

HB

266

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FILE

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: HB 266
(H) Publish Date: 4/14/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An act relating to elections..... BRU Motor Vehicles
Component Motor Vehicles
Sponsor _____
Requester _____ Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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						
1037 GF/Mental Health						
Other (Specify Type -Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact on DMV. DMV already produces a similar database copy of driver license information for the Permanent Fund Division each year. A second copy will be made at the same time for Division of Elections.

Prepared by: Charles R. Hosack Phone 269-5559
Division: Motor Vehicles Date/Time 4/10/03
Approved by: Mike Miller, Commissioner Date 4/11/2003
Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 266
(H) Publish Date: 4/14/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Office of the Governor
Title "An act relating to elections, questioned ballots and questioned voters, voter registration, training of election.." BRU Elections
Sponsor Rules Component Elections
Requester Governor Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
The following items are estimated expenditures that the Division will incur as a result of new federal election reform legislation (Help America Vote Act PL 107), reflected by the statutory changes in this bill: Revising forms for provisional and absentee voting and new registration requirements (100.0); computer programming (80.0); estimated toll free access annual costs (2.0) and information access exchange with other state agencies (200.0). These expenditures will be funded through an appropriation in the FY04 capital budget (total capital appropriation request is \$5,000.0 in federal funds).

Prepared by: Lauri Allred Phone 465-5347
Division: Division of Elections Date/Time 4/11/03 2:53 PM
Approved by: Laura A. Glaiser, Director/LJP Date 4/11/2003
Agency: Office of the Lieutenant Governor, Division of Elections

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OFFICE OF THE GOVERNOR
JUNEAU

HB 266
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April 11, 2003

The Honorable Pete Kott
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Kott:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to elections.

This bill would amend the state election code statutes as required to comply with a recently enacted federal law, the "Help America Vote Act of 2002" (HAVA), P.L. 107-252 (H.R. 3295). The HAVA was enacted to improve the states' administration of federal elections after problems with the administration of those elections by certain states was brought to light during the 2000 presidential election. Many of the reforms set out in the HAVA are intended to protect against election fraud and to ensure that the votes of all persons entitled to vote are counted.

All of the states are required to comply with the HAVA, including amending state laws to comply. To comply with the timelines in the HAVA, this bill must be passed by the legislature and enacted into law this year. Upon certification of compliance with the HAVA, each state is eligible to receive various payments from the federal government to use in implementing the requirements of the HAVA. Alaska is projected to receive payments of approximately \$5,000,000 per year for three years to implement the HAVA.

Alaska is fortunate because our modern state election code already includes many of the requirements of the HAVA, such as a statewide voter registration information database and provisional ("questioned") voting. However, the state election code does not contain a few of the measures required by the HAVA -- this bill would make the necessary amendments. A detailed description of those amendments follows.

The Honorable Pete Kott
April 11, 2003
Page 2

First, all sections in the election code that refer to "questioned ballots" would be amended to refer to "provisional ballots." The two terms are synonymous, but the change would conform to the HAVA's use of the term "provisional" ballots.

In sec. 2 of the bill, AS 15.07.055 would be amended to add a new subsection to require the director of elections to enter into an agreement with the Department of Administration, for motor vehicle information, and the Department of Revenue, for permanent fund dividend information, to match information with the division of elections (division) for first-time voter registrants who are registering by mail, facsimile, or other electronic transmission. This amendment is required by sec. 303(b)(3)(B)(ii) of the HAVA.

Sections 3 and 6 of the bill would amend AS 15.07.060 to require that applicants for voter registration supply certain additional information -- an Alaska driver's license or identification card number, or the last four digits of the applicant's social security number, if any of those numbers have been issued to the applicant. Under the bill, an applicant also would have to provide his or her date of birth. Persons who apply for registration for the first time by mail also would have to provide one of the identifying numbers, and date of birth, that can be verified through state agency records described in sec. 2 of the bill. If such an applicant has not been issued any of the identifying numbers, the applicant may alternatively submit a copy of a photo identification. For any applicant for voter registration who has not been issued any of the required identifying numbers, the division would issue to the applicant a unique identifying number. These amendments are required by secs. 303(a)(5)(A)(i) and (ii), 303(a)(5)(B)(i), 303(b)(4)(A), and 303(b)(4)(B) of the HAVA.

The changes made by sec. 7 of the bill relate to procedures for providing a voter registration card to a voter who registers by mail, facsimile, or other electronic transmission, and are to conform to the HAVA's identification requirements for such voters.

Section 9 of the bill would amend AS 15.07.070(h) to require voter registration proof of identification information on the voter's certificate for voting an absentee in-person ballot. This amendment is required by sec. 303(b) of the HAVA.

The Honorable Pete Kott
April 11, 2003
Page 3

Section 13 of the bill would amend AS 15.15.040 to require that certain information be available at polling places, such as how to cast a provisional ballot, instructions for first-time voters, prohibitions on fraud, and how to report violations. This amendment is required by sec. 302(b)(2) of the HAVA.

Section 14 of the bill would amend AS 15.15.198 to require that a voter who casts a provisional ballot receive information on whether the ballot was counted. This amendment is required by sec. 302 of the HAVA.

Section 16 of the bill would amend AS 15.15.225 to specify the forms of identification that a voter must exhibit at the polls before voting. These amendments are required by secs. 303(b)(1) and 303(b)(2)(A)(i) and (ii) of the HAVA.

Section 18 of the bill would amend AS 15.15.360(a) on the rules for counting ballots, to provide a uniform definition of what constitutes a vote as required by sec. 302(a)(6) of the HAVA.

Section 21 of the bill would amend AS 15.20.081(f) to require that first-time voters who initially registered by mail, facsimile, or other electronic transmission and who are voting absentee by mail, must provide certain identifying information if they have not already provided identifying information specified by AS 15.07.060. Section 21 also would make it mandatory, rather than discretionary, that the director of elections, by regulation, require proof of identification for any voter who votes absentee by mail - - existing regulations already provide for that identification requirement. These amendments are required by sec. 303(b)(2)(A)(ii) of the HAVA.

Section 22 of the bill would amend AS 15.20.081 to add a new subsec. (i) to allow the absentee ballot applications of absent uniformed services voters and absent overseas voters to be valid through the next two federal elections. This amendment is required by sec. 704 of the HAVA.

Section 25 of the bill would amend AS 15.20.203(b) to specify that the absentee ballot of a first-time voter who registered by mail, facsimile, or other electronic transmission will not be counted if the proper identification has not been provided. This amendment is required by sec. 302(b)(2) of the HAVA.

The Honorable Pete Kott

April 11, 2003

Page 4

Section 26 of the bill would repeal and reenact AS 15.20.203(h) to provide for a free access system for absentee voters to use to determine whether their ballot was counted. An example of a free access system is a toll-free phone number for voters to call. The free access system would replace the current system of mailing individual notice to voters. This change is required by sec. 302(b)(2) of the HAVA.

Section 29 of the bill would amend AS 15.20.207(b) to specify that the provisional ballot of a first-time voter who registered by mail, facsimile, or other electronic transmission will not be counted if the proper identification has not been provided. This amendment is required by secs. 302(a)(5)(A), 303(b)(1), 303(b)(2)(A)(i) and (ii), and 303(b)(3)(B) of the HAVA.

Section 35 of the bill would repeal and reenact AS 15.20.207(h) to require a free access system, as described above, for voters to use to determine whether their provisional ballot was counted. This change is required by sec. 302(a)(5)(B) of the HAVA.


Section 41 of the bill would repeal statutes that are no longer necessary due to the changes described above.

