

HB

42

FISCAL NOTE

BILL NO. ^{6.5} HB 43 (STA)

STATE OF ALASKA

1995 LEGISLATIVE SESSION

Revision Date: _____
 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

EXPENDITURE&REVENUES:

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0	13.0	0	13.0	0	13.0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	16.8	0	16.8	0	16.8
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	8.0	0	8.0	0	8.0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	37.8	0	37.8	0	37.8

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	37.8	0	37.8	0	37.8
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	37.8	0	37.8	0	37.8

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	1	0	1	0	1

Estimate of current year (FY98) impact: 0
 ANALYSIS: (Attach a separate page if necessary.)

Prepared by: David Kolvundemi, Acting Director Phone: 486-1811
 Division: Division of Elections Date: January 27, 1995
 Approved by Commissioner: Fran Ulmer, Lieutenant Governor
 Agency: Office of the Governor Date: January 27, 1995

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 42

Personal Services

1 Clerk III at range 8A (June-November)	\$10888.00
Overtime	\$ 2300.00

Contractual

5 cases 4024 DP 8.5 x 11 paper	\$ 52.50 x 5 = \$ 262.50
Installation of 3 lines	\$ 392.00
Monthly Charges(June-November) (FCC, Toll)	\$ 198.50
Hunt Feature	\$ 840.00
Telephone Charges (June-November)	\$2500.00 x 6 = \$15000.00

Equipment

3 plain paper faxes	\$2696.00 x 3 = \$ 8088.00
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Total \$37,387.50

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 120

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to public employers defending and BRU: Legal Services
indemnifying public employees..." Component: Operations
 Sponsor: Representative Porter
 Requester: Representative Porter COMPONENT SERIAL NO. 0093

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
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						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill clarifies existing practice concerning the defense and indemnification of public employees involving civil claims against these employees arising out of conduct that is within the scope of employment. Because the bill spells out these existing practices in statute, there will not be a fiscal impact.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/7/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/7/95
 Agency: Department of Law

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CS FOR HOUSE BILL NO. 42 (STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE MARTIN

A BILL

FOR AN ACT ENTITLED

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

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 electronic
9 transmission in a state election and to the use of electronic transmission absentee voting
10 in a state election by qualified voters. The regulations must

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

13 (2) ensure the accuracy and, to the greatest degree possible, the integrity

1 and secrecy of the ballot process.

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

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

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

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

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

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

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

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

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

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

1 request an absentee ballot for each state election held within that calendar year for which
2 the voter is eligible to vote. An absentee ballot application submitted by electronic
3 transmission under this section may not include a provision that permits a person
4 to register to vote under 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 absentee
7 ballot and other absentee voting material to the applicant by the most expeditious mail
8 service. However, if the application requests that an absentee ballot for a state
9 election be sent by electronic transmission, the director shall send the absentee ballot
10 and other absentee voting material to the applicant by electronic transmission. The
11 absentee ballot and other absentee voting [THE] material shall be sent as soon as they
12 are ready for distribution. If the absentee ballot and other absentee voting material
13 are mailed to the applicant, the [THE] return envelope sent with the ballot and other
14 materials shall be addressed to the election supervisor in the district in which the voter is
15 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 mail,
19 whether provided to the voter by mail or by electronic transmission, shall use a mail
20 service at least equal to first class and mail the ballot not later than the day of the election
21 to the election supervisor for the election district in which the voter seeks to vote. Except
22 as provided in AS 15.20.480, the ballot may not be counted unless it is received by the
23 close of business on the 10th day after the election. If the ballot is postmarked, it must be
24 postmarked on or before election day. After the day of the election, [NO] ballots may not
25 [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 an
28 absentee ballot is sent under this section [BY MAIL]. The record must list the date on
29 which the ballot is mailed or provided by electronic transmission and the date on which
30 the ballot is received by the election supervisor and the dates on which the ballot was
31 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 which
7 are for write-in candidates the voter could have voted for if the voter had received and
8 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, a lieutenant governor, an acting
14 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 the
18 state constitution and AS 15.45.420 - 15.45.440;

19 (4) recall an official identified in (1) of this section when authorized by art.
20 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.

REPRESENTATIVE
TERRY MARTIN
CHAIRMAN
BUDGET & AUDIT COMMITTEE
MEMBER
HOUSE FINANCE COMMITTEE

Alaska State Legislature



MAY 15 - JAN 15 258-8169
716 W. 4TH, SUITE 650
ANCHORAGE, AK 99504

JAN 15 - MAY 15 465-3783
STATE CAPITOL
JUNEAU, AK 99801-1182

HOME 333-6990
355 DONNA DRIVE, #111
ANCHORAGE, AK 99504

SPONSOR SUMMARY

HB 42

An Act relating to absentee voting by electronic transmission.

