

HB

349

STATE OF OREGON
VOTE BY MAIL ELECTIONS

When an election is conducted by mail, each person who is registered to vote on the 21st day before the election is automatically mailed a ballot. You may return your voted ballot to the county elections office by mail or in person; however, regardless of the method of delivery your voted ballot must be received in the county elections office by 8:00 p.m. on election day. Postmarks are not considered.

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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.

TONY KNOWLES
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 349
P.O. Box 110001
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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
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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

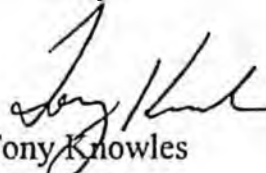
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The remaining sections of the bill, except for the effective date section, were recommended by the division of elections either to conform the elections statutes to current practices or to enable the division to conduct elections more efficiently and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

Tony Knowles
Governor

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 349

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: Elections
 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.

Sergeant

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

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hear

Diane
3051

February 5, 1996

The Honorable Jeannette A. James
House State Affairs Committee
State Capitol, Room 102
Juneau, Alaska 99811

RE: House Bill 349, relating to elections administration and voter registration

Dear Representative James:

HB 349 (and its companion bill SB 182) were introduced to make changes in the elections laws as recommended to the Election Policy Transition Team by Alaskan citizens. Among the important subjects addressed by this bill are voter registration, absentee voting, absentee voting by personal representative, and establishment of a pilot program for voting by mail in primary and general elections.

The bill also addresses concerns expressed by the United States Department of Justice regarding Alaska's compliance with the National Voter Registration Act of 1993 (NVRA), the so called "motor-voter" Act. HB 349 will eliminate the present requirement for an oath in voter registration and other specific voting procedures. Another important section would bring our purge procedures into compliance with those set forth in the NVRA.

Finally, HB 349 recommends changes to the Corrupt Practices Act making state law consistent with federal law concerning the validity of voter incentive programs. The provisions of HB 349 will help assure citizens vote as a means of participation in our democratic form of government, not because they will receive a direct pecuniary benefit.

The Honorable Jeanette A. James
February 5, 1996
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HB 349 is the product of extensive citizen and division review. I believe that it is a fair and needed response to the issue of improving both the perception and actual functioning of the electoral process. I ask that you and your committee give it your prompt attention. Thank you for your consideration.

Sincerely,

Sandra J. Stout, Director
Division of Elections

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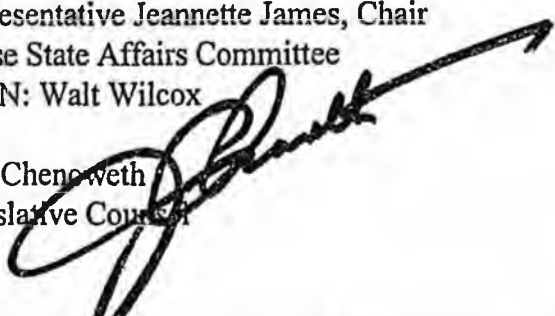
MEMORANDUM

March 20, 1996

SUBJECT: Draft CSHB 349 (STA) (Work Order No. 9-LS0051\C)

TO: Representative Jeannette James, Chair
House State Affairs Committee
ATTN: Walt Wilcox

FROM: Jack Chenoweth
Legislative Council



The draft incorporates into the bill additional material you furnished to me that had been prepared by the Department of Law.

Please note the following:

1. The material you furnished proposed repeal of AS 15.07.170 but does not take into account the effect of that repeal on AS 15.07.190. This draft addresses both statute sections.
2. In addition to the change requested in AS 15.07.130(b), I propose to amend the notice provision, AS 15.07.130(d), to make the notice track the requirement.
3. In my judgment, the committee would do well to find clear language to substitute for "appear[s] to vote" in the places where that phrase is inserted. I don't know what the department is intending when it makes reference to a voter who is to "appear to vote." By this language, is a voter being required to personally present him- or herself (that is, "appear personally") at a polling place in order to cast a vote? May that prospective voter not cast an absentee ballot? Suppose, in an election in which a voter is cautioned to "appear to vote," the voter's precinct is one in which the entire ballot is conducted by mail? Does the provision mean something other than "attempt to vote an election ballot" even if the ballot, for whatever reason, is not valid and consequently is not counted?

