

**HB**

**163**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/14/00

FURTHER:

REPORTED OUT OF  
SFC 4/16/00

DATE TURNED  
IN TO OFFICE:

16 April 00

Finance Committee considered CS FOR HOUSE BILL NO. 163(JUD)

DIVISION OF ELECTIONS

and recommends:

- be replaced with S CS CS HB 163 (FIN)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:
- same title
  - new title
- House Bill:
- same title
  - technical title
  - new: SCR# \_\_\_\_\_

| SIGNING DO PASS              | DP                                  | OTHER RECOMMENDATIONS    | NR                                  | DNP | AM |
|------------------------------|-------------------------------------|--------------------------|-------------------------------------|-----|----|
| <i>Don Dewley</i>            | <input checked="" type="checkbox"/> | <i>Bill E. Kelly</i>     | <input checked="" type="checkbox"/> |     |    |
|                              |                                     | <i>Lillian Kelly</i>     | <input checked="" type="checkbox"/> |     |    |
|                              |                                     | <i>John Kelly</i>        | <input checked="" type="checkbox"/> |     |    |
|                              |                                     | <i>Gregory D. Lemmon</i> |                                     |     |    |
|                              |                                     | <i>Bill Adams</i>        | <input checked="" type="checkbox"/> |     |    |
|                              |                                     | <i>Gonzalez</i>          | <input checked="" type="checkbox"/> |     |    |
| Co-Chair: <i>[Signature]</i> | <input checked="" type="checkbox"/> | Co-Chair:                |                                     |     |    |
| Co-Chair: <i>[Signature]</i> | <input checked="" type="checkbox"/> | Co-Chair:                |                                     |     |    |

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

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**PREVIOUS FISCAL NOTE(S):\***

Department                      Date      Zero      Fiscal

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|-----------|--------|--|--------|
| Elections | 2/3/00 |  | (12.5) |
|           |        |  |        |
|           |        |  |        |
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|           |        |  |        |
|           |        |  |        |

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill



SENATE AMENDMENT

Amendment Number: #1  
Bill Number: HB 163  
Sponsor: Donley Date: 4/16/0  
Logged In By: M. Siddu

By Donley

To: HB 163 SENATE BILL No. \_\_\_\_\_

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

PAGE:

LINE:

Add new section  
of  
Legislative Intent:

The Division shall facilitate the  
co-ordination of local government  
elections with regular state elections  
if requested to do so by a  
local government.

Kelly COMMITTEE  
2000 COMMITTEE ACTION

|                            |          |             |          |
|----------------------------|----------|-------------|----------|
| Bill Number                | HB 163   |             |          |
| Amendment                  | #1       |             |          |
| Motion                     | adopt    |             |          |
| <u>Motion by</u>           | Donley   |             |          |
| <u>Objection by</u>        | none     |             |          |
| Removed                    |          |             |          |
| <u>Second Objection by</u> |          |             |          |
| <u>Committee Member</u>    | <u>Y</u> | <u>Vote</u> | <u>N</u> |
| Senator Pete Kelly         |          |             |          |
| Senator Lyda Green         |          |             |          |
| Senator Randy Phillips     |          |             |          |
| Senator Dave Donley        |          |             |          |
| Senator Loren Leman        |          |             |          |
| Senator Al Adams           |          |             |          |
| Senator Gary Wilken        |          |             |          |
| Co-Chair Sean Parnell      |          |             |          |
| Co-Chair John Torgerson    |          |             |          |
|                            |          |             |          |
| <u>Tally</u>               |          |             |          |
| Yea                        |          |             |          |
| Nay                        |          |             |          |
| Absent                     |          |             |          |
|                            |          |             |          |
| <u>MOTION</u>              | Pass     |             |          |

SENATE FINANCE  
COMMITTEE  
Amendment Number: #2  
Bill Number: HB 163 SENATE AMENDMENT  
Sponsor: Parnell Date: 4/16/00  
Logged In By: Mindy

BY Parnell

To: CS HB 163 (Jud) SENATE BILL No.  
To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

Not moved →  
Div. of Elections  
Intent is on  
the record that  
a sticker acting like  
a tattoo that leave  
a name on the  
ballot is OK -  
a true sticker  
is not -