The intent of HB42 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

Alaska's voter population is diverse and geographically dispersed. Many individuals require assistance in voting, specifically the physically challenged, elderly, and non-English speaking voters. In addition, our Armed Service members stationed outside of Alaska have encountered difficulties in absentee voting. Military members outside the U.S. have reported an escalation in absentee problems through failures in our postal system, changes in electoral regulations, and simple misinstruction. With regard to the military, 1993 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 for work, and even vacationers. Nor do the statistics reference in-state travelers who may not be in their election district during a state election but could utilize 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 to 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.

Over the last two decades, absentee ballot procedures and postal service problems have resulted in the loss and delay of numerous absentee voters' ballots. In the 1988 presidential election, 200,000 U.S. 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 ten (10) states and territories accept a voted ballot by fax: Hawaii, Indiana, Kansas, Louisiana, Montana, North Dakota, Utah, Washington, District of Columbia, and Virgin Islands. In the 1992 presidential election 699 election offices in 49 states operated fax machines to distribute information and material to voters.

The purpose of HB42 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 furthering speed and efficiency. In essence, it expands the use of alternative voting procedures which, if not utilized, might otherwise disenfranchise an Alaskan resident voting absentee when time is of the essence.

REPRESENTATIVE
TERRY MARTIN
CHAIRMAN
BUDGET & AUDIT COMMITTEE
MEMBER
HOUSE FINANCE COMMITTEE

Alaska State Legislature



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355 DONNA DRIVE, #11
ANCHORAGE, AK 99504

SECTIONAL ANALYSIS

HB 42

An Act relating to absentee voting by electronic transmission.

Section 1.

Directs Division of Elections to adopt regulations establishing absentee voting by fax. Requires compliance with current deadlines while ensuring accuracy, integrity and secrecy. Requires signature by absentee voter of a secrecy waiver and an oath to be taken before commissioned/non-commissioned Armed Services member, federal or state official authorized to administer oath (in state where fax will emanate), or by two U.S. citizens 18 or older. Requires faxed receipt by Division of Elections.

Section 2.

Allows a qualified voter to apply for an absentee ballot by fax and to provide a corresponding fax number for confirmation.

Section 3.

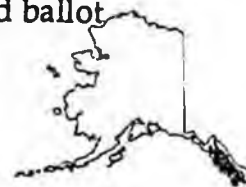
Requires a mailed application to be received by Division of Elections not less than seven days (changed from four days) before the election and a faxed application to be received not less than four days. Prohibits registering to vote by fax.

Section 4.

Allows an absentee voter to request an absentee ballot by fax and to receive an absentee ballot by fax.

Section 5.

Allows a completed ballot to be faxed by voter, but requires that any faxed ballot be received by Division of Elections by the day of the election.



Section 6.

Requires the Division of Elections to record any faxed ballot.

Section 7.

Removes applicability of faxing from AS15.20.082 which clarifies absentee voting by mail.

Section 8.

Allows absentee voter to write in eligible candidates if the wrong ballot was sent or faxed.

Section 9.

Defines "State Election" and lists potential candidates and issues that could be voted on by fax.



3710 Woodland Drive, Suite 900
Anchorage, AK 99517-2571
Toll Free: (800) 770-4488
(907) 248-4777
Fax: (907) 248-0639
TTY/TDD 248-8799

3550 Airport Way, Suite 3
Fairbanks, AK 99709-4772
Toll Free: (800) 777-7940
(907) 479-7940
Fax: (907) 474-4052

January 23, 1995

Members of the House of Representatives
State Capitol
Juneau, Alaska 99811

Dear House Members:

I am writing to express Access Alaska's strong support of HB 42, the Voting by Electronic Transmission bill, submitted by Representative Terry Martin.

For many Alaskans with disabilities finding accessible transportation to and from polling places is very difficult and causes them to forego voting due to the hassle. The Voting by Electronic Transmission bill provides an easy and effective way to remedy many of the voting problems experienced by voters with disabilities.

In passing the Voting by Electronic Transmission bill you are increasing opportunities for all Alaskans, including people with disabilities, to take part in the democratic process.

Again, Access Alaska strongly encourages you to pass HB 42 the Voting by Electronic Transmission bill

If you have any questions regarding Access Alaska's support of HB 42, please give me a call.

Thank you!

Sincerely,

Duane M. French
Executive Director



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

February 6, 1995

The Honorable Brian Porter
Chair, House Judiciary Committee
State Capitol
Juneau, Alaska 99801

Dear Mr. Porter:

The *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*, which this office administers, concerns the absentee voting rights of over 15,600 Alaskan citizens currently serving in the Armed Forces. In addition, there are approximately 12,000 voting age spouses and dependents, and nearly 6,000 Alaskan citizens overseas not affiliated with the federal government that claim Alaska as their legal residence.

It is our understanding that CS HB 42 (SA) relating to the electronic transmission of election materials is again being considered this legislative session. We feel passage of this legislation as amended would greatly facilitate the enfranchisement of citizens voting under the *Act*.