Other changes proposed in the bill are not required by the HAVA. Section 4 of the bill would make "housekeeping" changes to AS 15.07.060(b) regarding voter registration or identification cards from another jurisdiction. Section 5 of the bill would amend AS 15.07.060(c) to allow for additional acceptable forms of identification for in-person voter registration. Section 8 of the bill would make "housekeeping" changes to AS 15.07.070(d). Section 12 of the bill would amend AS 15.10.107 to update the statute and reflect current division practices. Section 16 of the bill includes the repeal of language allowing additional forms of voter identification to be prescribed by regulation. Section 23 of the bill would amend AS 15.20.082(a), regarding special absentee ballots, to expand the group eligible to use these ballots to include persons in remote areas of Alaska; this change would duplicate the changes proposed by SB 24, introduced on January 23, 2003. Sections 25 and 29 of the bill would amend AS 15.20.203(b) and 15.20.207(b), respectively, to specify that absentee in-person ballots and provisional ballots will not be counted if the voter has not provided the proper identification and was not personally known by the election official. Sections 38 - 40 of the bill would amend statutes regarding the primary election by replacing the terms "nonpartisan" and "undeclared" with the term "unaffiliated" in identifying voters who are not affiliated with a political party, to streamline references to such voters.

The Honorable Pete Kott
April 11, 2003
Page 5

This bill must be enacted this year in order to comply with the timelines for various requirements set out in the HAVA. Therefore, I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank H. Murkowski". The signature is written in a cursive style with a large initial "F" and a long horizontal stroke at the end.

Frank H. Murkowski
Governor

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Kurtz
4/29/03

Adopted

CS FOR HOUSE BILL NO. 266(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

**Offered:
Referred:**

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to questioned ballots and questioned voters, voter registration, training
2 of election officials, preparation of election materials, provision of election materials,
3 forms, and supplies for polling places, voter identification, absentee voting, and counting
4 ballots; and providing for an effective date."

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

6 * Section 1. AS 15.07.055 is amended by adding a new subsection to read:

7 (e) The director shall enter into an agreement with the Department of
8 Administration and the Department of Revenue to match identifying information
9 provided by a voter who initially registers by mail or by facsimile or other electronic
10 transmission approved by the director under AS 15.07.050 with existing identification
11 records

12 (1) maintained by the administrative component of the Department of
13 Administration that administers motor vehicle and driver's license laws and by the
14 administrative component of the Department of Revenue that administers the

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23-GH1133\S

- 1 permanent fund dividend laws; and
- 2 (2) bearing the same identifying number, name, and date of birth
- 3 provided on the registration.
- 4 * Sec. 2. AS 15.07.060(a) is amended to read:
- 5 (a) Each applicant who requests registration or reregistration shall supply the
- 6 following information:
- 7 (1) name and sex;
- 8 (2) if issued, the applicant's State of Alaska driver's license
- 9 number or State of Alaska identification card number, or the last four digits of
- 10 the applicant's social security number;
- 11 (3) date of birth;
- 12 (4) address and other necessary information establishing residence,
- 13 including the term of residence in the state and in the district, if requested;
- 14 (5) [(3)] whether the applicant has previously been registered to vote in
- 15 another jurisdiction, and, if so, the jurisdiction and the address of the previous
- 16 registration;
- 17 (6) [(4)] a declaration that the registrant will be 18 years of age or
- 18 older within 90 days of the date of registration;
- 19 (7) [(5)] a declaration that the registrant is a citizen of the United
- 20 States;
- 21 (8) [(6)] date of application;
- 22 (9) [(7)] signature or mark;
- 23 (10) [(8)] any former name under which the applicant was registered to
- 24 vote in the state;
- 25 (11) [(9)] an attestation that the information provided by the applicant
- 26 in (1) - (10) [(1) - (8)] of this subsection is true; and
- 27 (12) [(10)] a certification that the applicant understands that a false
- 28 statement on the application may make the applicant subject to prosecution for a
- 29 misdemeanor under this title or AS 11.
- 30 * Sec. 3. AS 15.07.060(b) is amended to read:
- 31 (b) If the applicant has been previously registered to vote in another

WORK DRAFT

WORK DRAFT

23-GH1133S

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jurisdiction, the [APPLICANT SHALL SURRENDER TO THE REGISTRATION OFFICIAL ANY VOTER REGISTRATION OR IDENTIFICATION CARD OR CREDENTIALS FROM THAT JURISDICTION THE APPLICANT MAY POSSESS. THE] director shall notify the chief elections officer in that jurisdiction that the applicant has registered to vote in Alaska and [,] request that that jurisdiction [TO] cancel the applicant's voter registration there [, AND RETURN THE APPLICANT'S VOTER REGISTRATION OR IDENTIFICATION CARD OR CREDENTIALS, IF ANY, TO THAT JURISDICTION].

* Sec. 4. AS 15.07.060(c) is amended to read:

(c) Each applicant who requests [IF APPLICATION FOR] registration [IS MADE] in person before a registration official [, THE APPLICANT] shall exhibit one form of identification to the official, including [BUT NOT LIMITED TO] a driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license. A registration official who knows the identity of the applicant may waive the identification requirement.

* Sec. 5. AS 15.07.060 is amended by adding new subsections to read:

(e) For an applicant requesting initial registration by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050, the director shall verify the information provided in compliance with (a)(2) and (3) of this section through state agency records described in AS 15.07.055(e). If the applicant cannot comply with the requirement of (a)(2) of this section because the applicant has not been issued any of the listed numbers, the applicant may instead submit a copy of one of the following forms of identification: a driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license.

(f) If an applicant who requests registration cannot comply with the requirement of (a)(2) of this section because the applicant has not been issued any of the listed numbers, the division shall assign the applicant a unique identifying number.

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

(b) To register by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050, the director, the area election

WORK DRAFT

WORK DRAFT

23-GH1133S

1 supervisor, or a voter registration agency shall furnish, at no cost to the voter, forms
2 prepared by the director or which the registration information required under
3 AS 15.07.060 shall be inserted by the voter, or by a person on behalf of the voter if the
4 voter is physically incapacitated. The director may require proof of identification of
5 the applicant as required by regulations adopted by the director under AS 44.62
6 (Administrative Procedure Act). Upon receipt and approval of the completed
7 registration forms the director or the election supervisor shall forward to the voter an
8 acknowledgment [IN THE FORM OF A REGISTRATION CARD,] and the voter's
9 name shall immediately be placed on the master register [LOCATED IN THE
10 OFFICE OF THE DIRECTOR AND ON THE DISTRICT REGISTER LOCATED IN
11 THE OFFICE OF THE ELECTION SUPERVISOR]. If the registration is denied, the
12 voter shall immediately be informed in writing that registration was denied and the
13 reason for denial. When identifying information has been provided by the voter as
14 required by this chapter, the election supervisor shall forward to the voter a
15 registration card.

16 * Sec. 7. AS 15.07.070(d) is amended to read:

17 (d) Qualified voters may register in person before a registration official or
18 through a voter registration agency at any time throughout the year, except that a
19 person registering within 30 days preceding an election is not eligible to [MAY NOT]
20 vote at that election. Upon receipt and approval of the registration forms, the director
21 or the election supervisor shall forward to the voter an acknowledgment in the form of
22 a registration card, and the voter's name shall immediately be placed on the master
23 register [LOCATED IN THE OFFICE OF THE DIRECTOR AND ON THE
24 DISTRICT REGISTER LOCATED IN THE OFFICE OF THE ELECTION
25 SUPERVISOR]. Names of persons registering 30 or more days before an election
26 shall be placed on the official registration list for that election.

27 * Sec. 8. AS 15.07.070(h) is amended to read:

28 (h) The director shall design the form of the voter's certificate appearing on
29 the envelope that is used for voting an absentee in-person or [A] questioned ballot so
30 that all information required for registration by AS 15.07.060(a) may be obtained from
31 a voter who votes an absentee in-person or [A] questioned ballot. If the voter voting

WORK DRAFT

WORK DRAFT

23-GH11331S

1 an absentee in-person or [A] questioned ballot has completed all information on the
 2 voter registration portion of the absentee in-person or questioned ballot voter's
 3 certificate, the director shall place the name of the voter on the official registration list.

4 * Sec. 9. AS 15.10.107 is amended to read:

5 **Sec. 15.10.107. Staff training.** The director shall, before each primary
 6 election in even-numbered years, provide for a comprehensive training program for
 7 election officials, both the full-time members of the staff of the division of elections
 8 and those who are appointed as members of election boards under AS 15.10.120 -
 9 15.10.140 and other temporary election employees. The director shall [ANNUALLY]
 10 prepare and, not later than March 1 [JANUARY 10], file with the lieutenant governor
 11 a plan that describes the comprehensive training program for election officials to be
 12 provided to those officials during that calendar year.