JBC:lmb
96-065.lmb

9-GH0051\C
Chenoweth
3/20/96

CS FOR HOUSE BILL NO. 349()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR
A BILL

FOR AN ACT ENTITLED

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

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

4 * Section 1. AS 15.07.050 is amended to read:

5 Sec. 15.07.050. MANNER OF REGISTRATION [IN PERSON OR BY
6 MAIL]. Registration may be made

7 (1) in person before a registration official or through a voter registration
8 agency;

9 (2) [, OR MAY BE MADE] by mail; or

10 (3) by facsimile transmission or another method of electronic
11 transmission that the director approves.

12 * Sec. 2. AS 15.07.060(a) is amended to read:

13 (a) Each applicant who requests registration or reregistration shall supply the
14 following information [UNDER OATH]:

- 1 (1) name and sex;
- 2 (2) address and other necessary information establishing residence,
3 including the term of residence in the state and in the district, if requested;
- 4 (3) whether the applicant has previously been registered to vote in
5 another jurisdiction, and, if so, the jurisdiction and the address of the previous
6 registration;
- 7 (4) a declaration that the registrant will be 18 years of age or older
8 within 90 days of the date of registration;
- 9 (5) a declaration that the registrant is a citizen of the United States;
- 10 (6) date of application;
- 11 (7) signature or mark;
- 12 (8) any former name under which the applicant was registered to
13 vote in the state;
- 14 (9) an attestation that the information provided by the applicant
15 in (1) - (8) of this subsection is true; and
- 16 (10) a certification that the applicant understands that a false
17 statement on the application may make the applicant subject to prosecution for
18 a misdemeanor under this title or AS 11.

19 * Sec. 3. AS 15.07.070(b) is amended to read:

20 (b) To register by mail or by facsimile or other electronic transmission
21 approved by the director under AS 15.07.050, the director, the area election
22 supervisor, or a voter registration agency shall furnish, at no cost to the voter, forms
23 prepared by the director on which the registration information required under
24 AS 15.07.060 shall be inserted by the voter, or by a person on behalf of the voter if
25 the voter is physically incapacitated. The director may require proof of identification
26 of the applicant as required by regulations adopted by the director under AS 44.62 (
27 [THE] Administrative Procedure Act) [(AS 44.62)]. Upon receipt and approval of the
28 completed registration forms the director or the election supervisor shall forward to the
29 voter an acknowledgment in the form of a registration card, and the voter's name shall
30 immediately be placed on the master register located in the office of the director and
31 on the district register located in the office of the election supervisor. If the

1 registration is denied, the voter shall immediately be informed in writing that
2 registration was denied and the reason for denial.

3 * Sec. 4. AS 15.07.070(c) is amended to read:

4 (c) The names of persons submitting completed registration forms by mail that
5 are postmarked at least 30 days before the next election, or submitting completed
6 registration forms by facsimile or other electronic transmission approved by the
7 director under AS 15.07.050 that are received at least 30 days before the next
8 election, shall be placed on the official registration list for that election. If a
9 registration form received by mail less than 30 days before an election does not have
10 a legible and dated postmark, the name of the person submitting the form shall be
11 placed on the official registration list for that election if the form was signed and dated
12 by the person at least 30 days before the election and if the form is received by the
13 director or election supervisor at least 25 days before the election. The name of a
14 person submitting a completed registration form by mail or by facsimile or other
15 electronic transmission that does not meet the applicable requirements of this
16 subsection may not be placed on the official registration list for that election but shall
17 be placed on the master register after that election.

