

HB

266

The Corrected
fiscal note needs
to be adopted

Adopted
w/o obj - w/ their
preparation 4/11/03
fiscal note

SENATE COMMITTEE REPORT

DATE: 5/2/03

FURTHER: Finance

DATE TURNED IN TO OFFICE: 5/9/03

State Affairs Committee considered CS FOR HOUSE BILL NO. 266(FIN)

HB 266 ELECTIONS

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

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
GOV	4/15/03	✓		

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DOA	4/11/03		✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
CHAIR: <i>[Signature]</i>	✗			

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB266
() Publish Date: _____

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 House State Affairs 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	382.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	382.0	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	382.0					
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	382.0	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 COSTS ARE INCLUDED IN THE GOVERNOR'S FY 2004 CAPITAL APPROPRIATION REQUEST OF 5000.0 IN FEDERAL RECEIPTS. These items are estimated expenditures that the Division will incur due to new federal election reform legislation (Help America Vote Act PL 107) as reflected by the statutory changes in the 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).

Prepared by: Lauri Allred Phone 465-5347
Division: Division of Elections Date/Time 4/15/03 4:16 PM
Approved by: Laura A. Glaiser, Director/LJP Date 4/15/2003
Agency: Office of the Lt. Governor, Division of Elections

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 (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

STATE OF ALASKA

OFFICE OF THE LT. GOVERNOR

FRANK H. MURKOWSKI, GOVERNOR

DIVISION OF ELECTIONS
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JUNEAU, ALASKA 99811-0017
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CS HB 266 (FIN)

“An Act relating to questioned ballots and questioned voters, voter registration, training of election officials, preparation of election materials, provision of election materials, forms, and supplies for polling places, voter identification, absentee voting, and counting ballots; 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.

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.

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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 House Finance Committee substitute removes perhaps the most significant change NOT mandated by the federal act. In the first two versions of the bill the Division recommended replacing the terms "non partisan" and "undeclared" with the term "unaffiliated." As a result, there will be no changes to the current references to "non partisan" and "undeclared."

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

CSHB 266 (FIN)

“An Act relating to questioned ballots and questioned voters, voter registration, training of election officials, preparation of election materials, provision of election materials, forms, and supplies for polling places, voter identification, absentee voting, and counting ballots; 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)

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

Section 24– Repeals the following section:

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