PAGE: 15  
LINE: 28

Delete "The Use of"  
Insert "Affixing"

PAGE: 15  
LINE: 28

After the word "stickers"  
Insert "on a ballot"

Green COMMITTEE  
2000 COMMITTEE ACTION

|                            |          |             |          |
|----------------------------|----------|-------------|----------|
| Bill Number                | HB 163   |             |          |
| Amendment                  | #2       |             |          |
| Motion                     | adopt    |             |          |
| <u>Motion by</u>           | Parnell  |             |          |
| <u>Objection by</u>        | none     |             |          |
| <u>Removed</u>             |          |             |          |
| <u>Second Objection by</u> |          |             |          |
| <u>Committee Member</u>    | <u>Y</u> | <u>Vote</u> | <u>N</u> |
| Senator Lyda Green         |          |             |          |
| Senator Randy Phillips     |          |             |          |
| Senator Dave Donley        |          |             |          |
| Senator Loren Leman        |          |             |          |
| Senator Al Adams           |          |             |          |
| Senator Gary Wilken        |          |             |          |
| Senator Pete Kelly         |          |             |          |
| Co-Chair Sean Parnell      |          |             |          |
| Co-Chair John Torgerson    |          |             |          |
|                            |          |             |          |
| <u>Tally</u>               |          |             |          |
| Yea                        |          |             |          |
| Nay                        |          |             |          |
| Absent                     |          |             |          |
|                            |          |             |          |
| <u>MOTION</u>              | Pass     |             |          |



# Alaska State Senate

## Senate Finance Committee

Official Business

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### FAX COVER SHEET

DATE: 4/16/00 TIME: 5:10 pm

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 3

FROM: MINDY ROWLAND  
SENATE FINANCE COMMITTEE SECRETARY  
PHONE: 465-4935  
FAX: 465-2187

NOTES: HB 163  
amended as follows  
final please!  
(not tonight)  
—The  
Mundy

**CS HB163 (JUD)**  
**Sectional Analysis**  
**Prepared by the Division of Elections**

| <u>SECTION</u>  | <u>EXPLANATION</u>  |
|---|---|
| 1   | Election employees exempt from jury service during the months of a primary or general election.   |
| 2, 3, 5, 8, 10, 17-25, 29, 31-33, 37, 41, 51, 59, 61-62, 72 | Change the term election judges and clerks to election officials or board members.<br><br>Change term chairman to chairperson.  |
| 4, 87   | Allow permanent fund dividend mailing address to be used on the official voter registration record. Requires the PFD division to pay for the printing of the voter registration form.   |
| 6   | Remove requirement to have registrars. This is outdated due to the NVRA.  |
| 7   | Remove requirement that Division of Elections post names of voters 40 days prior to an election. Allow for political parties to have one free list per year.<br><br>This is not an efficient way for voters to identify whether or not they are properly registered. The division will be looking into other methods, such as adding more information to the present Interactive Voice Response (IVR) system that was used to locate a voter's polling place during the 1998 primary and general elections. We are also researching a secure way of posting the voter list on the internet. |
| 9, 11   | Revise wording on election board appointments. Board names will continue to be solicited from the party district committees and state central party committees. The member from the which the governor is a member and the party from which the candidate receiving the second highest number of votes may both submit two names. The election supervisor will appoint one from each of the above political parties.  |
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|--------|---|
| 12     | Change the wording which appears for a ballot initiative from "For or Against" to "Yes or No." This will make the wording for ballot questions consistent throughout Title 15.  |
| 13, 50 | Revise to conform to the ballot layout of optical scan ballots. Replace square with oval.   |
| 14     | Change "major election districts" to "four judicial districts."   |
| 15     | Change requirement mandating that posters, which provide notice of an election, be placed in each election precinct.<br><br>This works in rural Alaska but not in urban Alaska. People in urban Alaska rely more on the newspaper for the notice of an election. Posting notices in rural Alaska is an adequate method of providing notice. |
| 16     | Remove requirement to include in a broadcast notice the name of the newspaper and the date the newspaper was published.   |
| 26     | Update to make consistent with the new list maintenance law.  |
| 27     | Remove requirement for voter to provide former address when voting a questioned ballot. This information is not used to determine the voter's eligibility and is not printed on the questioned oath and affidavit.  |
| 28     | Deletes reference to a second ballot stub. Optical scan ballots only have one stub.   |
| 30     | Expands the list of acceptable identification which can be provided by a voter when voting.   |
| 34, 47 | Change improperly marked ballot to spoiled ballot.  |
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| 35     | <p>Remove the requirement that a voter, after voting, return the ballot to an election official for removal of the stub.</p> <p>Accu-Vote ballots only have one stub, which is removed by the election official when issuing the ballot.</p>                             |
| 36, 38 | Clarifies that this section applies to hand-count precincts.   |
| 39     | <p>Clarifies that this section applies to hand-count precincts. Makes conforming changes to the ballot layout of optical scan ballots. Repeals the reference to stickers. Clarifies what name variations will be counted for write-in candidates.</p>                    |
| 40     | Prohibits the use of stickers by write-in candidates.  |
| 42     | Updates the scope of review by the state review board. The terminology in present statute is outdated.   |
| 43     | Clarifies when ballots and stubs for national and other elections can be destroyed.  |
| 44, 53 | Clarifies what portions of a ballot will count if someone moves from one house district to another after the 30-day cutoff.  |
| 45     | Delete requirement that an instruction sheet be provided with each absentee ballot. This is only done with by-mail ballots.  |
| 46     | <p>Removes requirement that a voter may only vote absentee in-person through an Absentee Voting Official (AVO) in the voter's election district.</p> <p>Allows AVOs to conduct absentee in-person voting on election day.</p>  |
| 48     | This is a new section on early voting. Applies to absentee in-person at the regional election offices. This would only apply to voters residing in house districts for which the regional office has jurisdiction. Voters registered in HD 1-9 could vote in this manner |

