

HB

349

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 4, 1996

FURTHER REFERRALS:

Date of Committee Action: _____

The FINANCE Committee considered:

HB 349

HOUSE BILL NO. 349

ELECTIONS ADMINISTRATION & VOTER REG'N

"An Act relating to elections; relating to the division of elections; relating to voter registration procedures; and providing for an effective date."

recommends it be replaced with the following committee substitute _____ the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
Died in Committee				

CHAIR'S SIGNATURE _____

FISCAL NOTE

No. 2
 Bill Version: CSHB 349(STA)
 (H) Publish Date: 3/29/96

**STATE OF ALASKA
 1996 LEGISLATIVE SESSION**

Revision Date: 1/23/96 Dept. Affected: Office of the Governor
 Title: An Act relating to elections; relating to the BRU: Elective Operations
 division of elections: ... Component: Electrons
 Sponsor: House Rules by request
 Requester: Governor COMPONENT SERIAL NO. 21

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 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

ANALYSIS: (Attach a separate page if necessary)

HB 349 does not have a fiscal impact on the Division of Elections.

Prepared by: Dana LaTour *Dana LaTour* Phone: 465-5347
 Division: Division of Elections Date: 1/23/96
 Approved by
 Commissioner: Lt. Governor Fran Ulmer *Fran Ulmer* Date: 1/23/96
 Agency: Office of the Lt. Governor

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COMMITTEE COPY

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX 110017
JUNEAU, ALASKA 99811-0017
PHONE: (907) 465-4611

April 17, 1996

The Honorable Mark Hanley, Co-Chair
House Finance Committee
State Capitol, room 519
Juneau, Alaska 99811

RE: CSHB 349, relating to Elections Administration and Voter Registration

Dear Representative Hanley:

Thank you for agreeing to schedule this bill for a committee hearing in House Finance. Passage of HB 349 will assist the Division of Elections to conform statutory language in several sections of Title 15, Elections, to current federal requirements for state elections as set out in the National Voter Registration Act:

- Sections 2, 13 and 14 remove the requirement that a person registering to vote must sign "an oath." This practice is not allowed in federal law.
- Sections 7 and 8 correct the perception that Alaska purges inactive voters from voter lists after too short a period of inactivity. This bill lengthens the period from two years to four years and reduces the number of voters required to vote a questioned ballot.

This bill is also a "housekeeping" bill for the division. Sections 6, 11, 12, 15, 18, 19, 21, 24 - 29, and 33 conform statutory language to more accurately describe the ballot and envelope forms now available to voters. Sections 16, 22, 23, and 30 set out dates for processing election results to reflect increased efficiency.

Sections 31-33 describe the current ballot tabulation methods and security needed to conduct an election.

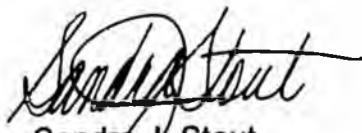
Section 20 simplifies the process by which a personal representative helps an elderly or disabled person to vote. This section was recommended by the Alaska Association of Retired Persons.

Finally, Section 37 and 38 reflect the increased cost of providing voters with printed election information on candidates and issues.

The Honorable Mark Hanley, Co-Chair
April 18, 1996
Page 2

Both Kathleen Strasbaugh of the Department of Law and Legislative Liaison
Diane Shriner will be available to answer any questions the committee may
have. This bill carries a zero fiscal note and was passed out of House State
Affairs without objection. Thank you for your further consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra J. Stout".

Sandra J. Stout
Director

cc: Representative Richard Foster, Co-Chair

TONY KNOWLES
GOVERNOR



P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 485-3500
Fax (907) 485-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

May 12, 1995

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Phillips:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that implements most of the proposals contained in my Administration's Election Policy Transition Team Report that require changes to existing law. In addition, the bill makes some changes to state law that are required by federal statutes and makes a number of "housekeeping" amendments that the division of elections has recommended.