18 * Sec. 5. AS 15.07.070(f) is amended to read:

19 (f) Incomplete or inaccurate registration forms may not be accepted. A person
20 who submitted an incomplete or inaccurate registration form may register by
21 reexecuting and resubmitting a registration form in person, [OR] by mail, or by
22 facsimile or other electronic transmission approved by the director under
23 AS 15.07.050. The requirements of (c) or (d) of this section apply to a registration
24 form resubmitted under this subsection.

25 * Sec. 6. AS 15.07.070(h) is amended to read:

26 (h) The director shall design the form of the voter's certificate appearing on
27 the [LARGE] envelope that is used for voting a questioned ballot so that all
28 information required for registration by AS 15.07.060(a) may be obtained from a voter
29 who votes a questioned ballot. If the voter voting a questioned ballot has completed
30 all information on the voter registration portion of the questioned ballot voter's
31 certificate, the director shall place the name of the voter on the official registration list.

1 * Sec. 7. AS 15.07.130(b) is amended to read:

2 (b) When a registered voter has not indicated in writing a desire to remain
3 registered within the preceding four [TWO] calendar years and has neither [NOT]
4 voted nor appeared to vote in the last two general elections [A LOCAL,
5 REGIONAL SCHOOL BOARD, PRIMARY, SPECIAL, OR GENERAL ELECTION
6 AT LEAST ONCE IN TWO CONSECUTIVE CALENDAR YEARS], the voter shall
7 be advised by a notice sent by forwardable mail to the voter's last known address that
8 registration will be inactivated unless the voter responds to the notice at least 30 days
9 before the date of the next primary election on a form furnished by the director. The
10 director shall maintain on the master register the name of a voter whose registration
11 is inactivated. The director shall cancel a voter's inactive registration after the second
12 general election that occurs after the registration becomes inactive if the voter does not
13 vote or appear to vote [EITHER A QUESTIONED BALLOT OR AN ABSENTEE
14 BALLOT THAT IS COUNTED UNDER AS 15.15.198(b) AT OR BEFORE THAT
15 ELECTION].

16 * Sec. 8. AS 15.07.130(d) is amended to read:

17 (d) The notice described in (b) of this section must include a postage prepaid
18 and pre-addressed return card on which the voter may state the voter's current address.
19 The notice must indicate

20 (1) that the voter should return the card not later than 30 days before
21 the next primary election if the voter did not change residence;

22 (2) that the voter may vote only a questioned or absentee ballot if the
23 voter does not return the card at least 30 days before the next primary election;

24 (3) that the voter's registration will be cancelled if the voter does not
25 vote or appear to vote in an election held during the period beginning on the date of
26 the notice and ending on the day after the date of the second general election that
27 occurs after the date of notice; and

28 (4) how the voter can continue to be eligible to vote if the voter has
29 changed residence.

30 * Sec. 9. AS 15.07.190 is amended to read:

1 Sec. 15.07.190. VIOLATIONS. A person who violates AS 15.07.180
2 [AS 15.07.170 OR 15.07.180] is guilty of a misdemeanor and upon conviction is
3 punishable by imprisonment for not more than one year, or by a fine of not more than
4 \$1,000, or by both.

5 * Sec. 10. AS 15.10.110 is amended to read:

6 Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS. The
7 director shall appoint election supervisors, including one in each of the municipalities
8 of Juneau, Anchorage, Fairbanks, and Nome, to assist in the administration of elections
9 in the election districts designated by the director. The director may appoint as an
10 election supervisor a person who is a qualified voter in the area over which the person
11 has jurisdiction and who meets the applicable requirements of AS 15.10.105(b)
12 [DOES NOT HOLD AN OFFICE IN A POLITICAL PARTY]. An election supervisor
13 is entitled to receive compensation in an amount that is comparable to that received
14 for similar state employment as determined by the director.

