

HB

49

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/30/94

FURTHER:

DATE TURNED INTO OFFICE: 4-19-94

The Finance Committee considered CS FOR HOUSE BILL NO. 49(FIN) am

Absentee voting, electronic transmission of absentee ballot applications, delivery of ballots to absentee ballot applicants; definition of 'state election;' for purposes of absentee voting; efd.

and recommends:

replace with _____ CS _____ (FINANCE)
 or adopt previous 5 CS CS HB 49 (STA)
 attaches amendment(s)

same title
 new title
 technical title change
 (HB only)

adopts _____ Letter of Intent
 further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
<i>Gov.</i>	<i>2/15/94</i>		<i>23.4</i>

Appropriation No Fiscal Note

DO PASS: *Tyris Kelly*
Bob Bishop

OTHER RECOMMENDATIONS:
Steve Rieps No Recommendation
Justine Do not pass

1. *Irue Pearce, Co-Chair*
 Co-Chair: Signature/Recommendation

2. *Bob Bishop*
 Co-Chair: Signature/Recommendation

No. 3

Bill Version: CSHB 49(FIN)

(H) Publish Date: 3/7/94

FISCAL NOTE

BILL NO.

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: 2/15/94

Title: Absentee Balloting by FAX

Sponsor: Representative Martin

Requestor: _____

Department Affected: Office of the Governor

BRU: Division of Elections

Component: Primary and General

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	20.0	0	20.0	0	20.0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	3.4	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	23.4	0	20.0	0	20.0	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	23.4	0	20.0	0	20.0	0
1005 GF/Program	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	23.4	0	20.0	0	20.0	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, Director

Division: Division of Elections

Phone: 465-4611

Date: 2/15/94

Approved by Commissioner: John B. Coghill, Lieutenant Governor

Agency: Office of the Governor

Date: 2/15/94

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Rev 12/93

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Changes in Sen OS HB49 (STA)
reflect NO FISCAL CHANGE from the original
fiscal note. This fiscal note is appropriate.

3-28-94

COMMITTEE COPY

page 2 of 2

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB49 (JUD)

ANALYSIS:

Contractual (20.0)

Long distance telephone charges and installation of four dedicated absentee ballot fax lines. These dedicated telephone lines would be installed in all four regional offices and be operational for four months every election year.

Equipment (3.4)

Purchase of one dedicated fax machine for receiving electronic absentee ballots. One Sharp FO 5400 fax machine with supplies and warranty.

Back-up

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN JACK SPRINGS
NUNAKA VALLEY
ELMENDORF A.F.B.
CREEKSIDE
EAST ANCHORAGE



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DURING SESSION
POUCH V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE 465-3783

Alaska House of Representatives

SPONSOR SUMMARY
SCSCSHB 49 (STA)

An Act relating to absentee voting by electronic transmission.

Per a request by the Secretary of Defense, Federal Voting Assistance Program Director Phyllis J. Taylor, I requested LAA Legal Services to draft *HB 49*. With new committee and House/Senate changes resulting in *SCSCSHB 49 (STA)*, the intent is to allow residents of Alaska voting absentee to utilize electronic transmission (fax), whether in-state, out-of-state in the United States, or outside of the United States.

Need for Legislation

In consideration of the 1990 Desert Storm conflict, the difficulty in sending and receiving ballots from outside the U.S. has escalated through failures in our postal system, changes in electoral regulations, and misunderstandings by voters. With regard to the military, reports reveal that there are 26,281 Alaska residents serving in the Armed Forces alone, with over 19,000 spouses and dependents of voting age, and almost 5,750 residents not affiliated with the federal government, but eligible to vote in Alaska. These figures do not include the other Alaskan residents who vote out-of-state by absentee such as college students, state employees, private business people who must leave state on for work, and even vacationers. Finally, in-state travelers who may not be in their city's election district during a state election can utilize the use of electronic transmission to cast their absentee ballot. This is especially helpful when one considers the potential delays and difficulties in traveling throughout Alaska.