It is apparent that the state needs to adjust elections policies and procedures in an effort to boost public confidence that Alaska elections are conducted fairly and efficiently. One of Lieutenant Governor Ulmer's first acts was to appoint a panel of respected Alaskans (the Election Policy Transition Team), most of whom have expertise in the area of elections, to look into state elections policies and to make recommendations for change. In deciding whether a change is warranted, the transition team was requested to ask the following questions about the change:

- Does it increase public trust?
- Does it provide better service to the public?
- Does it encourage participation in the electoral process?
- Does it reduce state spending?

On March 20, 1995, the lieutenant governor released the report of the panel to the public. The report is a thorough and thoughtful document, and contains many excellent suggestions for improving elections policy. Several important recommendations were

The Honorable Gail Phillips

May 12, 1995

Page 2

included in SB 5, which recently passed the legislature. I am pleased to be able to transmit this bill, which implements the rest of those suggestions.

Section 13 of the bill simplifies the process of absentee voting by personal representative for a voter with a disability, a process that is currently very burdensome for both the voter and the personal representative and that discourages this sort of absentee voting. A personal representative now must make several trips between the voter and election officials in order for a voter with a disability to use this method of voting. Section 13 would streamline the procedure, allowing the personal representative to accomplish in a single round trip all of the steps necessary to allow a voter with a disability to vote.

In addition, sec. 13 of the bill makes several changes required by federal law. It removes the current prohibition on a candidate acting as a personal representative, and it adds a provision prohibiting a voter's employer, an agent of the employer, or an officer or agent of the voter's union, from acting as the voter's personal representative. It also removes the current requirement that a voter's ballot application under this section be accompanied by a letter or statement regarding the voter's disability from a physician or from two qualified voters. Instead, the voter's personal representative will supply a statement regarding the voter's disability.

Sections 30 and 31 of the bill double the fees that must be paid by candidates and parties filing material for inclusion in the official election pamphlet. These fees have not been changed since 1980. Even with the doubled fees, the cost of producing the pamphlet will be approximately 10 times the amount collected in fees.

Section 32 repeals a provision (AS 15.05.040), enacted in 1960 and not changed since, regarding voter disqualification for unsound mind. That provision is inconsistent with the federal Americans with Disabilities Act and with state statutes on guardianship.

Section 33 of the bill authorizes a pilot program for voting by mail, in the 1996 primary and general elections, in small rural precincts (those with no more than 200 registered voters). Under current law, the elections director may conduct an election by mail only if the election is held at a time other than when a primary, general, or municipal election is held. Based on the experience of other states that have used mail balloting, the transition team believes that allowing voting by mail in rural precincts will increase turnout, save money, and eliminate operational problems. Section 33 of the bill authorizes the director to conduct this voluntary pilot program in the 1996 primary and general elections in no more than 10 precincts, to test the application of this program in Alaska.

The Honorable Gail Phillips

May 12, 1995

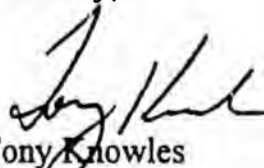
Page 3

The remaining sections of the bill, except for the effective date section, were recommended by the division of elections either to conform the elections statutes to current practices or to enable the division to conduct elections more efficiently and effectively.

Representatives of my Administration will be available as the bill makes its way through the legislative process to explain what the provisions of this bill would accomplish, how they change existing law, and why the changes are necessary.

I would appreciate your assistance in facilitating the consideration and passage of this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Knowles", written over the printed name.