15 * Sec. 11. AS 15.15.030(5) is amended to read:

16 (5) The state general election ballot shall be printed on white paper
17 with the names of the candidates and their party designations placed in separate
18 sections under the office designation to which they were nominated. The party
19 affiliation, if any, shall be designated after the name of the candidate. The lieutenant
20 governor and the governor shall be included under the same section. Provision shall
21 be made for voting for write-in and no-party candidates within each section. [THE
22 SQUARES APPEARING ON THE BALLOTS SHALL MEASURE 1/4 INCH ON
23 EACH SIDE.]

24 * Sec. 12. AS 15.15.140(a) is amended to read:

25 (a) If the election board receives an insufficient number of official [PAPER
26 BALLOTS, OFFICIAL PUNCH-CARD] ballots [,] or official election materials, it
27 shall provide and the voters may use unmarked substitute ballots or other election
28 materials to indicate the intent of the voter.

29 * Sec. 13. AS 15.15.198(b) is amended to read:

30 (b) A person whose registration is inactive under AS 15.07.130(b) and who
31 votes a questioned or absentee ballot shall have the ballot counted if

1 (1) the person was registered to vote for either of the two most recent
2 general elections;

3 (2) the person signs [UNDER OATH] a statement to that effect; and

4 (3) the earlier registration is verified by the director.

5 * Sec. 14. AS 15.15.210 is amended to read:

6 Sec. 15.15.210. QUESTIONING OF VOTERS OF SUSPECT
7 QUALIFICATION. Every election judge and election clerk shall question, and every
8 watcher and any other person qualified to vote in the precinct may question a person
9 attempting to vote if the questioner has good reason to suspect that the questioned
10 person is not qualified to vote. All questions regarding a person's qualifications to
11 vote shall be made in writing setting out the reason the person has been questioned.
12 A questioned person before voting shall subscribe to a declaration [AN OATH OR
13 AFFIRMATION] in a form provided by the director attesting to the fact that in each
14 particular the person meets all the qualifications of a voter, is not disqualified, and has
15 not voted at the same election, and certifying that the person understands that a
16 false statement on the declaration may subject the person to prosecution for a
17 misdemeanor under this title or AS 11. The questioned person shall also state the
18 place from which that person came immediately before living in the precinct where
19 offering to vote and the length of time of residence in the former place. After the
20 questioned person has executed the declaration [OATH OR AFFIRMATION], the
21 person may vote. If the questioned person refuses to execute the declaration [OATH
22 OR AFFIRMATION], the person may not vote.

23 * Sec. 15. AS 15.15.215(a) is amended to read:

24 (a) A voter who casts a questioned ballot shall vote the ballot in the same
25 manner as prescribed for other voters. The [AFTER THE ELECTION JUDGE
26 REMOVES THE NUMBERED STUB FROM THE BALLOT, THE] voter shall insert
27 the ballot into a secrecy sleeve, the election judge shall remove the numbered stub
28 from the ballot, and the voter shall [SMALL ENVELOPE AND] put the secrecy
29 sleeve [SMALL ENVELOPE] into an [A LARGER] envelope on which the statement
30 the voter previously signed is located. The envelope [THESE LARGER
31 ENVELOPES] shall be sealed and deposited in the ballot box. When the ballot box

1 is opened, the [THESE] envelopes shall be segregated, counted, compared to the
2 voting list, and delivered to the official or body supervising the election. The merits
3 of the question shall be determined by this official or body in accordance with the
4 procedure prescribed for questioned votes in AS 15.20.207.

5 * Sec. 16. AS 15.15.440 is amended to read:

6 Sec. 15.15.440. DATES FOR OPENING AND CLOSING STATE BALLOT
7 COUNTING REVIEW. The state ballot counting review shall begin no earlier
8 [LATER] than 11 days after an [THE] election and no later than 16 days after an
9 election, and shall be continued [DAILY] until completed. The director may designate
10 the hours each day during which the state ballot counting review board is to conduct
11 its ballot counting review. The director shall close the review when the director is
12 satisfied that no missing precinct certificate of election would, if received, change the
13 result of the election. If no election certificate has been received from a precinct, the
14 director may secure from the election supervisors and may count a certified copy of
15 the duplicate election certificate of the precinct. If no election materials have been
16 received, but election results have been received by telephone, telegram or radio, the
17 director shall count the election results so received. If the director has reason to
18 believe that a missing precinct certificate, if received, would affect the result of the
19 election, the director shall await the receipt of the certificate until the close of business
20 on the 15th day after the date of election. A certificate not actually delivered to the
21 director by the close of business on the 15th day after the election may not be counted
22 at the state ballot counting review.