13 * Sec. 10. AS 15.15.040 is amended by adding a new subsection to read:

14 (c) The director shall provide materials, forms, and supplies for each polling
 15 place, including information regarding the date of the election and hours the polling
 16 place will be open, instructions on how to cast a questioned ballot, instructions for
 17 first-time voters who initially registered by mail, general information on voting rights,
 18 prohibitions on acts of fraud and misrepresentation, and whom to contact to report
 19 violations.

20 * Sec. 11. AS 15.15.198(a) is amended to read:

21 (a) If a voter's name does not appear on the official registration list in the
 22 precinct in which the voter seeks to vote, the election official shall affirmatively
 23 advise the voter that the voter may cast a questioned ballot, and the voter shall be
 24 allowed to vote a questioned ballot. At the time the voter casts a questioned ballot,
 25 the voter shall be given written information stating that the voter will be able to
 26 ascertain whether the ballot was counted and, if not counted, the reason the
 27 ballot was not counted.

28 * Sec. 12. AS 15.15.225(a) is amended to read:

29 (a) Before being allowed to vote, each voter shall exhibit to an election official
 30 one form of identification, including

31 (1) an official voter registration card, driver's license, state

WORK DRAFT

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23-GH1133AS

1 identification card, current and valid photo identification, birth certificate,
 2 passport, or hunting or fishing license; or
 3 (2) an original or a copy of a current utility bill, bank statement,
 4 paycheck, government check, or other government document; an item exhibited
 5 under this paragraph must show the name and current address of the voter [OR
 6 OTHER FORM OF IDENTIFICATION AS PRESCRIBED BY REGULATION].

7 * Sec. 13. AS 15.15.225(b) is amended to read:

8 (b) An election official may waive the identification requirement if the
 9 election official knows the identity of the voter. The identification requirement may
 10 not be waived for voters who are first-time voters who initially registered by mail
 11 or by facsimile or other electronic transmission approved by the director under
 12 AS 15.07.050, and did not provide identification as required in AS 15.07.060.

13 * Sec. 14. AS 15.15.360(a) is amended to read:

14 (a) The election board shall count ballots [IN HAND-COUNT PRECINCTS]
 15 according to the following rules:

16 (1) A voter may mark a ballot only by filling in, making "X" marks,
 17 diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks, checks, or
 18 plus signs that are clearly spaced in the oval opposite the name of the candidate,
 19 proposition, or question that the voter desires to designate.

20 (2) A failure to properly mark a ballot as to one or more candidates
 21 does not itself invalidate the entire ballot.

22 (3) If a voter marks fewer names than there are persons to be elected to
 23 the office, a vote shall be counted for each candidate properly marked.

24 (4) If a voter marks more names than there are persons to be elected to
 25 the office, the votes for candidates for that office may not be counted.

26 (5) The mark specified in (1) of this subsection shall be counted only if
 27 it is substantially inside the oval provided, or touching the oval so as to indicate
 28 clearly that the voter intended the particular oval to be designated.

29 (6) Improper marks on the ballot may not be counted and do not
 30 invalidate marks for candidates properly made.

31 (7) An erasure or correction invalidates only that section of the ballot

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WORK DRAFT

23-GH11331S

1 in which it appears.

2 (8) A vote marked for the candidate for President or Vice-President of
3 the United States is considered and counted as a vote for the election of the
4 presidential electors.

5 (9) Write-in votes are not invalidated by writing in the name of a
6 candidate whose name is printed on the ballot unless the election board determines, on
7 the basis of other evidence, that the ballot was so marked for the purpose of
8 identifying the ballot.

9 (10) In order to vote for a write-in candidate, the voter must write in
10 the candidate's name in the space provided and fill in the oval opposite the candidate's
11 name in accordance with (1) of this subsection.

12 (11) A vote for a write-in candidate, other than a write-in vote for
13 governor and lieutenant governor, shall be counted if the oval is filled in for that
14 candidate and if the name, as it appears on the write-in declaration of candidacy, of the
15 candidate or the last name of the candidate is written in the space provided.

16 (12) If the write-in vote is for governor and lieutenant governor, the
17 vote shall be counted if the oval is filled in and the names, as they appear on the write-
18 in declaration of candidacy, of the candidates for governor and lieutenant governor or
19 the last names of the candidates for governor and lieutenant governor, or the name, as
20 it appears on the write-in declaration of candidacy, of the candidate for governor or the
21 last name of the candidate for governor is written in the space provided.

22 * Sec. 15. AS 15.20.081(f) is amended to read:

23 (f) The director ~~shall~~ [MAY] require a voter casting an absentee ballot by mail
24 to provide proof of identification or other information to aid in the establishment of
25 the voter's identity as prescribed by regulations adopted under AS 44.62 ([THE]
26 Administrative Procedure Act). If the voter is a first-time voter who initially
27 registered by mail or by facsimile or other electronic transmission approved by
28 the director under AS 15.07.050 and has not met the identification requirements
29 set out in AS 15.07.060, the voter must provide one of the following forms of
30 proof of identification:

31 (1) a copy of a driver's license, state identification card, current

WORK DRAFT

WORK DRAFT

23-GH1133S

1 and valid photo identification, birth certificate, passport, or hunting or fishing
 2 license; or

3 (2) a copy of a current utility bill, bank statement, paycheck,
 4 government check, or other government document; an item provided under this
 5 paragraph must show the name and current address of the voter [(AS 44.62)].

6 * Sec. 16. AS 15.20.081 is amended by adding a new subsection to read:

7 (i) An absentee ballot application submitted by an absent uniformed services
 8 voter or by an absent overseas voter qualifying under AS 15.05.011 is valid through
 9 the next two regularly scheduled general elections for federal office after the date the
 10 application is submitted. In this subsection, "absent uniformed services voter" has the
 11 meaning given in 42 U.S.C. 1973ff-6.

12 * Sec. 17. AS 15.20.082(a) is amended to read:

13 (a) The director shall prepare special absentee ballots under this section for
 14 use in a state primary election, a state general election, and a state special election
 15 when the voter notifies the director in writing that the voter expects to be living,
 16 working, or traveling outside the United States at the time of the election, or in a
 17 remote area of the state where distance, terrain, or other natural conditions deny
 18 the voter reasonable access to a polling place at the time of the election. The
 19 director shall prepare the ballot so that it may be sent to the absentee voter 60 days
 20 before the date of the election. The director shall list on the ballot the different races
 21 to be voted on at the particular election on a statewide basis, and, if the director
 22 prepares the ballot without the names of candidates printed on the ballot, the director
 23 shall provide the voter with information described in (c) of this section.

24 * Sec. 18. AS 15.20.203(b) is amended to read:

25 (b) An absentee ballot may not be counted if
 26 (1) the voter has failed to properly execute the certificate;
 27 (2) an official or the witnesses authorized by law to attest the voter's
 28 certificate fail to execute the certificate, except that an absentee ballot cast in person
 29 and accepted by an absentee voting official or election supervisor may be counted
 30 despite failure of the absentee voting official or election supervisor to properly sign
 31 and date the voter's certificate as attesting official as required under AS 15.20.061(c);

WORK DRAFT

WORK DRAFT

23-GH1133S

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(3) the ballot is not attested on or before the date of the election;
(4) the ballot, if postmarked, is not postmarked on or before the date of the election; [OR]
(5) after the day of election, the ballot was delivered by a means other than mail; or

(6) the voter voted

(A) in person and is a

(i) first-time voter who initially registered by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050, has not provided the identification required by AS 15.15.225(a), was not eligible for waiver of the identification requirement under AS 15.15.225(b), and has not provided the identifiers required in AS 15.07.060(a)(2) and (3) that can be verified through state agency records described in AS 15.07.055(e); or

(ii) voter other than one described in (i) of this subparagraph, did not provide identification described in AS 15.15.225(a), was not personally known by the election official, and has not provided the identifiers required in AS 15.07.060(a)(2) and (3); or

(B) by mail or electronic transmission, is a first-time voter who initially registered by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050 to vote, has not met the identification requirements set out in AS 15.07.060, and does not submit with the ballot a copy of a

(i) driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license; or

(ii) current utility bill, bank statement, paycheck, government check, or other government document; an item described in this sub-subparagraph must show the name and

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31current address of the voter.