Tony Knowles
Governor

OFFICE OF THE GOVERNOR

Division of Elections
P.O. Box 110017
Juneau, Alaska 99811-0017
PHONE (907) 465-4611

SPONSOR STATEMENT FROM DIV. OF ELECTIONS ON HB 349

The proposed legislation addresses two important issues:

- **The need to adjust current state Elections Law to assure preclearance by the US Justice Department and to make further adjustments to meet the requirements of the National Voter Registration Act of 1993 (NVRA).**

The US Justice department's preclearance of the state's response to the NVRA is required and the Department has expressed concern in certain areas with prior legislation. The proposed legislation addresses those areas of concern. Specifically:

The perception that Alaska "purges" a voter too early. Section 7 of the proposed CS for HB 349/ SB 182 assures there is no change in voter status before the time set out in federal law for purging.

The perception that a voter must vote a counted ballot to avoid removal from the rolls. Section 7 amends current law to include "appears to vote." Current law suggests that a vote actually must be counted. This result is not allowed by the NVRA, which instead uses the "appears to vote" language. (We have suggested additional explanatory language to Legislative Legal Counsel Jack Chenoweth to indicate what "appears to vote" intends.)

The requirement for an oath on registration materials. Section 2 allows a person to attest to the truth of the information provided on registration materials, and to certify understanding of the penalty for false statements. Section 12 allows a similar declaration of voter qualification instead of requiring an oath from voter's voting a questioned ballot.

[Assistant Attorney General Kathleen Strasbaugh will try to be available to answer committee member's questions on the NVRA issues.]

- **The following recommendations by the many citizens and state and municipal elections officials participating in the Election Policy Transition Team.**

Expand voter registration opportunities. Section 1, Section 3, Section 5 allow registration, correction or updating of registration materials by increasingly available electronic methods, including FAX and the internet process.

Increase public trust in the election process. Section 10 clarifies the requirements for the Election Supervisors' conduct.

Correct statute language to reflect modern election practice. Several sections are "housekeeping" sections which better describe modern ballots, the protection of ballot secrecy, current ballot tabulation, and computer processing in elections.

Simplify the personal representative's role in helping an elderly or disabled person to vote. Section 20 reduces the number of trips that a personal representative must make to assist a voter.

Allow a pilot project for total by-mail elections where feasible. Section 40 allows this recommendation. The division would further recommend elimination of line 21 so that the project is NOT limited to rural areas having less than 200 voters, at least in the initial test program.

[Div. of Elections Diane Shriner will be available to answer committee members questions on the proposed legislation.]

Thank you very much for your consideration of this proposed legislation.

HOUSE COMMITTEE REPORT

4/4/96

(7) C

Date Referred to Committee: March 29, 1996

FURTHER REFERRALS:

Finance

Date of Committee Action: 4/3/96

The JUDICIARY Committee considered:

HB 349

HOUSE BILL NO. 349

ELECTIONS ADMINISTRATION & VOTER REG'N

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 attached amendment(s)

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ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) Gov. 3/29/96

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Brian D. Porter</i>	Porter	✓			
<i>John Vezev</i>	VEZEV	✓			
<i>Wanda Finkelstein</i>	Finkelstein	✓			
<i>John Green</i>	Green	✓			
<i>Don Bunde</i>	Bunde				✓
<i>John Toohy</i>	Toohy	✓			
		(5)			(1)

CHAIR'S SIGNATURE *Brian D. Porter*
Porter

3/29/96

HOUSE COMMITTEE REPORT

(7)
Date Referred: May 13, 1995

FURTHER REFERRALS:

Judic'ary
Finance

Date of Committee Action: 3-29-96

The STATE AFFAIRS Committee considered:

HB 349

HOUSE BILL NO. 349

ELECTIONS ADMINISTRATION & VOTER REG'N

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 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) Elections zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Jeannette James</i>	James	✓			
<i>John P. Porter</i>	Porter	✓			
<i>Joseph Green</i>	Green	✓			
<i>Ivan Robinson</i>	Ivan	✓			
<i>Evan Robinson</i>	ROBINSON	✓			
<i>Ed Willis</i>	Willis	✓			
<i>Scott Ogan</i>	Ogan	✓			
		(7)			

CHAIR'S SIGNATURE Jeannette James 3/29/96
James