23 * Sec. 17. AS 15.20.010 is repealed and reenacted to read:

24 Sec. 15.20.010. PERSONS WHO MAY VOTE ABSENTEE. At any election
25 a qualified voter may vote an absentee ballot for any reason.

26 * Sec. 18. AS 15.20.030 is amended to read:

27 Sec. 15.20.030. PREPARATION OF BALLOTS, ENVELOPES, AND OTHER
28 MATERIAL. The director shall provide ballots for use as absentee ballots in all
29 districts. The director shall provide a secrecy sleeve [SMALL ENVELOPE] in which
30 the voter shall initially place the marked ballot, and shall provide an [A LARGER]
31 envelope [,] with the prescribed voter's certificate on it [THE BACK], in which the

1 secrecy sleeve [SMALL ENVELOPE] with ballot enclosed shall be placed. The
2 director shall prescribe the form of and prepare the voter's certificate, envelopes, and
3 other material used in absentee voting. The voter's certificate shall include an oath,
4 for use when required, that the voter is a qualified voter in all respects, a blank for the
5 voter's signature, a certification that the affiant properly executed the marking of the
6 ballot and gave the voter's identity, blanks for the attesting official or witnesses, and
7 a place for recording the date the envelope was sealed and witnessed.

8 * Sec. 19. AS 15.20.061(c) is amended to read:

9 (c) On receipt of an absentee ballot in person, the voter shall proceed to mark
10 the ballot in secret, to place the ballot in the secrecy sleeve [SMALL ENVELOPE],
11 to place the secrecy sleeve [SMALL ENVELOPE] in the [LARGER] envelope
12 provided, and to sign the voter's certificate on the [BACK OF THE LARGER]
13 envelope in the presence of the election official who shall sign as attesting official and
14 date that signature. The election official shall then accept the ballot.

15 * Sec. 20. AS 15.20.071 is repealed and reenacted to read:

16 Sec. 15.20.071. ABSENTEE VOTING BY PERSONAL REPRESENTATIVE.

17 (a) A qualified voter with a disability who, because of that disability, is unable to go
18 to a polling place to vote may vote an absentee ballot through a personal
19 representative.

20 (b) A personal representative may apply in writing to the following election
21 officials, at the times specified, for an absentee ballot on behalf of a voter who is
22 eligible under (a) of this section:

23 (1) to an absentee voting official on or after the 15th day before an
24 election up to and including the day of the election;

25 (2) to an election supervisor

26 (A) after a date announced by the director under
27 AS 15.20.048(b); and

28 (B) on or after the 15th day before an election up to and
29 including the day of the election;

30 (3) to an absentee voting official at an absentee voting station
31 designated under AS 15.20.045(b) at a time when the absentee voting station is in

1 operation;

2 (4) to a member of a precinct election board on election day.

3 (c) The application by the personal representative shall be signed by the
4 personal representative and must include the following:

5 (1) the full name and full residence address of the personal
6 representative;

7 (2) the full name and full residence address of the voter on whose
8 behalf the personal representative is applying for an absentee ballot;

9 (3) a form of identification for the personal representative that meets
10 the requirements for identification established by the director under AS 15.20.081(f)
11 for absentee voting by mail; and

12 (4) a statement signed by the personal representative that the voter for
13 whom the personal representative is applying for an absentee ballot will be unable to
14 go to the polling place because of a disability.

