

HB

49



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

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105


MEMORANDUM

March 14, 1994

SUBJECT: CSHB 49 (Finance) amended (Work Order No. 8-LS0359\M)

TO: Senator Loren Leman, Chair
Senate State Affairs Committee

FROM: Jack Chenoweth
Legislative Counsel



Directing attention to section 10 of CSHB 49 (Finance) amended, this section was modified by floor amendment in the House-passed version, and the floor amendment was, as you can see in the text of this section of the bill, incomplete.

For editorial purposes, and not for the purpose of making a substantive change, the committee should consider correcting the bill's section 10 to read:

*** Sec. 10. ABSENTEE VOTING DURING PRIMARY AND SPECIAL STATE ELECTIONS DURING 1994.** Notwithstanding AS 15.20.066(a), added by sec. 1 of this Act, in the primary or a special state election held during 1994, a person may not cast an absentee ballot by electronic transmission.

JBC:mi:pl
94-059.mai

cc: Representative Terry Martin

*Senator
Yeas*

Alaska State Senate
Eighteenth Legislature
Second Session

RCS# 479
Item 21

04-27-94
14:44:01

SCS CSHB 49(STA)
Third Reading - Final Passage
Effective Date

Yeas:	8	Frank, Halford, Jacko, Kelly, Leman, Miller, Sharp, Taylor
Nays:	12	Adams, Donley, Duncan, Ellis, Kerttula, Lincoln, Little, Pearce, Phillips, Rieger, Salo, Zharoff
Excused:	0	
Absent:	0	

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN JACK SPRINGS
NUNAKA VALLEY
ELMENDORF AFB
CREEKSIDE
EAST ANCHORAGE



HOME
3900 REKA DRIVE B6
ANCHORAGE, AK 99508
PHONE 333 6990

DURING SESSION
POUCHY
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE 465 3783

Alaska House of Representatives

SPONSOR SUMMARY

CSHB 49 (FIN) am

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 changes resulting in *CSHB 49 (FIN) am*, 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, and private business people who must leave state on business. Finally, even 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 provides a Special Write-in Absentee Ballot, which is available 60 days before the election.



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 *CSHB 49 (FIN) am* 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 *CSHB 49 (FIN) am*, 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).

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

Page 2

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.

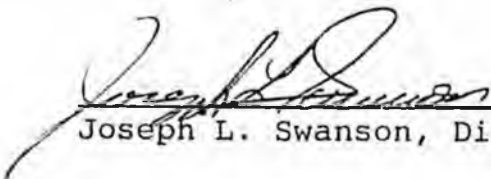
Section 9 defines a state election for which the absentee voting procedure will be applicable. We support this definition.

Page 3

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



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

March 11, 1994

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Speaker of the House
State Capitol
Juneau, Alaska 99801-1182

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

Sincerely,

Phyllis J. Taylor
Director



155 SOUTH SEWARD STREET
JUNEAU ALASKA 99801

January 27, 1994

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Patty Ann Polley, CMC
Municipal Clerk

PAP:etp

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HJR 51

Revision Date: February 11, 1994
 Title: "Requesting the governor to file suit in the United States Supreme Court..."
 Sponsor: Representative James
 Requestor: House Special Committee on Mil. & Vet. Affairs

Department Affected: Department of Law
 BRU: Legal Services
 Component: Operations
 COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX
CAPITAL						
REVENUE						
FUNDING:						
1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX
POSITIONS:						
FULL-TIME	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: XXXX

ANALYSIS: (Attach a separate page if necessary.)
 Please see the attached analysis.

Prepared by: Richard J. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: February 11, 1994
 Date: February 11, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HJR 51

ANALYSIS CONTINUATION:

HJR 51 requests the governor to file suit in the United States Supreme Court against the United States government alleging violations of the civil rights of Americans listed as prisoners of war or missing in action in Southeast Asia. The resolution further requests that the suit demand that the Department of Defense, the intelligence agencies, and the governments of Vietnam, Laos, Kampuchea, Russia, and China be ordered to turn over all documents concerning Americans listed as POWs or MIAs as a result of the Vietnam War. The resolution also requests the other states to join in the suit.

The Department of Law has no comment to offer concerning the merits of the resolution. However, we do note that if the intent of the resolution is carried out it will be necessary to hire outside counsel skilled in U.S. Supreme Court proceedings. Outside counsel would be needed to advise the state concerning preparation of the suit, requirements of federal and international jurisdiction, to provide liaison with the National Association of Attorneys General and the other states, and to represent the state in formal proceedings before the U.S. Supreme Court. At this early juncture we cannot determine what costs might be required. We caution, however, that the U.S. Supreme Court costs could eventually reach \$50,000, or more.