* Sec. 19. AS 15.20.203 is amended by adding a new subsection to read:

(j) The director shall make available through a free access system to each absentee voter a system to check to see whether the voter's ballot was counted and, if not counted, the reason why the ballot was not counted. The director shall make this information available through the free access system not less than 10 days after certification of the results of a primary election and not less than 30 days after certification of the results of a general or special election.

* Sec. 20. AS 15.20.207(b) is amended to read:

(b) A questioned ballot may not be counted if the voter

(1) has failed to properly execute the certificate;

(2) is a first-time voter who initially registered by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050. has not provided the identification required by AS 15.15.225(a), was not eligible for waiver of the identification requirement under AS 15.15.225(b), and has not provided the identifiers required in AS 15.07.060(a)(2) and (3) that can be verified through state agency records described in AS 15.07.055(e); or

(3) is a voter other than one described in (2) of this subsection, did not provide identification described in AS 15.15.225(a), was not personally known by the election official, and has not provided the identifiers required in AS 15.07.060(a)(2) and (3).

* Sec. 21. AS 15.20.207 is amended by adding a new subsection to read:

(k) The director shall make available through a free access system to each voter voting a questioned ballot a system to check to see whether the voter's ballot was counted and, if not counted, the reason why the ballot was not counted. The director shall make this information available through the free access system not less than 10 days after certification of the results of a primary election and not less than 30 days after the certification of the results of a general or special election.

* Sec. 22. AS 15.20.211 is amended by adding a new subsection to read:

(f) The director shall make available through a free access system to each

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1 voter whose ballot was subject to partial counting under this section a system to check
2 to see whether the voter's ballot was partially counted and, if not counted, the reason
3 why the ballot was not counted. The director shall make this information available
4 through the free access system not less than 10 days after certification of the results of
5 a primary election and not less than 30 days after the certification of the results of a
6 general or special election.

7 * Sec. 23. AS 15.20.480 is amended to read:

8 **Sec. 15.20.480. Procedure for recount.** In conducting the recount, the
9 director shall review all ballots, whether the ballots were counted at the precinct or by
10 computer or by the district absentee counting board or the questioned ballot counting
11 board, to determine which ballots, or part of ballots, were properly marked and which
12 ballots are to be counted in the recount, and shall check the accuracy of the original
13 count, the precinct certificate, and the review. The director shall count absentee
14 ballots received before the completion of the recount. For administrative purposes, the
15 director may join and include two or more applications in a single review and count of
16 votes. The rules in AS 15.15.360 governing the counting of ballots [IN HAND-
17 COUNT PRECINCTS] shall be followed in the recount when a ballot is challenged on
18 the basis of a question regarding the voter's intent to vote for the candidate,
19 proposition, or question. The ballots and other election material must remain in the
20 custody of the director during the recount, and the highest degree of care shall be
21 exercised to protect the ballots against alteration or mutilation. The recount shall be
22 completed within 10 days. The director may employ additional personnel necessary to
23 assist in the recount.

24 * Sec. 24. AS 15.15.360(c) is repealed.

25 * Sec. 25. This Act takes effect immediately under AS 01.10.070(c).

STATE OF ALASKA

OFFICE OF THE LT. GOVERNOR

FRANK H. MURKOWSKI, GOVERNOR

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

CS HB 266 (STA)

"An Act relating to elections, questioned ballots and questioned voters, voter registration, training of election officials, preparation of election materials, voter identification, absentee voting, counting ballots, and the primary election; and providing for an effective date."

In October 2002, President Bush signed the "Help America Vote Act," (H.R. 3295) into law (P.L. 107-252). HAVA is the result of a bipartisan effort in Congress to make sweeping changes to federal election laws to improve the overall administration of elections, increase accessibility to those with disabilities, and also to prevent voter fraud.

Many changes required under HAVA do not require amending Alaska statute, but HB 266 includes those necessary to meet federal mandates. Changes recommended in the bill before you follow the intent of the federal law and do not place unnecessary burdens on the voter. It is imperative that these changes mandated by federal law are passed by the Legislature this year.

HB 266 also includes changes the Division recommends. The Division supports the language recommended in Senator Lincoln's SB 24, and it has been included in this bill with her permission. Other changes regarding returning identification/voter cards to other jurisdictions, reference to a "master list," and adding types of information that can be provided by the voter when registering in person are requested by the Division in this bill.

Perhaps the most significant change NOT mandated by the federal act, but recommended in this bill is replacing the terms "non partisan" and "undeclared" with the term "unaffiliated." Many voters do not know the difference between the two classifications and make numerous party affiliation changes between the "non partisan" and "undeclared." This would eliminate confusion on the part of the voter, while not affecting their access to the ballot.

The House State Affairs Committee removed the language suggested by the Division changing the term "questioned ballots" to "provisional ballots." The federal law refers to "provisional voting," (which Alaskans refer to as "questioned voting") and the Division

originally recommended changing the references in statute to conform to the federal language.

The State Affairs Committee also restored references to the Division sending voters letters regarding the status of their absentee, questioned, or partially counted ballot in addition to the "free access system" required in HAVA.

The Division of Elections asks for your support of House Bill 266.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 266
 (H) Publish Date: 4/14/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Office of the Governor
 Title "An act relating to elections, questioned ballots BRU Elections
 and questioned voters, voter registration, training of election.." Component Elections
 Sponsor Rules
 Requester Governor Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 The following items are estimated expenditures that the Division will incur as a result of new federal election reform legislation (Help America Vote Act PL 107), reflected by the statutory changes in this bill: Revising forms for provisional and absentee voting and new registration requirements (100.0); computer programming (80.0); estimated toll free access annual costs (2.0) and information access exchange with other state agencies (200.0). These expenditures will be funded through an appropriation in the FY04 capital budget (total capital appropriation request is \$5,000.0 in federal funds).

Prepared by: Lauri Allred Phone 465-5347
 Division: Division of Elections Date/Time 4/11/03 2 53 PM
 Approved by: Laura A. Glaiser, Director/LJP Date 4/11/2003
 Agency: Office of the Lieutenant Governor, Division of Elections

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: HB 266
(H) Publish Date: 4/14/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An act relating to elections..... BRU Motor Vehicles
Component Motor Vehicles
Sponsor _____
Requester _____ Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact on DMV. DMV already produces a similar database copy of driver license information for the Permanent Fund Division each year. A second copy will be made at the same time for Division of Elections.

Prepared by: Charles R. Hosack Phone 269-5559
Division Motor Vehicles Date/Time 4/10/03
Approved by: Mike Miller, Commissioner Date 4/11/2003
Agency Department of Administration

ATTEN COPY

FRANK H. MURKOWSKI
GOVERNOR
GOVERNOR@GOV.STATE.AK.US



STATE OF ALASKA
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JUNEAU

HB 266
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WWW.GOV.STATE.AK.US

April 11, 2003

The Honorable Pete Kott
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Kott:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to elections.

This bill would amend the state election code statutes as required to comply with a recently enacted federal law, the "Help America Vote Act of 2002" (HAVA), P.L. 107-252 (H.R. 3295). The HAVA was enacted to improve the states' administration of federal elections after problems with the administration of those elections by certain states was brought to light during the 2000 presidential election. Many of the reforms set out in the HAVA are intended to protect against election fraud and to ensure that the votes of all persons entitled to vote are counted.

All of the states are required to comply with the HAVA, including amending state laws to comply. To comply with the timelines in the HAVA, this bill must be passed by the legislature and enacted into law this year. Upon certification of compliance with the HAVA, each state is eligible to receive various payments from the federal government to use in implementing the requirements of the HAVA. Alaska is projected to receive payments of approximately \$5,000,000 per year for three years to implement the HAVA.

Alaska is fortunate because our modern state election code already includes many of the requirements of the HAVA, such as a statewide voter registration information database and provisional ("questioned") voting. However, the state election code does not contain a few of the measures required by the HAVA -- this bill would make the necessary amendments. A detailed description of those amendments follows.