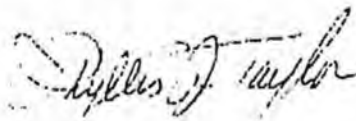
The primary problem citizens covered by *UOCAVA* experience is insufficient mail transit time for the entire process of requesting registration and ballot, receiving it and returning it in time to be counted. When this situation occurs, the alternative method of electronically transmitting election materials, may be the only option to help ensure these citizens are not disenfranchised. In fact, allowing for this alternative procedure will cut the transit time at least in half, thereby reducing the major obstacle to voting absentee by these citizens.

We also bring to your attention that this alternative procedure is at no cost to local election offices since all materials are faxed, toll free, on the secure fax line provided by the Federal Voting Assistance Program (FVAP), (800-368-8683). Once sent to the FVAP-operated processing center, the materials are routed to the fax number specified by the voter.

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 U.S. Currently, 36 states have successfully implemented electronic transmission of election materials.

On behalf of citizens covered by the UOCAVA, we urge Alaska legislators to adopt this alternative procedure which helps ensure voters are not disenfranchised.

Sincerely,



Phyllis J. Taylor
Director

cc: Rep. Terry Martin

1/18/95

Status of Electronic Transmission in the States & Territories*		
Allow FPCA by fax (37)	Accept blank ballot by fax (18)	Accept voted ballot by fax (10)
Arkansas	Arizona	Hawaii (under certain conds.)
Arizona	California	Indiana (declared emerg.only)
California	Hawaii (under certain conditions)	Kansas
Colorado	Idaho (in emergency only)	Louisiana
Connecticut	Indiana (declared emerg.only)	Montana (some counties)
Delaware	Kansas	North Dakota
Georgia	Louisiana	Utah
Hawaii (under certain conditions)	Montana (some counties)	Washington (some counties)
Idaho	Nevada (if reg. & OCONUS)	
Illinois (Armed Forces only)	New Jersey	District of Columbia
Indiana (declared emerg. only)	North Dakota	Virgin Islands
Iowa	Oregon	
Kansas	Utah	
Louisiana	Vermont	
Massachusetts	Washington	
Michigan	Wisconsin	
Minnesota		
Mississippi	District of Columbia	
Montana	Virgin Islands	
Nebraska		
Nevada (if reg. & OCONUS)		
New Jersey		
North Dakota		
Ohio (for ballot request only)		
Oklahoma		
Oregon		
Tennessee		
Texas		
Utah		
Vermont		
Virginia		
Washington		
Wisconsin		
American Samoa		
District of Columbia		
Guam		
Virgin Islands		

* The above states have enacted either legislation or administrative instructions to allow for electronic transmission of voting materials.



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

11 AF/CC
5800 G St Ste 101
Elmendorf AFB AK 99506-2130

21 DEC 1991

Representative Terry Martin
355 Donna Dr, #11
Anchorage AK 99504

Dear Representative Martin

I received your letter of November 30 requesting my support and assistance for your efforts to modify absentee voting requirements in Alaska to authorize use of telefax to request, receive, and return absentee ballots.

Federal laws and Department of Defense directives limit my ability to engage in activity in support of, or opposition to, particular issues. Specifically, I cannot use my official authority or influence in support of your bill.

I personally support your effort because it affects Alaska residents who are in the armed forces and stationed outside Alaska. Your proposal would make absentee voting easier and, therefore, should increase participation in the democratic process.

In my personal capacity, I support your efforts and could so indicate by signing a petition in support of your bill. Beyond that, my support is constrained by current guidelines.

Sincerely

A handwritten signature in cursive script, reading "Larry Boese", is written over the typed name.

LAWRENCE E. BOESE
Lieutenant General, USAF
Commander

PIONEERS' HOMES ADVISORY BOARD



Amos "Joe" Alter, Chair

P O Box 20304
Juneau, AK 99802-0304

January 23, 1995

Mr. Tom Anderson
Alaska State Legislature
State Capitol MS 3100
Juneau, AK 99801-1182

Dear Tom:

I have reviewed HB42, "An Act relating to absentee voting, to electronic transmission of absentee ballot applications, and to delivery of ballots to absentee ballot applications by electronic transmission, and enacting a definition of the term 'state election' for purposes of absentee voting." This review has been from the viewpoint of potential effect upon Pioneers' Homes residents. The following comments are a summary of my findings in talking with Pioneers' Homes Advisory Board members and others.

The objective is excellent and changes proposed by the bill should facilitate voting as well as encourage greater individual voter participation in the election process.

Some further clarification may be necessary as the bill is advanced. A specific point raised in our discussions involves potential abuse which might arise when cognitively impaired persons are represented by others. Although there are very few persons who may be declared legally incompetent many persons may be suffering from Alzheimer's or related dementias, and they must rely on others for help in voting.

Sincerely,

Amos J. "Joe" Alter Chair
Pioneers' Homes Advisory Board

Robert Gore, Vice Chair
Donald M. Hoover, Member
Dan Pistoresi, Member

Vallie Byrdsong, Member
Robert Kallenberg, Member

Rocky Gutierrez, Member
Estella Odsather, Member