voter, but it produced a potentially confusing record in cases where the voter filled out a registration form on the same day which may not have been consistent with the change in party affiliation form. It was impossible to tell which was executed last. This section makes the 30-day cutoff apply to the party affiliation just as it does to all other aspects of the voters's registration.

Section 6 is a technical amendment annulling the current regulation that is out of compliance with the provisions of this bill.


Joseph L. Swanson, Director

4/1/94
Date