The Honorable Pete Kott
April 11, 2003
Page 2

First, all sections in the election code that refer to "questioned ballots" would be amended to refer to "provisional ballots." The two terms are synonymous, but the change would conform to the HAVA's use of the term "provisional" ballots.

In sec. 2 of the bill, AS 15.07.055 would be amended to add a new subsection to require the director of elections to enter into an agreement with the Department of Administration, for motor vehicle information, and the Department of Revenue, for permanent fund dividend information, to match information with the division of elections (division) for first-time voter registrants who are registering by mail, facsimile, or other electronic transmission. This amendment is required by sec. 303(b)(3)(B)(ii) of the HAVA.

Sections 3 and 6 of the bill would amend AS 15.07.060 to require that applicants for voter registration supply certain additional information -- an Alaska driver's license or identification card number, or the last four digits of the applicant's social security number, if any of those numbers have been issued to the applicant. Under the bill, an applicant also would have to provide his or her date of birth. Persons who apply for registration for the first time by mail also would have to provide one of the identifying numbers, and date of birth, that can be verified through state agency records described in sec. 2 of the bill. If such an applicant has not been issued any of the identifying numbers, the applicant may alternatively submit a copy of a photo identification. For any applicant for voter registration who has not been issued any of the required identifying numbers, the division would issue to the applicant a unique identifying number. These amendments are required by secs. 303(a)(5)(A)(i) and (ii), 303(a)(5)(B)(i), 303(b)(4)(A), and 303(b)(4)(B) of the HAVA.

The changes made by sec. 7 of the bill relate to procedures for providing a voter registration card to a voter who registers by mail, facsimile, or other electronic transmission, and are to conform to the HAVA's identification requirements for such voters.

Section 9 of the bill would amend AS 15.07.070(h) to require voter registration proof of identification information on the voter's certificate for voting an absentee in-person ballot. This amendment is required by sec. 303(b) of the HAVA.

The Honorable Pete Kott
April 11, 2003
Page 3

Section 13 of the bill would amend AS 15.15.040 to require that certain information be available at polling places, such as how to cast a provisional ballot, instructions for first-time voters, prohibitions on fraud, and how to report violations. This amendment is required by sec. 302(b)(2) of the HAVA.

Section 14 of the bill would amend AS 15.15.198 to require that a voter who casts a provisional ballot receive information on whether the ballot was counted. This amendment is required by sec. 302 of the HAVA.

Section 16 of the bill would amend AS 15.15.225 to specify the forms of identification that a voter must exhibit at the polls before voting. These amendments are required by secs. 303(b)(1) and 303(b)(2)(A)(i) and (ii) of the HAVA.

Section 18 of the bill would amend AS 15.15.360(a) on the rules for counting ballots, to provide a uniform definition of what constitutes a vote as required by sec. 302(a)(6) of the HAVA.

Section 21 of the bill would amend AS 15.20.081(f) to require that first-time voters who initially registered by mail, facsimile, or other electronic transmission and who are voting absentee by mail, must provide certain identifying information if they have not already provided identifying information specified by AS 15.07.060. Section 21 also would make it mandatory, rather than discretionary, that the director of elections, by regulation, require proof of identification for any voter who votes absentee by mail - - existing regulations already provide for that identification requirement. These amendments are required by sec. 303(b)(2)(A)(ii) of the HAVA.

Section 22 of the bill would amend AS 15.20.081 to add a new subsec. (i) to allow the absentee ballot applications of absent uniformed services voters and absent overseas voters to be valid through the next two federal elections. This amendment is required by sec. 704 of the HAVA.

Section 25 of the bill would amend AS 15.20.203(b) to specify that the absentee ballot of a first-time voter who registered by mail, facsimile, or other electronic transmission will not be counted if the proper identification has not been provided. This amendment is required by sec. 302(b)(2) of the HAVA.

The Honorable Pete Kott
April 11, 2003
Page 4

Section 26 of the bill would repeal and reenact AS 15.20.203(h) to provide for a free access system for absentee voters to use to determine whether their ballot was counted. An example of a free access system is a toll-free phone number for voters to call. The free access system would replace the current system of mailing individual notice to voters. This change is required by sec. 302(b)(2) of the HAVA.

Section 29 of the bill would amend AS 15.20.207(b) to specify that the provisional ballot of a first-time voter who registered by mail, facsimile, or other electronic transmission will not be counted if the proper identification has not been provided. This amendment is required by secs. 302(e)(5)(A), 303(b)(1), 303(b)(2)(A)(i) and (ii), and 303(b)(3)(B) of the HAVA.

Section 35 of the bill would repeal and reenact AS 15.20.207(h) to require a free access system, as described above, for voters to use to determine whether their provisional ballot was counted. This change is required by sec. 302(a)(5)(B) of the HAVA.

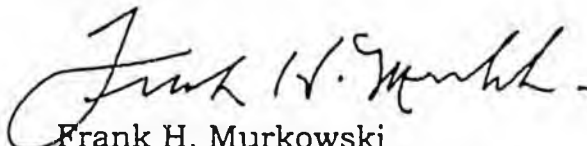
Section 41 of the bill would repeal statutes that are no longer necessary due to the changes described above.

Other changes proposed in the bill are not required by the HAVA. Section 4 of the bill would make "housekeeping" changes to AS 15.07.060(b) regarding voter registration or identification cards from another jurisdiction. Section 5 of the bill would amend AS 15.07.060(c) to allow for additional acceptable forms of identification for in-person voter registration. Section 8 of the bill would make "housekeeping" changes to AS 15.07.070(d). Section 12 of the bill would amend AS 15.10.107 to update the statute and reflect current division practices. Section 16 of the bill includes the repeal of language allowing additional forms of voter identification to be prescribed by regulation. Section 23 of the bill would amend AS 15.20.082(a), regarding special absentee ballots, to expand the group eligible to use these ballots to include persons in remote areas of Alaska; this change would duplicate the changes proposed by SB 24, introduced on January 23, 2003. Sections 25 and 29 of the bill would amend AS 15.20.203(b) and 15.20.207(b), respectively, to specify that absentee in-person ballots and provisional ballots will not be counted if the voter has not provided the proper identification and was not personally known by the election official. Sections 38 - 40 of the bill would amend statutes regarding the primary election by replacing the terms "nonpartisan" and "undeclared" with the term "unaffiliated" in identifying voters who are not affiliated with a political party, to streamline references to such voters.

The Honorable Pete Kott
April 11, 2003
Page 5

This bill must be enacted this year in order to comply with the timelines for various requirements set out in the HAVA. Therefore, I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank H. Murkowski".

Frank H. Murkowski
Governor

STATE OF ALASKA

OFFICE OF THE LT. GOVERNOR

FRANK H. MURKOWSKI, GOVERNOR

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

CS HB 266 (STA)

"An Act relating to elections, questioned ballots and questioned voters, voter registration, training of election officials, preparation of election materials, voter identification, absentee voting, counting ballots, and the primary election; and providing for an effective date."

In October 2002, President Bush signed the "Help America Vote Act," (H.R. 3295) into law (P.L. 107-252). HAVA is the result of a bipartisan effort in Congress to make sweeping changes to federal election laws to improve the overall administration of elections, increase accessibility to those with disabilities, and also to prevent voter fraud.

Many changes required under HAVA do not require amending Alaska statute, but HB 266 includes those necessary to meet federal mandates. Changes recommended in the bill before you follow the intent of the federal law and do not place unnecessary burdens on the voter. It is imperative that these changes mandated by federal law are passed by the Legislature this year.

HB 266 also includes changes the Division recommends. The Division supports the language recommended in Senator Lincoln's SB 24, and it has been included in this bill with her permission. Other changes regarding returning identification/voter cards to other jurisdictions, reference to a "master list," and adding types of information that can be provided by the voter when registering in person are requested by the Division in this bill.

Perhaps the most significant change NOT mandated by the federal act, but recommended in this bill is replacing the terms "non partisan" and "undeclared" with the term "unaffiliated." Many voters do not know the difference between the two classifications and make numerous party affiliation changes between the "non partisan" and "undeclared." This would eliminate confusion on the part of the voter, while not affecting their access to the ballot.