15 (d) Upon receipt of a written application from a personal representative that
16 meets the requirements of (c) of this section, the election official shall issue the
17 absentee ballot and other absentee voting material to the personal representative.

18 (e) The personal representative shall deliver the absentee ballot and other
19 absentee voting materials to the voter as soon as practicable. The voter shall proceed
20 to mark the ballot in secret, to place the ballot in the secrecy sleeve, and to place the
21 secrecy sleeve in the envelope provided. On the voter's certificate portion of the
22 envelope, the voter shall state the name of the personal representative who applied for
23 the absentee ballot, shall state that because of a disability the voter is unable to go to
24 a polling place to vote, and shall sign the voter's certificate in the presence of the
25 personal representative and provide a form of identification for the voter that meets the
26 requirements for identification established by the director under AS 15.20.081(f) for
27 absentee voting by mail. The personal representative shall witness and date the
28 signature of the voter. The voter shall mark the ballot, and complete and sign the
29 voter's certificate, not later than election day. The voter shall return the absentee
30 ballot to the personal representative who shall deliver the ballot to the election official
31 who provided the ballot. The absentee ballot must be returned to the election official

1 not later than 8:00 p.m. on election day.

2 (f) Notwithstanding (e) of this section, if a qualified voter's disability
3 precludes the voter from performing any of the requirements of (e) of this section, the
4 personal representative may perform those requirements on the voter's behalf.

5 (g) An election official shall keep a record of the name and signature of each
6 personal representative requesting an absentee ballot and the name of the voter on
7 whose behalf the ballot is requested. The election official shall record the date that
8 the absentee ballot is provided and the date that the ballot is returned to the election
9 official.

10 (h) The voter's employer, an agent of the voter's employer, or an officer or
11 agent of the voter's union may not act as a personal representative for that voter.

12 * Sec. 21. AS 15.20.081(d) is amended to read:

13 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of
14 a notary public, commissioned officer of the armed forces including the National
15 Guard, district judge or magistrate, United States postal official, registration official,
16 or other person qualified to administer oaths, may proceed to mark the ballot in secret,
17 to place the ballot in the secrecy sleeve [SMALL ENVELOPE], to place the secrecy
18 sleeve [SMALL ENVELOPE] in the [LARGER] envelope provided, and to sign the
19 voter's certificate on the [BACK OF THE LARGER] envelope in the presence of an
20 official listed in this subsection who shall sign as attesting official and shall date the
21 signature. If none of the officials listed in this subsection is reasonably accessible, an
22 absentee voter shall sign the voter's certificate in the presence of two persons over the
23 age of 18 years, who shall sign as witnesses and attest to the date on which the voter
24 signed the certificate in their presence, and, in addition, the voter shall provide the
25 certification prescribed in AS 09.63.020.

26 * Sec. 22. AS 15.20.190(a) is amended to read:

27 (a) Thirty days before [PRIOR TO] the date of an election, the election
28 supervisors shall appoint, in the same manner provided for the appointment of election
29 judges prescribed in AS 15.10.150, district absentee ballot counting boards and district
30 questioned ballot counting boards, each composed of at least four members. At least
31 one member of each board must be a member of the same political party of which

1 the governor is a member, and at least one member of each board must be a
2 member of the political party whose candidate for governor received the second
3 largest number of votes in the preceding gubernatorial election [, TWO FROM
4 EACH POLITICAL PARTY]. The district boards shall assist the election supervisors
5 in counting the absentee and questioned ballots and shall receive the same
6 compensation paid election judges under AS 15.15.380.

7 * Sec. 23. AS 15.20.201(b) is amended to read:

8 (b) Counting of absentee ballots that [WHICH] have been reviewed shall
9 begin at 8:00 p.m., local time, on the day of the election at places designated by each
10 election supervisor and shall continue until all absentee ballots reviewed and eligible
11 for counting have been counted. The counting teams shall report the count of absentee
12 ballots to the district absentee ballot counting board. An election supervisor or an
13 election official may not count [REMOVE] absentee ballots [FROM THE SMALL,
14 INNER ENVELOPES] before 8:00 p.m., local time, on the day of the election.
15 Counting of the absentee ballots shall continue at times designated by the election
16 supervisor until all absentee ballots are counted.