The national trend is to expand voting practices and allow those individuals voting absentee the most expeditious means by which they can cast their ballot. In terms of Alaska's requirements, there is a 36-45 day ballot transmission time. Ballots are mailed 21-30 days before the election. Marked ballots mailed by voters within the United States will be counted if postmarked by the day of the election and if received by the Division of Elections by the tenth day following the election. Ballots returned by voters outside the United States must be received by the Division of Elections by the fifteenth day following the election. Alaska also



Over the last two decades, absentee ballot procedures and postal service problems have resulted in the loss and delay of numerous absentee voter's ballots. In the 1988 presidential election, 200,000 military personnel alone tried to vote absentee but were unable to do so because they didn't receive their ballot on time or at all. Presently, the following seven (7) states allow some form of electronic transmission for ballots or information: California, Hawaii, Louisiana, Montana, North Dakota, Utah, and Washington. In the 1992 presidential election, 140 U.S. citizens voted by electronic transmission. In addition, 699 election offices in 49 states utilized fax machines to distribute information and material.

The purpose of *SCSCSHB 49 (STA)* is not to substitute the use of electronic transmission over mail service, but to decrease lost, delayed, or denied absentee ballots due to time constraints. The use of electronic transmission maintains confidentiality, while at the same time, maintains speed and efficiency. In essence, it expands the use of alternative voting procedures which might otherwise disenfranchise an Alaskan resident voting absentee when time is of the essence. In other states, such as Montana, the use of facsimile machines for absentee voting has been integrated into statute. Through a set of specific guidelines and regulated procedures established in *SCSCSHB 49 (STA)*, those absentee voters unable to return to their respective election district, whether inside or outside Alaska or the United States, would have the opportunity to cast their vote via electronic transmission. The effective date allowing electronically transmitted absentee ballots is for the 1994 General Election (Section 10 prohibits this type of absentee ballot transmission during the 1994 Primary).

STATE OF ALASKA

OFFICE OF THE GOVERNOR

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

Position Statement
CSHB 49 (FIN)am

This bill allows both in-state and out-of-state voters to request by electronic transmission (fax) an absentee ballot for a state election. It also allows the division of elections to send an absentee ballot to a voter and for the voter to return the voted absentee ballot to the division via electronic transmission. The division of elections supports this bill, and believes it will facilitate absentee voting for registered Alaskan voters who otherwise may be discouraged from voting because of the limitations of time and distance.

Section 1 allows the division of elections to adopt regulations to provide for the delivery of absentee ballots to voters and the receipt of voted absentee ballots from voters using electronic transmission. The division supports the language in this section which requires the voter to comply with the same time deadlines as for voting in person, since it is imperative that the votes be cast on or before election day, and not afterward. The division also understands the concern about maintaining the secrecy of the ballot process mentioned in this section, and supports the language whereby the voter waives his or her right to a secret ballot.

Section 2 allows voters to apply for an absentee ballot by electronic transmission.

Section 3 requires that an application requesting the delivery of an absentee ballot by electronic transmission must be received by the division of elections not less than 4 days prior to the applicable election day. The section changes the time to receive an application requesting delivery of an absentee ballot by mail from 4 days to 7. The division strongly supports these provisions. We

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Mr. Joseph L. Swanson, Director

March 14, 1994

believe this language recognizes the inherent limitations of relying on the mail service for absentee voting. Four days before an election rarely provide enough time for the division to mail a ballot and for the voter to mark the ballot and return it to the division postmarked by election day. On the other hand, use of electronic transmission should allow for a timely execution of the process by the division and the voters.

Section 4 provides the ability of the division to send an absentee ballot and other relevant material to a voter by electronic transmission.

Section 5 requires that, if the voter returns an absentee ballot by mail, these ballots will be mailed in the same manner and within the same time frames regardless of whether the ballot was mailed to the voter or delivered using electronic transmission.

Section 6 is a technical change requiring the division to maintain the same records of absentee ballot delivery whether the delivery is via the mail or electronic transmission.

Section 7 exempts absentee voting via electronic transmission from the section providing for "special absentee ballots" for by-mail absentee voting from outside the United States. The division supports this language since the main objective of the use of electronic transmission is to speed the process. This should eliminate the need for special ballots for people who choose to use electronic transmission.

Section 8 is a technical amendment providing that write-ins will be handled the same for absentee ballots whether received by mail or by electronic transmission.

