

SB

36

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 28, 2005

SUBJECT: Registrars (HCS CSSB 36(JUD),
Work Order No. 24-LS0123\X)

TO: Representative Lesil McGuire
Chair, House Judiciary Committee
Attn: Vanessa Tondini

FROM: Kathryn L. Kurtz *KK*
Legislative Counsel

Enclosed is the committee substitute you requested. In moving the intent provision into permanent law, "Nothing in this Act" was changed to read "However, nothing in this subsection."

As you requested, we have inserted the word "registrar" at page 1, line 12.

Questions:

1) The term "registrar" is used in only one other place in the Alaska Elections Code (AS 15), AS 15.07.064(e)(1), and is perhaps not the best word choice there. Did the committee mean "registration official",¹ or perhaps "absentee voting official" (see AS 15.20.045)?²

¹ AS 15.60.010(30) provides: "registration official" includes an employee of the division of elections when performing the task of voter registration and a person appointed to serve as a registration official in accordance with AS 15.07.081 or 15.07.100." *See also* AS 15.07.081, and 15.07.100, AS 15.07.050, and 15.07.055.

² AS 15.20.045(a) provides:

(a) The director or election supervisor may designate persons to act as absentee voting officials under AS 15.20.010 - 15.20.220 in areas where election supervisors do not have offices. Magistrates may, with the approval of the administrative director of the Alaska Court System, be designated under this section. At least 15 days before the election the director shall supply each absentee voting official with appropriate ballots.

Representative Lesil McGuire

April 28, 2005

Page 2

2) Did the committee intend to create new authorization for these individuals to accept applications for absentee voting by mail or electronic transmission?

KLK:lmb

05-159.lmb

Enclosure

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. John Coghill
Rep. Nancy Dahlstrom
Rep. Pete Kott
Rep. Les Gara
Rep. Max Gruenberg



State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee

Memorandum

To: Leg. Legal
From: Vanessa Tondini, Committee Aide
House Judiciary Committee
Date: April 27, 2005
Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 24-LS0123\S, SB 36, incorporating the attached two amendments. The bill was passed out of committee today.

If you have any questions, please call me at 4990.
Thank you!

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MEMORANDUM

March 17, 2005

SUBJECT: Use of Intent Language as Interpretive Aid
(HCS for CSSB 36(STA))

TO: Representative Paul Seaton
Chair of the House State Affairs Committee
Attn: Louie Flora

FROM: Kathryn L. Kurtz *KLK*
Legislative Counsel

Enclosed is the final version of HCS CSSB 36 passed from your committee.

The committee added conceptual intent language specifying how a portion of the codified language in the bill is to be interpreted. This intent language will not be legally binding. At most it may serve as an interpretive aid for a court. Because it is not codified, it will remain invisible to most individuals trying to use and interpret the statute.

As a matter of good drafting, we would strongly recommend including the committee's interpretive language in the portion of the bill that is to be codified, rather than as intent language. See Manual of Legislative Drafting at 14.

KLK:j-d
05-165.jad

Enclosure

A#1
by
Gruenberg
PASSED

Amendment #2 - PASSED
to HCS CSOB 36 (SIA) by Rep. Gara

Page 2, Line 7

After "voter"
Insert "or registrar"

Amendment #3 - FAILED
by Rep. Gara

to HB 88B §6 (8A)

Delete Section 3.

AMENDMENT - not offered

OFFERED IN THE HOUSE

BY: REPRESENTATIVE GARA

TO: HCS CSSB 36(STA)

Page 3, following line 4

Insert a new bill section to read:

**** Sec. 5. AS 15.20.081 is amended by adding a new subsection to read:**

(k) No person other than the absentee ballot applicant may mark the applicant's choice of party affiliation or primary ballot on an application, or highlight or otherwise mark the ballot in a way that suggests choice of one party or ballot over another, except as follows:

(1) party affiliation and ballot choices may be listed in an application as authorized by the Division, and

(2) the applicant may expressly, either in writing or by other communication, authorize another person to assist them by marking these portions of the application."

Renumber the following bill sections accordingly.

Alaska State Legislature

SENATOR
GENE THERRIAULT

Mailing Address

119 N Cushman Suite 101

Fairbanks, Alaska 99701

(907) 488-0857

Fax (907) 438-4271



Senate

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax (907) 465-3884
SENATE DISTRICT F

Memorandum of Request

To: Rep. Lesil McGuire / Chair House Judiciary Committee
From: Senator Gene Therriault *Les L McGuire*
Date: March 21, 2005
Re: SB 36

.....
I respectfully request that SB 36, "An Act Relating to absentee ballots" be scheduled for a hearing at your earliest convenience

Thank you.