FISCAL NOTE

No. 3

Bill Version: CSHB 49(FIN)

BILL NO. (H) Publish Date: 3/7/94

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: 465-4811

Date: _____

Approved by Commissioner: John B. Coghill, Lieutenant Governor

Agency: Office of the Governor

Date: _____

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8-LS0359AS
Chenoweth
3/22/94

Sen. Ellis

#1 → add in amendment to require the Division to immediately send confirmation to voter that the fixed ballot has been received

SENATE CS FOR CS FOR HOUSE BILL NO. 49(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:

Referred: STA, FIN

Sponsor(s): REPRESENTATIVES MARTIN, Brice, Mulder

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to absentee voting, to electronic transmission of absentee ballot
2 applications, to delivery of ballots to absentee ballot applicants by electronic
3 transmission, and enacting a definition of the term 'state election' for purposes
4 of absentee voting; and providing for an effective date."

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

6 * Section 1. AS 15.20 is amended by adding a new section to read:

7 Sec. 15.20.066. VOTING BY ELECTRONIC TRANSMISSION. (a) The
8 director shall adopt regulations applicable to the delivery of absentee ballots by
9 electronic transmission in a state election and to the use of electronic transmission
10 absentee voting in a state election by qualified voters. The regulations must

11 (1) require the voter to comply with the same time deadlines as for
12 voting in person on or before the closing hour of the polls;

13 (2) ensure the accuracy and, to the greatest degree possible, the
14 integrity and secrecy of the ballot process.

1 (b) An absentee ballot that is completed and returned by the voter by
2 electronic transmission must

3 (1) contain the following statement: "I understand that by using
4 electronic transmission to return my marked ballot, I am voluntarily waiving my right
5 to a secret ballot.", followed by the voter's signature and date of signature; and

6 (2) be accompanied by a statement executed under oath as to the
7 voter's identity; the statement under oath must be witnessed by

8 (A) a commissioned or noncommissioned officer of the armed
9 forces of the United States;

10 (B) an official authorized by federal law or the law of the state
11 in which the absentee ballot is cast to administer an oath; or

12 (C) two United States citizens who are 18 years of age or older.

13 * Sec. 2. AS 15.20.081(a) is amended to read:

14 (a) A qualified voter may apply by mail or by electronic transmission to the
15 director for an absentee ballot. The application must [SHALL] include the address or,
16 if the application requests delivery of an absentee ballot by electronic
17 transmission, the telephone electronic transmission number, to which the absentee
18 ballot is to be returned, the applicant's full Alaska residence address, and the
19 applicant's signature. However, a person [PERSONS] residing outside the United
20 States and applying to vote absentee in federal elections in accordance with
21 AS 15.05.011 need not include an Alaska residence address in the application.

22 * Sec. 3. AS 15.20.081(b) is amended to read:

23 (b) An application requesting delivery of [FOR] an absentee ballot to the
24 applicant by mail must be received by the division of elections not less than seven
25 [FOUR] days before the election for which the absentee ballot is sought. An
26 application for an absentee ballot for a state election from a qualified voter
27 requesting delivery of an absentee ballot to the applicant by electronic
28 transmission must be received by the division of elections not less than four days
29 before the election for which the absentee ballot is sought. An [THE] absentee
30 ballot application submitted by mail under this section must permit the person to
31 register to vote under AS 15.07.070 and to request an absentee ballot for each state

1 election held within that calendar year for which the voter is eligible to vote. An
2 absentee ballot application submitted by electronic transmission under this section
3 may not include a provision that permits a person to register to vote under
4 AS 15.07.070.

5 * Sec. 4. AS 15.20.081(c) is amended to read:

6 (c) After receipt of an application [BY MAIL], the director shall send the
7 absentee ballot and other absentee voting material to the applicant by priority mail.
8 However, if the application requests that an absentee ballot for a state election be
9 sent by electronic transmission, the director shall send the absentee ballot and
10 other absentee voting material to the applicant by electronic transmission. The
11 absentee ballot and other absentee voting [THE MOST EXPEDITIOUS MAIL
12 SERVICE. THE] material shall be sent as soon as they are ready for distribution. If
13 the absentee ballot and other absentee voting material are mailed to the applicant,
14 the [THE] return envelope sent with the ballot and other materials shall be addressed
15 to the election supervisor in the district in which the voter is a resident.