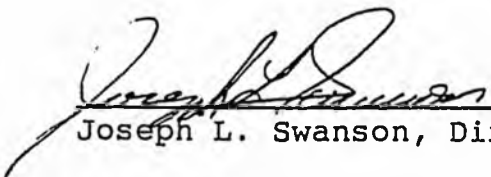
Section 9 defines a state election for which the absentee voting procedure will be applicable. We support this definition.

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Mr. Joseph L. Swanson, Director

March 14, 1994

Section 10 prevents absentee ballots from being voted and returned to the division via electronic transmission for the primary state election or for a special election in 1994. Voters can, however, apply for a ballot using electronic transmission for those elections. They could vote via electronic transmission in the general election. Delaying the ability to vote using electronic transmission until the general election will provide the division of elections with needed time to develop appropriate procedures to maximize convenience for the voter and to minimize the impact on the secrecy of the absentee voting procedure.



Joseph L. Swanson, Director

3/14/94

Date

correspondence



REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
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Alaska House of Representatives

MEMORANDUM

DATE: March 31, 1994

TO: Senator Drue Pearce,
Senate Finance Chair

FROM: Representative Terry Martin *T.M.*

RE: SCSCSHB49 (STA)

This is a formal request to schedule SCSCSHB49 (STA) before the Senate Finance Committee at your earliest convenience.

The attached information includes a sponsor summary, sectional analysis, fiscal note, departmental position paper, and several informational articles and letters of support for reference. If you require additional information, please contact my aide Tom Anderson at 3782.





155 SOUTH Seward Street
Juneau, Alaska 99801

January 27, 1994

Mr. Tom Anderson
The Office of Representative Terry Martin
Alaska State Legislature
State Capitol
Juneau, Alaska 99811

Dear Tom:

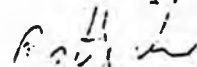
It was a pleasure to have the opportunity to meet with you about CS for House Bill No. 49 (STA).

Concern had apparently been raised that House Bill 49 would apply to municipal elections as well as state elections. In reviewing the bill, it applies only to Title 15, which is the State Election Code. Municipal election requirements are contained in Title 29 of Alaska Statutes. Municipalities generally adopt their own election ordinances and may pattern their election codes after State Statutes, however, there are no requirements for municipalities to adopt the State Code.

The City and Borough of Juneau revised its own election code about two years ago and now allows voters to request an absentee ballot by facsimile. The facsimile application must be received no later than five days before the date of the election. Our experience with the facsimile application is that it works well and voters have been pleased to have it as an option. At the time that the Assembly considered revisions to the City and Borough's election code, the facsimile transaction of ballots to the voters and of ballots returned from the voters was considered but not adopted.

If I may be of assistance or provide additional information, please do not hesitate to contact me.

Sincerely,


Patty Ann Polley, CMC
Municipal Clerk

PAP:etp



FEDERAL VOTING ASSISTANCE PROGRAM
OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1155

March 11, 1994

The Honorable Ramona Barnes
Speaker of the House
State Capitol
Juneau, Alaska 99801-1182

Dear Madam Speaker:

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), which this office administers, concerns the absentee voting rights of 15,653 Alaska citizens currently serving in the Armed Forces. In addition, there are 11,740 voting age spouses and dependents, and over 5,747 Alaska citizens overseas not affiliated with the federal government covered by the Act.

We understand the House is scheduled to vote on CSHB49 (JUD) in the near future. This bill allows for the electronic transmission by facsimile of all aspects of the absentee voting process. Our 1992 Post-election survey reflected 35% of the citizens covered by the UOCAVA were unable to vote because they did not receive their ballot. Allowing for this procedure would cut ballot transit time at least in half, thereby reducing the major obstacle to voting absentee by these citizens.

This measure enfranchises many voters who would otherwise not be able to vote due to time constraints. In 1992, voting materials were electronically routed to 699 local election offices in 49 states, the Virgin Islands, Puerto Rico and the District of Columbia. Voters served were located in 38 foreign countries as well as throughout the United States.

Currently, 36 states have successfully implemented electronic transmission of election materials. All materials may be faxed *at no cost to the local election official* by using FVAP's toll free number, (800) 368-8683.

On behalf of the citizens covered by the UOCAVA, we urge Alaska adopt this legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Phyllis J. Taylor".