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|    | <p>at the Juneau office absentee voting station. Voters in HD 10-28 at the Anchorage absentee voting station. Voters registered in HD 29-36 at the Fairbanks office absentee voting station. Voters registered in HD 37-40 at the Nome office absentee voting station.</p> <p>The voter would verify that the registration information on file with the division is current and sign an early voting register. After voting the ballot, the voter would insert their ballot into the Accu-Vote precinct tabulator. Ballots would not be counted until after 8:00 p.m. on election day.</p> <p>If the voter's residence is different from that on the official registration file, the voter will be required to complete an absentee in-person oath and affidavit envelope. The voted ballot would be placed in this envelope and held for review by the regional office.</p> <p>This could significantly reduce the number of absentee ballots requiring review by the regional office. In the 1998 general election, there were 13,646 absentee in-person ballots cast. Of those, 12,036 were full count ballots.</p> |
| 49 | <p>Special needs voting. This is a replacement for the current absentee voting by personal representative. Although the division was successful in passing legislation last year to change the personal representative voting process, it is still not working.</p> <p>This would eliminate the requirement of the voter to complete an application. The voter would make a request to an elections official or through a personal contact (family member or friend) to get a special needs ballot.</p> <p>The representative would sign an oath, take the ballot and voting materials to the voter. After voting, the voter completes an oath and affidavit envelope similar to that as required by absentee in-person voting.</p> <p>The representative would serve as a witness and return the ballot to the election official.</p>   |
| 52 | <p>Allows the questioned review board to finish their review of questioned ballots up to 15 days after the election. Current law says the review must be completed by the 10<sup>th</sup> day.</p>   |