Alaska State Legislature

SENATOR
GENE THERRIAULT

Mailing Address:
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 488-0857
Fax: (907) 488-2711



Senate

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax: (907) 465-3884
SENATE DISTRICT F

Senate Bill 36

Sponsor Statement

Senate Bill 36 has been drafted to address a concern that manifested itself in the 2004 general election. This concern sprang from the decision of the Alaska Democratic Party to have individual absentee ballot requests mailed back to the political party office instead of directly to the Division of Elections. This action resulted in sensitive personal data being made available to a political party apparatus without express consent. Although there is no clear evidence of illegal action or wrongdoing, individual Alaskans should not feel that their privacy is under attack just because they wish to participate in a regularly scheduled election.

SB 36 requires that all absentee ballot requests be delivered directly to the Division of Elections for confidential processing. The act further prohibits a political group or political party from assisting or encouraging the violation of the new law.

SB 36 allows for all citizens and groups in Alaska to encourage participation in our election process through the use of absentee ballots. However, once a person decides to request an absentee ballot, they have every right to assume that only non-partisan personnel at the Division of Elections will handle their request.



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Gene Therriault
Current Version: CSSB 36 (JUD)
Contact: Dave Stancliff, 465-4797

Fact Sheet for: Senate Bill 36

Short Title: ABSENTEE BALLOT APPLICATIONS

Summary:

- Requires that requests for absentee ballots by mail be submitted directly by the absentee voter to the division of elections.
- Prohibits a person from encouraging or assisting in a violation of this requirement.
- Requires adoption of regulations to:
 - Restrict requested information to only that required by the Division of Elections on ballot applications sent out by other entities.
 - Ensure all information be concealed in transit.
 - Require the Director of the Division of Elections to approve ballot request forms not sent out by the Division.
- Establishes a penalty of Class C felony for repeat convictions of interfering with voting in the second degree, and a Class A misdemeanor for first offenses.

Benefits:

- Ensures the confidentiality and integrity of the by-mail absentee ballot application process.
- Accelerates the absentee ballot application process.
- Saves time for Division of Election staff.

Background:

- This bill addresses an issue that arose during the 2004 election in which the Alaska Democratic Party mailed out absentee ballot applications with the response card addressed to the Democratic Party, rather than the Division of Elections. The party would then forward the applications to the Division. Voters were not alerted that the application requested personal information that could be seen and used by others. This information normally is handled confidentially by the Division of Elections. Additionally, approximately 1,000 of the applications had been altered, possibly after they had been signed and mailed by the voter, requiring time-consuming verification by the Division.

Synopsis of SB 36

This bill is designed to:

- 1) Protect a voter's personal information (privacy issue)
- 2) Insure that only Division of Election approved forms are used to solicit applications.
- 3) Prohibit the "caging" of absentee ballot applications.
- 4) Prohibit third party tampering with absentee ballot applications.
- 5) Prohibit the lifting of personal information from absentee ballot applications.
- 6) Prohibit the encouragement or assistance in violation of these prohibitions.

Penalties

First offenders convicted will be punished under Class A misdemeanor provisions

Repeat offenders convicted will be punished under Class C felony provisions

Anticipated issues:

This bill does not prevent assisted voting (authorized under separate statute)

This bill does not mean your husband or wife or son or daughter or friend cannot place the application in the mailbox.

This bill does not mean that Fed-Ex or Ups or other common carriers of information cannot handle the application. (The term "mail" is typically construed to include the use of common carriers providing mail type service.)

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB36
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
 Title "An Act relating to applications RDU Elections
requesting the delivery of absentee ballots by mail." Component Elections
 Sponsor Senator Therriault
 Requester Senate State Affairs Component No. 21

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual	0.0					
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 ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0					
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
 Mark this box (X) if funding for this bill is include I in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation may require internal policy or procedural changes only and therefore does not impose any fiscal impact on the Division.

Prepared by: Lauri Allred, Administrative Assistant Supervisor Phone 465-5347
 Division: Division of Elections Date/Time 1/18/05 1:20 PM
 Approved by: Laura A. Glaiser, Director Date 1/18/2005
 Agency: Division of Elections



State of Alaska

Division of Elections

Absentee By-Mail Application

1. When Completing This Application You **MUST** Provide:

• **Alaska Residence Address Where You Live** – A complete physical residence address must be included on your application. The residence address you provide will be used to assign your voter record to a voting district and precinct. Your application will not be processed if you leave the residence address blank or if you provide a PO Box, HC No. and Box, PSC Box, Rural Route No., Commercial Address or Mail Stop Address on line 5 of the application.

If your residence has been assigned a street number, provide that number. If not, indicate exactly where you live such as, highway name and milepost number, boat harbor with pier and slip number, subdivision name with lot and block or trailer park name and space number. If you live in a rural village in Alaska, you may provide the community name as your residence address.

• **Proof of Identity** – Your identity must be verified. If you have been issued a Social Security Number, an Alaska Driver's License or an Alaska State ID card, you **MUST** provide at least one number on Line 8 of the application. If you have never been issued one of the identification numbers, you may indicate so by checking the box in Line 8.