16 * Sec. 5. AS 15.20.081(e) is amended to read:

17 (e) An absentee ballot must be marked on or before the date of the election.
18 Except as provided in (h) of this section, a voter who returns the absentee ballot by
19 mail, whether provided to the voter by mail or by electronic transmission, shall use
20 a mail service at least equal to first class and mail the ballot not later than the day of
21 the election to the election supervisor for the election district in which the voter seeks
22 to vote. Except as provided in AS 15.20.480, the ballot may not be counted unless it
23 is received by the close of business on the 10th day after the election. If the ballot is
24 postmarked, it must be postmarked on or before election day. After the day of the
25 election, [NO] ballots may not [SHALL] be accepted unless received by mail.

26 * Sec. 6. AS 15.20.081(g) is amended to read:

27 (g) The director shall maintain a record of the name of each voter to whom
28 an absentee ballot is sent under this section [BY MAIL]. The record must list the
29 date on which the ballot is mailed or provided by electronic transmission and the
30 date on which the ballot is received by the election supervisor and the dates on which
31 the ballot was executed and postmarked.

1 * Sec. 7. AS 15.20.082 is amended by adding a new subsection to read:

2 (e) The provisions of AS 15.20.066 and 15.20.081 relating to electronic
3 transmission absentee voting do not apply to the procedures established in this section.

4 * Sec. 8. AS 15.20.211(b) is amended to read:

5 (b) If a voter requested an absentee ballot [BY MAIL] and the proper absentee
6 ballot was not sent to the voter, the votes cast by the voter on the ballot received
7 which are for write-in candidates the voter could have voted for if the voter had
8 received and voted the proper absentee ballot shall be counted.

9 * Sec. 9. AS 15.20 is amended by adding a new section to read:

10 Sec. 15.20.225. DEFINITION OF "STATE ELECTION." In AS 15.20.010 -
11 15.20.225, "state election" means a primary, general, or special election a purpose of
12 which is to

13 (1) select, nominate, or elect a governor and lieutenant governor, an
14 acting governor, a state senator, or a state representative;

15 (2) select, nominate, or elect delegates to a constitutional convention;

16 (3) approve or reject an initiative submitted under art. XI of the state
17 constitution and AS 15.45.190 - 15.45.200 or a referendum submitted under art. XI of
18 the state constitution and AS 15.45.420 - 15.45.440;

19 (4) recall an official identified in (1) of this section when authorized
20 by art. XI of the state constitution and AS 15.45.650 - 15.45.690;

21 (5) approve or reject a proposed constitutional amendment submitted
22 under AS 15.50; or

23 (6) ratify or reject a state general obligation bond when authorized by
24 AS 37.15.

25 * Sec. 10. ABSENTEE VOTING DURING PRIMARY AND SPECIAL STATE
26 ELECTIONS DURING 1994. Notwithstanding AS 15.20.066(a), added by sec. 1 of this Act,
27 in the primary or a special state election held during 1994, a person may not cast an absentee
28 ballot by electronic transmission.

29 * Sec. 11. This Act takes effect immediately under AS 01.10.070(c).

8-LS0359V ✓
Chenoweth
3/23/94

SENATE CS FOR CS FOR HOUSE BILL NO. 49(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MARTIN, Brice, Mulder

A BILL

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5 to a secret ballot.", followed by the voter's signature and date of signature; and

6 (2) be accompanied by a statement executed under oath as to the
7 voter's identity; the statement under oath must be witnessed by

8 (A) a commissioned or noncommissioned officer of the armed
9 forces of the United States;

10 (B) an official authorized by federal law or the law of the state
11 in which the absentee ballot is cast to administer an oath; or

12 (C) two United States citizens who are 18 years of age or older.

13 (c) Promptly after receiving an absentee ballot that has been completed and
14 returned under this section, the director shall acknowledge receipt of the completed
15 ballot by electronic transmission to the voter.

16 * Sec. 2. AS 15.20.081(a) is amended to read:

17 (a) A qualified voter may apply by mail or by electronic transmission to the
18 director for an absentee ballot. The application must [SHALL] include the address or,
19 if the application requests delivery of an absentee ballot by electronic
20 transmission, the telephone electronic transmission number, to which the absentee
21 ballot is to be returned, the applicant's full Alaska residence address, and the
22 applicant's signature. However, a person [PERSONS] residing outside the United
23 States and applying to vote absentee in federal elections in accordance with
24 AS 15.05.011 need not include an Alaska residence address in the application.