The House State Affairs Committee removed the language suggested by the Division changing the term "questioned ballots" to "provisional ballots." The federal law refers to "provisional voting," (which Alaskans refer to as "questioned voting") and the Division

originally recommended changing the references in statute to conform to the federal language.

The State Affairs Committee also restored references to the Division sending voters letters regarding the status of their absentee, questioned, or partially counted ballot in addition to the "free access system" required in HAVA.

The Division of Elections asks for your support of House Bill 266.

CSHB 266 (STA)

“An Act relating to elections, questioned ballots and questioned voters, voter registration, training of election officials, preparation of election materials, voter identification, absentee voting, counting ballots, and the primary election; and providing for an effective date.”

Section 1 – NEW subsection requiring the Director of Elections to enter into an agreement with DMV and PFD to allow the Division to match voter information for first-time registrants who are registering by mail, facsimile, or other electronic transmission.

Required by HAVA section 303(b)(3)(B)(ii).

Section 2 - Applicants for voter registration will be required to supply additional information –
An Alaska driver's license or Alaska I.D. card (if issued)
Last four digits of the applicant's social security number (if issued)
Date of birth

Required by HAVA section 303(b)(3)(B)(i) and (ii).

Section 3– Applicants who have been previously registered to vote in another jurisdiction would no longer be required to surrender to the registration official any voter registration or ID card or credentials from that previous jurisdiction. The Director would not be required to return that applicant's voter registration or ID card or credentials to that jurisdiction.

The Director will, however, still be required to notify the chief elections officer in that jurisdiction that the applicant has registered to vote in Alaska and to cancel the applicant's voter registration in that jurisdiction

“Houskeeping” change – the Division has not been requiring the surrender of the voter registration or ID card or credentials, nor has the Director been returning them to the election official in the previous jurisdiction, as other jurisdictions do not require that function.

Section 4 – Adds a state ID card or a valid photo identification to the list of acceptable forms of identification that can be shown when applying for voter registration in person.

“Houskeeping” change – adds to the options of types of identification that are acceptable.

Section 5 – NEW subsections requiring the Director to verify information provided by an applicant requesting initial registration by mail, through agency records (DMV/PFD). If an applicant cannot provide an Alaska driver's license, state id or social security number, because the applicant has not been issued any of those numbers, they may instead submit a copy of a driver's license (other than Alaska's), state I.D. card, current and valid photo I.D., birth certificate, passport, or a hunting/fishing license.

All Alaskan registrants who submit a complete voter registration form are assigned a “unique identifying number” on their voter card. This language is added to emphasize intent of HAVA.

Required by HAVA sections 303(a)(5)(A)(i) and(ii), 303(a)(5)(b)(i), 303(b)(4)(A), 303(b)(4)(B).

Section 6– In regards to the voter registration database (master register) the phrase “located in the office of the director and on the district register located in the office of the election supervisor” is removed. The Voter Registration Election Management database (VREMS) is the “master register” and is accessible by all regional supervisors and the Director’s office.

“Housekeeping” change.

Section 7 – Replaces the phrase “may not,” with “is not eligible to.” Removes language related to the master register and its location (same as above). Also makes a stylistic change with regard to when a voter is eligible to vote.

“Housekeeping” change.

Section 8 – Adds “absentee in person”. The information obtained on the envelope used for voting a questioned or absentee in person ballot will be the same as that required on a voter registration form. If the voter voting such a ballot completes the information, the director is required to place the voter’s name on the voter registration list.

Required by HAVA section 303 (b).

Section 9 – This language more accurately reflects Division practices. The Director is required to file a plan describing the training program provided to election officials every year by March 1st to the Lt. Governor. (replaces January to enable staff to determine more accurate costs related to training.) The word “annual” was removed because the training plans are based on the election cycle calendar.

“Housekeeping” change.

Section 10 - NEW subsection that requires the Director to provide materials, forms and supplies for each polling place to include-

Hours the polling place will be open

Instructions on how to cast a provisional ballot

Instructions for first time voters who initially registered by mail

General information on voting rights

Prohibitions on acts of fraud/misrepresentations and how to report these violations

Required by HAVA section 302 (b)(2).

Section 11 - Requires that a voter who casts a questioned ballot be given information at the time they vote that the voter will be able to ascertain whether the ballot was counted, and if not, why not.

Required by HAVA section 302.

Section 12 – Adds types of identification required at the polls before voting to
State ID card
Current and valid photo ID

An original or copy of a current utility bill, bank statement, paycheck, government check, or other government document bearing the name and current address of the voter

Required by HAVA sections 303(b)(1) and 303 (b)(2)(A)(i) and (ii).

Section 13- Identification requirements may not be waived for voters who are first-time voters who initially registered by mail, facsimile, or other electronic transmission and did not provide the identification required when registering by mail.

Required by HAVA sections 303(b)(1) and 303 (b)(2)(A)(i) and (ii).

Section 14- removes the phrase "hand count precincts" when explaining how the election board shall count ballots, thereby providing a uniform definition of what constitutes a vote.

Required by HAVA section 302(a)(6).

Section 15 – Requires first-time voters who initially registered by mail, facsimile, or other electronic transmission and who are voting absentee by mail, to provide a copy of:

Driver's License or State ID card

Current and valid photo ID

Birth certificate, passport, or hunting or fishing license

A current utility bill, bank statement, paycheck, government check, or other government document bearing the name and current address of the voter

Required by HAVA section 303 (b)(2)(A)(ii).

Section 16 – NEW subsection that allows for absentee ballot applications of absent uniformed services voters and absent overseas voters to be valid through the next two general elections.

Required by HAVA section 704.

Section 17 – Requires the Director to provide "special absentee ballots" to Alaskans living, working or traveling in a remote area of the State where distance, terrain, or other natural conditions deny the voter reasonable access to a polling place.

Duplicates the language offered in Senator Lincoln's SB 24 with permission of the Senator.

Section 18 – Specifies that the absentee ballot of a first time voter who registered by mail, facsimile, or other electronic transmission will not be counted if the proper identification was not provided or if the voter was not personally known by the election officials, or if the identification can not be verified by state agency records.

Required by HAVA section 303(b)(2).

Section 19 – NEW subsection that requires the Director to provide a "free access system" so absentee voters can determine whether their ballot was counted, or if not, why not.

A "free access system" may be a toll free number or a website address, or both. The information must be available not less than 10 days after certification of the primary election and not less than 30 days after the certification of a general or a special election.

Required by HAVA section 302 (b)(2).

Section 20 – Specifies that the questioned ballot of a first-time voter who registered by mail, facsimile, or other electronic transmission will not be counted if the proper identification has not been provided or did not provide identification that could be verified by state agency records.

Required by HAVA sections 302 (a)(5)(A), 303 (b)(1), 303 (b)(2)(A)(I) and (ii) and 303 (b)(3)(B).

Section 21 – NEW subsection that requires the Director to provide a "free access system" so those who voted a questioned ballot can determine whether their ballot was counted, or if not, why not.

A "free access system" may be a toll free number or a website address, or both. The information must be available not less than 10 days after certification of the primary election and not less than 30 days after the certification of a general or a special election.

Required by HAVA section 302 (a)(5)(B).

Section 22 – NEW subsection that requires the Director to provide a "free access system" so those who voted a ballot that was partially counted can determine whether their ballot was partially counted, or if not counted, why not.

A "free access system" may be a toll free number or a website address, or both. The information must be available not less than 10 days after certification of the primary election and not less than 30 days after the certification of a general or a special election.

Required by HAVA section 302 (a)(5)(B).

Section 23 - "handcount precincts" was removed because there is a uniform definition of what constitutes a vote. (Section 14 of this bill)

Section 24 – changes the terms "non partisan" and "undeclared" to "unaffiliated". Those voters who are not affiliated with a party, would be "unaffiliated." Many voters do not know the difference between the two classifications and make numerous party affiliation changes between the "non partisan" and "undeclared." This would eliminate confusion on the part of the voter, while not affecting their access to the ballot.

"Housekeeping" change.