17 * Sec. 24. AS 15.20.203(c) is amended to read:

18 (c) Any person present at the district absentee ballot counting review may
19 challenge the name of an absentee voter when read from the voter's certificate on the
20 [BACK OF THE LARGE] envelope if the person has good reason to suspect that the
21 challenged voter is not qualified to vote, is disqualified, or has voted at the same
22 election. The person making the challenge shall specify the basis of the challenge in
23 writing. The district absentee ballot counting board by majority vote may refuse to
24 accept and count the absentee ballot of a person properly challenged on grounds listed
25 in (b) of this section.

26 * Sec. 25. AS 15.20.203(e) is amended to read:

27 (e) If an absentee ballot is not rejected, the [LARGE] envelope shall be opened
28 and the secrecy sleeve [SMALL ENVELOPE] containing the absentee ballot shall be
29 placed in a container and mixed with other secrecy sleeves [SMALL ENVELOPES].

30 * Sec. 26. AS 15.20.203(f) is amended to read:

31 (f) The secrecy sleeves [SMALL ENVELOPES] shall be drawn from the

1 container, the absentee ballots shall be removed from the secrecy sleeves
2 [OPENED], and the absentee ballots counted at the times specified in AS 15.20.201
3 and according to the rules for determining properly marked ballots in AS 15.15.360.

4 * **Sec. 27.** AS 15.20.207(c) is amended to read:

5 (c) Any person present at the district questioned ballot review may challenge
6 the name of a questioned voter when read from the voter's certificate on the [BACK
7 OF THE LARGE] envelope if the person has good reason to suspect that the
8 questioned voter is not qualified to vote, is disqualified, or has voted at the same
9 election. The person making the challenge shall specify the basis of the challenge in
10 writing. The district questioned ballot counting board by majority vote may refuse to
11 accept and count the questioned ballot of a person properly challenged under grounds
12 listed in (b) of this section.

13 * **Sec. 28.** AS 15.20.207(e) is amended to read:

14 (e) If a questioned ballot is not rejected, the [LARGE] envelope shall be
15 opened and the secrecy sleeve [SMALL ENVELOPE] containing the questioned ballot
16 shall be placed in a container and mixed with other secrecy sleeves [SMALL
17 ENVELOPES] containing questioned ballots.

18 * **Sec. 29.** AS 15.20.207(f) is amended to read:

19 (f) The secrecy sleeves [SMALL ENVELOPES] shall be drawn from the
20 container, the questioned ballots shall be removed from the secrecy sleeves
21 [OPENED], and the questioned ballots counted at the times specified in AS 15.20.205
22 and according to the rules for determining properly marked ballots in AS 15.15.360.

23 * **Sec. 30.** AS 15.20.207(g) is amended to read:

24 (g) Upon completion of the questioned ballot review, the election supervisor
25 shall prepare an election certificate for execution by the district questioned ballot
26 counting board, and shall forward the original certificate and returns to the director as
27 soon as the count is completed but no later than the 11th [NINTH] day following the
28 election.

29 * **Sec. 31.** AS 15.20.620(c) is amended to read:

30 (c) As a security precaution, after the computer has been tested as prescribed
31 in (b)(2) and (4) of this section,

1 (1) the vote-counting task shall remain isolated from nonrelated
2 processing tasks;

3 (2) [PROCESSING NOT CONCERNED WITH VOTE COUNTING
4 SHALL BE LIMITED TO TASKS WHICH ARE CRITICAL TO THE COMPUTER
5 CENTER AND SHALL BE AGREED UPON IN ADVANCE BY THE MANAGER
6 OF THE COMPUTER CENTER AND THE DIRECTOR;

7 (3)] reasonable computer security controls shall be in effect to assure
8 the integrity of the vote-counting process; and

9 (3) [(4)] access to the computer counting area shall be controlled by the
10 data processing review board until the vote-counting process is terminated.