Phyllis J. Taylor
Director



SUBMITTED BY: REP. MARTIN
REF: HB49
1/25/93

December 1992

Voting Information News

Vol. 2 No. 12

A roundup of voting news from the Federal Voting Assistance Program (FVAP) ✓ ✓ For voters, potential voters and those who assist voters.

In November 3 election

Electronic Transmission of Voting Materials

The electronic transmission service provided by the Federal Voting Assistance Program (FVAP) processed over 5,000 applications, ballots and other documents from voters and election officials. This alternate process of requesting registration and/or a ballot was first used during Operation Desert Shield in the Persian Gulf and has since been adopted by many States and localities around the nation.

While the method was available to all, it was invaluable for overseas citizens who would have otherwise been unable to

Last-minute voters . . . found this option to be the only alternative which allowed them to vote.

register or vote due to lengthy mail transit times from their country of residence. Also some last-minute voters who registered just a few days before the State deadline to request a ballot found this option to be the only alternative which allowed them to vote.

Voters using this alternate method should always consult Chapter 3 of the *Guide* as well as *Appendix I* to see if their State allows for the electronic transmission of materials and insure that the proper procedure is followed when faxing.

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Increased participation reflects nat'l trend

Absentee Voters Make A Difference

Official results from the November 3 general election will not be available until later but absentee votes played an important role in several contests around the nation.

While the deadline for receipt of absentee ballots usually coincides with the close of polls on election day, several States and jurisdictions count ballots after November 3. In many instances, these absentee ballots can make a difference.

Take the case of the race for the U.S. House of Representatives seat in the 43rd District in Riverside, California. Absentee votes are the pivotal factor in deciding the winner. Before Saturday, November 7, 1992, Democrat Mark Takano was maintaining a 1,234 vote lead over Republican Kenneth Calvert. Following the count of absentee votes on that date, however, Calvert overtook Takano by a 397 vote margin. A total of 22,842 absentee ballots were cast in Riverside County. Presently, Calvert has 87,869 votes (46.4%) to Takano's 87,472 (46.4%). After official certification on November 25, 1992, candidates have five days to request a recount. The official result of this election will be declared after that date.

In Minnesota's 2nd Congressional district, less than 600 votes separated Republican Cal Ludeman from Democrat David Minge, out of a total of 263,000 votes cast. Ludeman conceded defeat on November 12.

In the eighth district race for State senate in Nevada, at last count, twenty-four votes separated Republican Mark James with 20,709 votes from Democrat Sandi Krenzer who was trailing with 20,685 ballots cast in her favor. However, the State had not received all absentee ballots and was counting on 122 absentee voting members of the Armed Forces and overseas citizens to determine the outcome of the race in this district which includes Las Vegas. All ballots received on or before November 17 at 5:00 pm will be counted.

Even more interesting is that not only will these absentee voters determine the outcome of the James-Krenzer race, they will also determine which party will have the majority in the Senate. Both Republicans and Democrats currently have ten seats each in the twenty-one member Nevada Senate, making participation by all 122 absentee voters even more critical. In another electoral cliff-hanger this year, the 18th district race between Lonny B. Winrick and Clare Carlson for the North Dakota State House of Representatives may be decided by a coin toss. The district, which includes part of Grand Forks Air Force Base, received a large number of absentee ballots.

Both contenders received an equal number of votes, 1,895. A date for a mandatory recount has not been assigned. However, if after the recount the contest is still tied, a coin toss will determine the winner.

In the Codington district race for State senate in neighboring South Dakota, out of 92,095 ballots cast, 1,238 were cast by absentee voters. In this race, Democrat Dale Howlett received 46,048 votes in his favor while his opponent, Republican Berdetter Solum received 46,047, a difference of only one vote.

Official canvassing (counting) for this race will be completed on November 15. At that time the losing candidate can accept the official results or choose to file a petition with the State. In the latter case, a presiding judge, a referee and two members of the elections commission will conduct an official recount.

Absentee ballots accounted for 32% of the total 24,448 votes cast in the race for the 38th State senate seat in Texas. Challenger Jim Solis, a Democrat, edged out Republican incumbent Ken Sluriet by 34 votes. The 7,838 absentee ballots out of a total 24,448 votes cast proved that absentee voting again played a significant role.