Section 25 - changes the terms "non partisan" and "undeclared" to "unaffiliated". Those voters who are not affiliated with a party, would be "unaffiliated." Many voters do not know the difference between the two classifications and make numerous party affiliation changes between the "non partisan" and "undeclared." This would eliminate confusion on the part of the voter, while not affecting their access to the ballot.

"Housekeeping" change.

Section 26 - changes the terms "non partisan" and "undeclared" to "unaffiliated". Those voters who are not affiliated with a party, would be "unaffiliated." Many voters do not know the difference between the two classifications and make numerous party affiliation changes between the "non partisan" and "undeclared." This would eliminate confusion on the part of the voter, while not affecting their access to the ballot.

"Housekeeping" change.

Section 27– Repeals the following sections:

15.15.360 (c) stated that the votes described in that section are only those in handcount precincts, but in reality it is how ALL votes are treated.

Repealed because Section 14 provides for a UNIFORM definition of what constitutes a vote.

Section 28– Provides for an immediate effective date. The State must pass this legislation to comply with the federal act this year.

LEAGUE OF WOMEN VOTERS OF ALASKA

RESOLUTION 03-03

**A RESOLUTION IN OPPOSITION TO HB 157 and SB 119:
Elimination of the Alaska Public Offices Commission (APOC)**

WHEREAS, the League of Women Voters of Alaska supports the citizens' right to know through public disclosure of political campaign contributions, the financial interests of public officials and the financial affairs of lobbyists and their employers,

WHEREAS, the League of Women Voters of Alaska believes that all disclosure reports should be received, compiled and published by an independent commission which should have final responsibility for monitoring and enforcement; and

WHEREAS, the State of Alaska established the Alaska Public Offices Commission in 1974 to ensure the accountability of candidates and public officials to the public in accordance with the Alaska Statutes,

THEREFORE, BE IT RESOLVED, that the League of Women Voters of Alaska urges the Alaska State Legislature to oppose HB 157 and SB 119 relating to the elimination of the Alaska Public Offices Commission, and

BE IT FURTHER RESOLVED, that the League of Women Voters of Alaska urges the Alaska State Legislature to appropriate resources sufficient to carry out the mission of the Alaska Public Offices Commission as the agency upholding the public's right to know the financial affairs of lobbyists and their employers as well as elected public officials and candidates for state and local offices.

PASSED and APPROVED by the delegates to the League of Women Voters of Alaska 2003 Convention, Juneau, Alaska, this 13th day of April, 2003.



Cheryl Jebe, President
League of Women Voters of Alaska

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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MEMORANDUM

April 16, 2003

SUBJECT: Amendment A.3 to HB 266 (Work Order No. 23-GH1133\A-3)

TO: Representative Max F. Gruenberg Jr.

FROM: Jack Chenoweth
Assistant Revisor of Statutes



This addresses the second of a pair of amendments submitted yesterday by Justin Roberts. The first four of the five entries in the text of the amendment accompanying this memo replace the proposal to substitute reliance on the free access system for direct communication of the fact that a voter's ballot was or was not counted during a recent state election with a requirement that use of or reliance on the free access system supplement the current communication requirement.¹

My purpose in writing is to direct attention to the text of three provisions repealed in House Bill 266 -- AS 15.20.211(c), (d), and (e).² Those provisions address the reporting

¹ House Bill 266 is a governor's bill. Governor Murkowski's transmittal letter addresses the provisions being altered by the accompanying amendment:

[These changes] would repeal and reenact [AS 15.20.203(h) and 15.20.207(h)] to provide for a free access system for absentee [and other] voters to use to determine whether their ballot was counted. . . . The free access system would replace the current system of mailing individual notice to voters. . . .

2003 House Journal at pp. 968, 969.

² The text of those subsections reads:

Counting cross-district and certain write-in votes. . . .

(c) The director shall prepare and mail to each voter whose ballot was subject to partial counting under this section a summary of the reason that the challenge to the ballot was upheld and the ballot was subject to only a partial counting.

(d) The director shall mail the materials described in (c) of this section to the voter not later than

Representative Max Gruenberg, Jr.

April 16, 2003

Page 2

to the voter of the handling or disposition of a "partially counted" vote -- a vote, say, where the vote for governor was validly cast (and therefore counted) but the vote for the state house race was not counted, perhaps because the voter marred the ballot or marked the choice of more than one candidate. The bill proposes to repeal the requirement of communication to the voter in a partially counted vote situation. I did not have from you clear direction on how to address the provision, so I did not change what is proposed. Still, you may want to retain these provisions, especially if you understand that the free access system does not communicate the handling of a ballot that was only partially counted.

JBC:med

03-402.med

(1) 10 days after completion of the review of ballots by the state review board for a primary election;

(2) 60 days after certification of the results of a general or special election.

(e) In addition to mailing the materials under (d)(1) of this section, for a questioned voter whose questioned primary election ballot was partially counted, not later than the deadline set out in (d)(1) of this section, the director shall

(1) determine whether, from the information obtained under AS 15.07.070(h), the voter's name may be entered on the voter registration list;

(2) if the voter is eligible, register the voter in accordance with the information submitted by the voter under AS 15.07.070(h); and

(3) confirm or deny the registration by written notice mailed to the voter.

**State of Alaska
Division of Elections**

Help America Vote Act of 2002



Summary for Alaska State Plan Committee

Funding for Federal Election Administration

★ Significant funding has been appropriated

Provides payments to State to improve the administration of federal elections and replace voting systems.

Requires each State to assure access to disabled voters, including one DRE at each polling place.

★ Estimated Funding for Alaska

Election Administration and Voting Assistance - \$5 million

Requirements Payments - up to \$15 million with 5% state match required.



Punch Card Replacement

- ★ States must use the money directly or as a reimbursement.**
- ★ States must replace machines with equipment that meets standards in HAVA.**
- ★ A state receiving money must replace all punch card equipment by 2004, or 2006 if a waiver is requested.**

Although Alaska no longer uses punch card voting systems, we can use the funding to expand the use of our optical scan system.

Election Administration Improvement

- ★ **Guaranteed minimum payment of up to \$5 million.**
- ★ **In order to receive funding the chief executive officer, in consultation with the chief election official, must certify that the state will use the money to improve elections and how the payment will be used.**
- ★ **Certification is due April 29, 2003.**

Certification includes that use of the funds will be consistent with existing federal laws and the act.



Requirements Payments

- ★ **Payments to states in Fiscal Years 2003-2005.**
- ★ **Funding must be used to meet requirements in Title III.**
- ★ **Requires yearly report detailing how funds were used.**
- ★ **In order to receive funding for a fiscal year, the chief executive officer must, in consultation with the chief election official, file a certification with the EAC.**
- ★ **Certification requires submission of state plan to EAC.**

**Requirement payments available as early as
4/29/03.**

Election Assistance Commission (EAC)

- ★ **A new independent agency consisting of 4 members appointed by the President and confirmed by the Senate.**
- ★ **The EAC must adopt Voluntary Voting System Guidelines and conduct various studies.**
- ★ **The EAC has no rule-making authority or ability to take action that imposes a requirement on a state or locality.**
- ★ **Administers all the grant programs established by the Act.**

Election Assistance Standards Board

- ★ **110 members, comprised of 55 state and 55 local election officials.**
- ★ **Laura Glaiser and Shelly Growden have been nominated as the Alaska representatives to this board.**
- ★ **Responsible for reviewing Voluntary Voting System Guidelines and voluntary guidelines for meeting the requirements of HAVA.**
- ★ **Must meet once a year.**



Other Boards

★ Election Assistance Board of Advisors

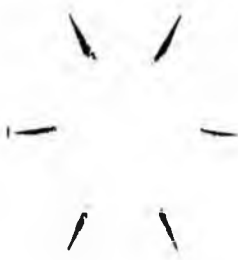
37 members from a wide variety of different interest groups.

Votes on adopting Voluntary Voting System Guidelines once a year.

★ Technical Guidelines Development Committee

15 members appointed by the EAC and the National Institute of Standards and Technology.

Will assist in development of Voluntary Voting System Guidelines.