25 * Sec. 3. AS 15.20.081(b) is amended to read:

26 (b) An application requesting delivery of [FOR] an absentee ballot to the
27 applicant by mail must be received by the division of elections not less than seven
28 [FOUR] days before the election for which the absentee ballot is sought. An
29 application for an absentee ballot for a state election from a qualified voter
30 requesting delivery of an absentee ballot to the applicant by electronic
31 transmission must be received by the division of elections not less than four days

1 before the election for which the absentee ballot is sought. An [THE] absentee
2 ballot application submitted by mail under this section must permit the person to
3 register to vote under AS 15.07.070 and to request an absentee ballot for each state
4 election held within that calendar year for which the voter is eligible to vote. An
5 absentee ballot application submitted by electronic transmission under this section
6 may not include a provision that permits a person to register to vote under
7 AS 15.07.070.

8 * Sec. 4. AS 15.20.081(c) is amended to read:

9 (c) After receipt of an application [BY MAIL], the director shall send the
10 absentee ballot and other absentee voting material to the applicant by priority mail.
11 However, if the application requests that an absentee ballot for a state election be
12 sent by electronic transmission, the director shall send the absentee ballot and
13 other absentee voting material to the applicant by electronic transmission. The
14 absentee ballot and other absentee voting [THE MOST EXPEDITIOUS MAIL
15 SERVICE. THE] material shall be sent as soon as they are ready for distribution. If
16 the absentee ballot and other absentee voting material are mailed to the applicant,
17 the [THE] return envelope sent with the ballot and other materials shall be addressed
18 to the election supervisor in the district in which the voter is a resident.

19 * Sec. 5. AS 15.20.081(e) is amended to read:

20 (e) An absentee ballot must be marked on or before the date of the election.
21 Except as provided in (h) of this section, a voter who returns the absentee ballot by
22 mail, whether provided to the voter by mail or by electronic transmission, shall use
23 a mail service at least equal to first class and mail the ballot not later than the day of
24 the election to the election supervisor for the election district in which the voter seeks
25 to vote. Except as provided in AS 15.20.480, the ballot may not be counted unless it
26 is received by the close of business on the 10th day after the election. If the ballot is
27 postmarked, it must be postmarked on or before election day. After the day of the
28 election, [NO] ballots may not [SHALL] be accepted unless received by mail.

29 * Sec. 6. AS 15.20.081(g) is amended to read:

30 (g) The director shall maintain a record of the name of each voter to whom
31 an absentee ballot is sent under this section [BY MAIL]. The record must list the

1 date on which the ballot is mailed or provided by electronic transmission and the
 2 date on which the ballot is received by the election supervisor and the dates on which
 3 the ballot was executed and postmarked.

4 * Sec. 7. AS 15.20.082 is amended by adding a new subsection to read:

5 (e) The provisions of AS 15.20.066 and 15.20.081 relating to electronic
 6 transmission absentee voting do not apply to the procedures established in this section.

7 * Sec. 8. AS 15.20.211(b) is amended to read:

8 (b) If a voter requested an absentee ballot [BY MAIL] and the proper absentee
 9 ballot was not sent to the voter, the votes cast by the voter on the ballot received
 10 which are for write-in candidates the voter could have voted for if the voter had
 11 received and voted the proper absentee ballot shall be counted.

12 * Sec. 9. AS 15.20 is amended by adding a new section to read:

13 Sec. 15.20.225. DEFINITION OF "STATE ELECTION." In AS 15.20.010 -
 14 15.20.225, "state election" means a primary, general, or special election a purpose of
 15 which is to

16 (1) select, nominate, or elect a governor and lieutenant governor, an
 17 acting governor, a state senator, or a state representative;

18 (2) select, nominate, or elect delegates to a constitutional convention;

19 (3) approve or reject an initiative submitted under art. XI of the state
 20 constitution and AS 15.45.190 - 15.45.200 or a referendum submitted under art. XI of
 21 the state constitution and AS 15.45.420 - 15.45.440;

22 (4) recall an official identified in (1) of this section when authorized
 23 by art. XI of the state constitution and AS 15.45.650 - 15.45.690;

24 (5) approve or reject a proposed constitutional amendment submitted
 25 under AS 15.50; or

26 (6) ratify or reject a state general obligation bond when authorized by
 27 AS 37.15.

28 * Sec. 10. ABSENTEE VOTING DURING PRIMARY AND SPECIAL STATE
 29 ELECTIONS DURING 1994. Notwithstanding AS 15.20.066(a), added by sec. 1 of this Act,
 30 in the primary or a special state election held during 1994, a person may not cast an absentee
 31 ballot by electronic transmission.

*change
 by legal
 services
 to clarify
 no substantive change*

1 * **Sec. 11.** This Act takes effect immediately under AS 01.10.070(c).



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

December 1992

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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

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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.

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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.

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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 Slunet 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.

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