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| 54    | Clarifies that hand-count rules apply to challenges which arise during a recount concerning the voter's intent.  |
| 55    | Allows the director to set the counting schedule for all by-mail elections.  |
| 56    | Allows a declaration of candidacy to be filed by any reliable electronic means.  |
| 57    | Requires that in order to appear on the general election ballot, each candidate for governor must have a lieutenant governor candidate and vice versa.   |
| 58    | Requires that write-in candidates file a declaration with the division.  |
| 60    | Make the requirements of a nominating petition the same as for declaration of candidacy.   |
| 63-70 | Makes changes to the initiative, referendum and recall petition as a result of the U.S. Supreme Court decision in <i>Buckley v. American Constitutional Law Foundation</i> . Petition circulators no longer are required to be registered voters in the state and do not have to wear identification badges. |
| 71    | Eliminate the requirement to have 10 copies of a constitutional amendment at the polling place. One copy will be posted in each precinct.  |
| 73    | References new section on special needs voting.  |
| 74    | Change the date material is required from candidates for the Official Election Pamphlet (OEP) from 7/15 to 7/22.   |
| 75    | Change the mailing date of the OEP from 30 days before the election to 22 days.  |

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| 76-77 | Update definitions to conform with statute changes.  |
| 79    | Update definition of felony involving moral turpitude to make it broader and easier to administer.   |
| 80-83 | Update definitions to conform with statute changes.  |
| 84    | Clarifies that it is the responsibility of local governments to determine if a voter qualifies to vote in a local election.  |
| 85    | Adds the transportation of ballots to be exempt from state procurement procedures.   |
| 86    | Makes conforming change to Title 39. Candidate must file a financial disclosure statement under AS 39.50 simultaneously with filing a declaration of candidacy.  |
| 88-89 | Repealer section. Repeals Article 4 – Punch Card Voting and other outdated sections.   |
| 90    | Gives authority to the director to adopt regulations to implement this Act.  |
| 91    | Revisor's Instructions<br>Global changes in Titles 3, 15, 44 and 46:<br>"election district, electoral district or house election district" to "house district"<br>"election districts" to "house districts"<br>"chairman" to "chairperson" |
| 92-94 | Effective date clauses.  |

# ALASKA STATE LEGISLATURE

REPRESENTATIVE  
JEANNETTE JAMES  
PO Box 56622  
North Pole, Alaska 99705  
(907) 456-1546  
FAX (907) 488-4271



While in Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-3743  
FAX (907) 465-2381

House of Representatives  
House District 34

## Sponsor Statement for HB 163 Changes to Election Law

House Bill 163 is primarily a housekeeping bill that will update current election law to conform with the optical scanning ballot tabulation system.

The goal of House Bill 163 is to make the electoral process more efficient while continuing to maintain the integrity of the process.

In addition to housekeeping measures which are outlined in an accompanying sectional analysis, House Bill 163 contains three policy changes which will help make the election process more efficient for both the electorate and the Division of Elections.

### • *Write-in Candidates*

It became apparent after the 1998 gubernatorial election that the state needs clear procedures for the qualification of write-in candidates and for the counting of votes. House Bill 163 will prohibit the use of stickers by write-in candidates. Write-in stickers cannot be used with the state's optical scan ballot tabulation system. The Division has been advised by the manufacturer, Global Elections Systems, that stickers could damage the Accu-Vote machines.

### • *Revision of Absentee by Personal Representative Process*

The current statutory process is too cumbersome and the resulting mistakes by people attempting to assist other voters have resulted in the disqualification of many ballots. Current law requires the personal representative to deliver an application to the voter, return the application to an election official, pick up the ballot and voting material, deliver the material to the voter and then return the voted ballot and material to an election official. The new process would allow the personal representative to deliver an application and voting material at one time and then return the voted ballot and material to an election official. The same checks and balances remain in place to protect the integrity of the electoral process.

• *Change to the Absentee In-Person Voting Process*

Early voting would apply to absentee voting in the regional election office absentee voting stations. Voters registered in a house district in which the regional election office has jurisdiction would no longer be required to complete an absentee oath and affidavit envelope. This will significantly reduce the number of absentee ballots requiring review by the division of elections. If a voter's residence address information is different from that which appears on the division's records at the time of voting, the voter will be required to complete an oath and affidavit envelope.

SENATE FINANCE COMMITTEE

SIGN - IN

HB 163-DIVISION OF ELECTIONS

NAME: Paul Turner Subject/Bill No: HB 163  
Co./Dept./Title: Elections Phone: 415-3935  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: Richard Schmitz Subject/Bill No: HB 163  
Co./Dept./Title: Rep James Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you wish to testify?  Yes  No  Respond To Questions