INSIDE THE BELTWAY

Getting out the fax

Just as many recipients were about to declare Fax the biggest threat to sanity and human progress, what with unsolicited press releases and 27-page dissertations on Indonesian pottery overheating the machine, along comes someone with a socially redeeming value for the thing: "Vote by Fax."

The system, provided to the Pentagon by Election Technology Co. of Raleigh, N.C., will enable U.S. forces in Operation Desert Shield to vote in local, state and federal elections next month. Absentee ballots, provided by the GI's election board back home, will be faxed over to Saudi Arabia in a matter of minutes. The men and women fill out their ballots and either mail them back or, if they don't mind everyone along the way looking, can fax them back to election officials.

Ed Weems Jr., president of ETC, said 30 states and the District have already made use of "Vote by Fax" to send ballots over to the desert, and he expects the system eventually will be used by about 5,000 of the 200,000 troops there.

Lighten up

More than a dozen Republican members of the House crawled off to the Republican Cloak Room to try to unfrazzle themselves after too long a dose of Democrats debating the budget and taxes and how to spend more money. They have a television set with a VCR in there and amused themselves watching reruns of "12 O'Clock High." That's the series that Rep. Bob Dornan, back in his acting days, starred in as a co-pilot. In fact, as we hear it, Mr. Dornan was present during the showing of the reruns and provided a running commentary, pointing out eccentricities such as the scene in which a British Spitfire is shot down by American B-17s. Whoops.

Lend me an ear

Ted Turner gave a Brazilian reporter a hard time when asked about the political leanings of his Cable News Network. Mr. Turner asked the reporter to repeat the question in "better" English and claimed to be "hard of hearing"

stand. Then a British reporter asked in perfect king's English when Mr. Turner planned to marry Jane Fonda. "Sorry, I don't understand that one either," Mr. Turner said, according to a report in the New York Post.



Take care when tangling on the Senate floor with Robert Byrd.

Levels of the game

Sen. Robert Byrd, West Virginia Democrat, undoubtedly wears of being described as gentlemanly, courtly, old-school and all the other compliments that make him sound as if he belongs in a display case. But you get the picture. He's also a master of the game. Witness an exchange when he asked for a little more time to continue his comments on budget matters:

Mr. Byrd: "I ask unanimous consent to proceed for such time as I may need."

Presiding officer: "Is there objection?"

Sen. John Chafee: "Well, Mr. President."

Mr. Byrd: "Do not worry, this senator will end it."

Presiding officer: "Is there an objection? Hearing none, it is so ordered."

Mr. Byrd (to Mr. Chafee, who had reconsidered his objection): "I thank you for your nice and the"

with in the Interior appropriations bill." [This remark referring to some favor bestowed brought laughter from the assembled senators.]

Mr. Chafee: "I had that in mind as I rose to my feet. [More laughter.] The reason I rose was I thought I wanted to assist you in any way I could in an extension of the time you wanted. [Further laughter.]

Mr. Byrd: "I say to the senator, wait until next year and he will write me a bigger card. I thank the senator."

Way off base

The chap from the Pentagon who said he'd get back to us on the cost of the trip to South America for the Air Force's 65-piece Serenade in Blue brass band has done so. Our source estimated the cost of the expedition at \$500,000, but the spokesman said that's too high. It will cost \$170,000 to feed and lodge the musical crew. The aircraft in question would have to be flying anyway to log in the hours assigned to it, he said. Byr if the flight were billed at an estimated cost of \$2,650 per hour, that cost would come to about \$118,000.

So it won't cost nearly as much as we predicted. Of course, that's what they said about the Hubble, and the S&L bailout, and ...

Inscrutable Bill

Rep. Bill Alexander, Arkansas Democrat, happens to agree with President Bush on most points regarding dialogue and commerce with China, and he has some ideas about the difficulty of understanding that country: "We must visit China in order to fully understand the importance of this relationship." Mr. Alexander said on the House floor the other day. "About 10 years ago, I had the opportunity to travel to the People's Republic of China on four separate occasions. Prior to my travel, I had little or no knowledge of the Orient. When I arrived there, I found it such a contrast to the United States that I was reminded of the statement by Mark Twain that 'East is East and West is West.'"

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