Voting System Standards Effective January 1, 2006

- ★ **Provide voters an opportunity to check for and correct ballot errors.**
- ★ **Requires a manual audit capacity with paper record.**
- ★ **Provide at least 1 voting machine at each polling place that is accessible to the disabled.**
- ★ **Provide alternative language accessibility.**
- ★ **Provide voting system with error rate that does not exceed the existing rate established by Federal Election Commission.**
- ★ **Define what constitutes a legal vote.**

Voting System Standards Effective January 1, 2004

- ★ **Provide for provisional ballots.**
- ★ **Provide sample ballot and other voter information at each polling place on election day.**
- ★ **Implement a uniform, computerized statewide voter registration database and conduct list maintenance to maintain an accurate list.**
- ★ **Requires an individual to provide driver's license or last 4 of SSN when registering to vote.**
- ★ **Requires first-time voters who registered by mail must provide identification when they cast their ballot.**



Provisional ballots

- ★ **Allows voters to vote a provisional ballot if their name does not appear on the precinct register.**
- ★ **Alaska meets this requirement with “Questioned Ballots”.**
- ★ **Required to provide a free access system so that voters can ascertain if their provisional ballot counted, and if it was not counted, the reason why.**

Toll Free Number

Website



Voting Information at Polling Places

- ★ **Sample Ballot - Alaska provides.**
- ★ **Election date and the hours the polls are open.**
- ★ **Instructions on how to vote - Alaska provides.**
- ★ **Instructions on how to cast a provisional ballot.**
- ★ **Instructions for first time voters who registered by mail.**
- ★ **General information on voting rights.**
- ★ **General information on the prohibitions on acts of fraud and misrepresentation.**



Computerized Statewide Voter Registration List

★ The Act requires a *“single, uniform, official, centralized, interactive computerized statewide voter registration list, defined, maintained and administered at the State level that contains the name and registration information of every legally registered voter in the State.”*

**Alaska has a statewide voter list but it
doesn't meet all requirements.**

Voter Registration List - continued

- ★ **The voter registration list must be coordinated with other state agency databases - Alaska to use PFD and DMV.**
- ★ **The list serves as the official list of registered voters for federal elections.**
- ★ **List maintenance must be performed on a regular basis following National Voter Registration Act (NVRA) standards.**
- ★ **Alaska currently has a list maintenance system in place that meets NVRA.**



Voter Registration Requirements

- ★ A voter registration applicant must provide a driver's license number or the last four digits of the applicant's social security number at the time of registration.**
- ★ A registration application may not be processed if the applicant does not provide the driver's license or last four digits of the social security number if the applicant has been issued one of these numbers.**

Voter Registration - continued

- ★ If an applicant has not been issued a driver's license number or social security number, the State must assign a number which will serve to identify the applicant for voter registration purposes.**
- ★ Alaska assigns unique voter ID numbers.**
- ★ An individual who initially registers to vote by mail must provide certain identification when registering or voting.**



By Mail Voter Registration Requirements

- ★ **Applies to persons who have not previously voted in a federal election.**

- ★ **An individual who initially registers to vote by mail is required to provide one of the following forms of ID:**
 - Copy of their current photo identification**
 - Copy of some other form of identification (i.e. utility bill, government check stub, etc.)**

- ★ **Does not apply if the registration application submitted by mail includes the voter's name, date of birth, driver's license number or last four digits of the SSN and they match an existing State identification record - PFD or DMV.**

Identification Requirements for By Mail Registrants

- ★ **If the applicant fails to provide the required ID and the applicant's driver's license or last 4 of SSN cannot be verified, the voter must provide the required ID when voting for the first time.**
- ★ **Applies to voters who vote by mail. Voters will be required to submit the required identification with their ballot if not previously provided.**



Modifications to Voter Registration Form

By January 1, 2004...

- ★ Add driver's license, last 4 SSN, and birthdate as mandatory information to application.**
- ★ Add questions requiring voters to verify that they are United States citizens and 18 years old.**
- ★ If an applicant fails to provide mandatory information the registration form will be denied and to the applicant will be given the opportunity to resubmit the application.**



Enforcement

- ★ **The Attorney General may bring civil action against any state or locality for injunctive relief to carry out the requirements of the bill.**



State-Based Administrative Complaint Process

- ★ **Applies to states that receive any kind of funding under the Act.**
- ★ **The procedures must be uniform and non-discriminatory.**
- ★ **Complaints must be in writing, notarized and sworn to by the complainant.**
- ★ **Complaints may be filed only for violations of the requirements in Title III of the act.**



Military and Overseas Voters

- ★ **Each state is responsible for designating a single officer responsible for providing information to these voters. In Alaska this is the Director's Office.**
- ★ **Ninety days after each general election the state must submit a report to the EAC on military and overseas voting participation.**
- ★ **A single absentee ballot application is valid for the next two federal general elections.**



Additional Funding for Grant Programs

The Act provides funding for the following grant programs:

- ★ Access Grants \$100 million to increase access to polling places.**
- ★ Research Grants \$20 million for the research and development to improve voting technology.**
- ★ Pilot Program Grants \$10 million to test new voting system and equipment.**
- ★ Protection and Advocacy Systems \$40 million.**



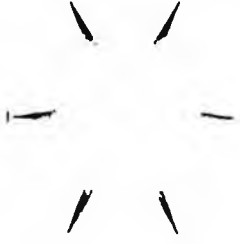
Miscellaneous Provisions

★ Help America Vote College Program

★ \$5 million to encourage college students to participate by volunteering as poll workers.

★ Help America Vote Foundation

★ \$5 million to encourage high school students to participate by volunteering as poll workers.



Now What....

**What Alaska Needs to Accomplish for
the Implementation of
HAVA**



Changes Needed in Alaska

- ★ **Submit certification for Title 1 funds.**
- ★ **Establish State Plan for Requirements Payment.**
- ★ **DRE in each polling place.**
- ★ **Voter education information for provisional voting, and other election information at polling places.**
- ★ **Free access system for voters to obtain election information, provisional voting information.**



Changes Needed - continued

- ★ **Enhance statewide voter list to make interactive.**
- ★ **Coordinate statewide voter list with DMV and PFD.**
- ★ **Modify voter registration form and absentee ballot application. (AK driver's license, last 4 digits of SSN, and birthdate, as well as US citizenship and 18 years old questions.)**
- ★ **Establish system to track registration applications submitted by mail that do not contain ID.**
- ★ **Establish system for first time absentee voters who vote by mail and who initially registered by mail and did not submit ID.**



Even More Changes.....

- ★ Establish administrative complaint process for Title III violations.**
- ★ Establish system for military and overseas voters to apply for absentee ballot for two general elections with a single application.**
- ★ Improve election worker training methods.**
- ★ Determine polling place accessibility needs.**



Title 15 Changes

- ★ **Clarify what constitutes a vote.**
- ★ **Change “Questioned Voting” to “Provisional Voting”.**
- ★ **Add to Title 15 the voter information that is necessary at each polling place.**
- ★ **Include AK driver’s license, last 4 SSN and birthdate as mandatory information when registering.**
- ★ **Include types of ID outlined in HAVA as acceptable ID when voting and registering**

Title 15 Changes - continued

- ★ **Include reasons why an absentee or provisional ballot would not count and how voters can determine the reason the ballot was not counted.**
- ★ **Amend absentee by mail statute to allow single application for military and overseas voters for next two general elections.**
- ★ **Remove non-partisan and undeclared as party affiliation choices.**

All Title 15 changes MUST be precleared by US Dept. of Justice prior to implementation



Use of Federal Funding

- ★ Improving election administration for federal elections.**
- ★ Voter education.**
- ★ Training election officials and poll workers.**
- ★ Developing the State Plan.**
- ★ Improving election systems.**
- ★ Improving quantity of polling places and access for individuals with disabilities.**
- ★ Establishing toll free hot-line for voters to obtain information and report fraud.**



State Plan Committee's Role

- ★ Review and provide input on proposed Alaska State Plan to assist Alaska with the implementation of HAVA.**
- ★ Help gain support for passage of proposed legislation changes as early as possible.**
- ★ Help the Division of Elections inform Alaskans of the new requirements.**