

HB

47

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

REP. TERRY MARTIN

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DURING SESSION
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Alaska House of Representatives

SPONSOR STATEMENT

CSHB47 (FIN)

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 his/her 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 "open 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 "open 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(FIN) removes the barriers to the democratic process of voting in a primary election in Alaska. If a party closes its primary, forcing the Division of Elections to offer multiple ballots, and an individual voting absentee does not clearly mark the desired ballot selection on the absentee application, the absentee voter will be sent the ballot allowed under his/her party affiliation. If the affiliation is non-partisan or undeclared, or if no determination can be made as to the affiliation, the "open 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.

FLOOR DISCUSSION - May 6, 1994

HB 153 - Good Time at Point Mac:

- * **Jerry Luckhaupt at Legislative Legal does not see equal protection problems with this program and awarding special good time because:**
 - * **Special requirements and different from other prisoners, working harder and longer hours and in harsher conditions without many amenities, and in return state offers good time. Program is different and conditions are different from other prisoners**
 - * **Only possible equal protection problem he sees is if the program is not offered to women. The department is planning to offer the program to women as soon as the facilities are available. If this is the case, Luckhaupt sees no problems with equal protection.**
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HB 47 - Primary Ballots

- * **Non-partisan will automatically receive the statutory ballot if they do not specifically mark the Republican ballot**
- * **ONLY changes for registered Republicans**

OFFICE OF THE GOVERNOR

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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

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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.

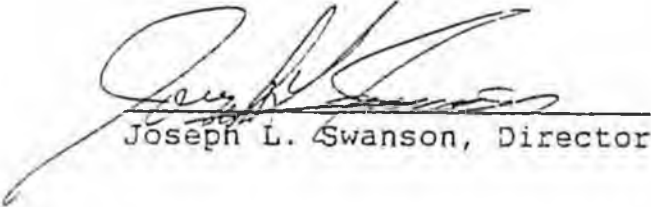
Section 4 establishes the "FILL IN THE BLANK party primary ballot" to those candidates who belong to parties that have adopted rules limiting participation in their party, and have given the rules to the division by March 1 of the primary election year, and the rules have been submitted to the United 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.

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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

FISCAL NOTE

BILL

STATE OF ALASKA

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 Elections

Component: Gen/Prim

Sponsor: Rep. Martin

COMPONENT SERIAL NO. 22

Requestor: _____

EXPENDITURES/REVENUES:

OPERATING	FY 98	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/MHTIA	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, Director

Phone: 465-4811

Division: Division of Elections

Date: Apr 13, 1994

Approved by Commissioner: John B. Coghil, Lieutenant Governor

Agency: Office of the Governor

Date: Apr 19, 1994

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