11 * Sec. 32. AS 15.20.620(f) is amended to read:

12 (f) At any time during the count, party representatives or members of the data
13 processing review board may request a listing of the parameter coding that
14 [PROGRAM SOURCE CODE WHICH] comprises the instructions to be executed by
15 the computer.

16 * Sec. 33. AS 15.20.640(a) is amended to read:

17 (a) Immediately after the polls have closed, the ballot box shall be opened by
18 election board members in full view of all persons present, and all ballots shall be
19 removed [FROM THE BALLOT ENVELOPES].

20 * Sec. 34. AS 15.20.700(c) is amended to read:

21 (c) The backup documentation for each counting session [BALLOT IMAGE
22 MAGNETIC TAPE WHICH CONTAINS AN EXACT IMAGE OF EACH COUNTED
23 BALLOT] shall be retained in a secure manner by the election supervisor until the
24 director determines that it is no longer needed.

25 * Sec. 35. AS 15.20.740 is amended to read:

26 Sec. 15.20.740. QUESTIONED PUNCH-CARD BALLOTS. The procedure
27 for reviewing and counting questioned punch-card ballots is the same procedure
28 established in AS 15.20.205 and 15.20.207 for hand-marked ballots except that
29 questioned punch-card ballots may be processed by the computer from the third
30 through the 10th [EIGHTH] day following the election. The data processing review
31 board shall supervise the count and shall follow the procedure established in

1 AS 15.20.680 and 15.20.685.

2 * Sec. 36. AS 15.20.800(d) is amended to read:

3 (d) The voter may cast the ballot under AS 15.20.081(d) - (f)
4 [AS 15.20.081(d) - (e)].

5 * Sec. 37. AS 15.58.060(a) is amended to read:

6 (a) Each general election candidate shall pay to the lieutenant governor at the
7 time of filing material under this chapter the following:

8 (1) President or Vice-President of the United States, United States
9 senator, United States representative, governor, lieutenant governor, supreme court
10 justice and court of appeals judge, \$300 [\$150] each;

11 (2) superior court judge and district court judge, \$150 [\$75] each;

12 (3) state senator and state representative, \$100 [\$50] each.

13 * Sec. 38. AS 15.58.060(b) is amended to read:

14 (b) The state chair [CHAIRMAN] or executive committee of a political party
15 shall pay to the lieutenant governor at the time of filing material under this chapter
16 \$600 [\$300] for each page purchased.

17 * Sec. 39. AS 15.05.040 and AS 15.07.170 are repealed.

18 * Sec. 40. PILOT PROGRAM FOR VOTING BY MAIL IN PRIMARY AND GENERAL
19 ELECTIONS. (a) Notwithstanding AS 15.20.800(a), the director of elections may permit
20 voting by mail for the 1996 primary and general elections in not more than 10 precincts that
21 are located in a rural area of the state and that have no more than 200 registered voters.
22 Voting by mail under this section is subject to the provisions of AS 15.20.800(b) - (e).

23 (b) The director of elections may not open a polling place in a precinct in which the
24 director conducts an election by mail under this section. However, the director shall assure
25 that in each precinct in which the director conducts an election by mail under this section at
26 least one absentee voting official is appointed. Along with each ballot that is mailed to a
27 voter in a precinct under this section, the director shall include a notice giving the name of
28 the absentee voting officials for the precinct and explaining that the voter may go to an
29 absentee voting official for assistance in casting the ballot.

30 (c) Before implementing this section, the director of elections shall consult with the
31 officials of a municipality, village, Native village, or other government or tribal entity to

1 ascertain whether the municipality, village, Native village, or other government or tribal entity
2 is interested in participating in the pilot program authorized by this section.

3 (d) The director may adopt regulations to implement and interpret this section.

4 * Sec. 41. This Act takes effect immediately under AS 01.10.070(c).