• **Date of Birth**

2. **Are you submitting this application by mail or by fax?** If so, and if you are not already registered to vote in Alaska, your identity must be verified. If you have not been issued one of the identification numbers listed in Line 8 of the application, your identity may be verified by submitting a copy of one of the following documents:

- Current and valid photo identification
- Driver's license
- State identification card
- Passport
- Birth certificate
- Hunting and Fishing license

If you do not provide proof of identification at the time of registration, you will be required to meet certain identification requirements at the time you vote.

3. **Are you registering from outside the State of Alaska?** If so, you must provide proof of Alaska residency, such as a copy of your current Alaska driver's license, hunting or fishing license, student loan documents, proof of employment in Alaska, or military leave and earnings statement.

4. **Are you temporarily out of state?** If you are temporarily outside Alaska and have intent to return, you may wish to maintain your Alaska residence as it appears on your current record. If you provide a new residence address, it must be within Alaska.

5. **Have you been convicted of a felony?** If so, you may register to vote only if you have been unconditionally discharged. Provide a copy of your discharge papers with this application if available.

6. **Primary Election Information.** Your party affiliation 30 days before the election will determine the ballot you will receive. If you are registered with a party, you will be sent the ballot for that party. If the party with which you are affiliated is no longer a recognized political party in the State of Alaska, you will not receive a candidate ballot. However, if there is a ballot listing a ballot proposition, you will receive this ballot. If you are registered as nonpartisan or undeclared, you must select a ballot from the ballot choice list in section 12. If you do not choose a ballot, your application will be returned to you.

7. Upon completion, mail your application to:

Division of Elections
Absentee By-Mail Section
PO Box 110017
Juneau AK 99811-0017
Telephone: (907) 465-4611
Fax: (907) 465-3203

www.elections.state.ak.us

STATE OF ALASKA ABSENTEE BY MAIL APPLICATION

Refer to instructions on reverse side for specific information and identification requirements.
This application **MUST** be received **AT LEAST 7 DAYS** prior to the election. **APPLY EARLY.**

1. Are you a citizen of the United States? Yes No
 Are you at least 18 years old or will be within 90 days of completing this application? Yes No
 Are you a resident of Alaska? Yes No

If you checked NO to any of these questions, DO NOT COMPLETE THIS FORM.

2. Send ballot(s) for All in Calendar Year Primary Election General Election REAA/CRSA

3. Last Name _____ First Name _____ Middle Initial _____ Suffix (Circle One)
 Jr., Sr., II, III or _____

4. Name Previously Registered _____

5. You **MUST** Provide the Alaska Residence Address Where You Claim Residency - do not use PO, PSC, HC or RR
 House # _____ Street Name _____ Apt # _____ City _____ State _____
ALASKA

6. Permanent Mailing Address _____ City _____ State _____ Zip Code _____

7. Ballot Mailing Address _____ City _____ State _____ Zip Code _____

8. You **MUST** provide at least **ONE**
- Social Security No. _____/_____/_____
 - Last 4 Digits of SSN _____
 - Alaska Driver's License No. _____
 - Alaska State ID Card No. _____
 - Alaska Voter No. _____

14. Daytime Phone No. () _____
 Evening Phone No. () _____
 E-mail _____

- I have not been issued a Social Security, Alaska Driver's License or State ID number.

15. **For Military and Overseas Voters ONLY**
- I AM (Check One):
- a member of the Uniformed Services or merchant marine on active duty, or an eligible spouse or dependent.
 - a U.S. citizen temporarily residing outside the U.S.
 - other U.S. citizen residing outside the U.S.

9. You **MUST** provide Date of Birth ____/____/____
Month Day Year

- AND:
- Check this box if you would like to receive ballots for the next two regularly scheduled **general elections** at the ballot mailing address you provided above.

10. Gender Male Female

11. Affiliation (Select only ONE)
- Alaska Democratic Party
 - Alaska Libertarian Party
 - Alaskan Independence Party
 - Green Party of Alaska
 - Republican Moderate Party, Inc.
 - Republican Party of Alaska
 - nonpartisan (no party affiliation)
 - undeclared (no party declared)
 -

16. If you will be living, working, or traveling outside the United States and would like a special advanced ballot mailed to you (mailed 60 days prior to the election), check this box.

12. Primary Election Ballot Choice
Please See Instructions on Reverse
- If you are registered as nonpartisan or undeclared, you must select a political party ballot below.
- Alaska Democratic Party
 - Alaska Libertarian Party
 - Alaskan Independence Party
 - Green Party of Alaska
 - Republican Party of Alaska
 - Proposition ONLY Ballot (if applicable)

17. **Voters Certificate. Read and sign below:**
- I swear or affirm, under penalty of perjury, that:
- The information on this form is true, accurate, and complete to the best of my knowledge and I am eligible to vote in the requested jurisdiction, I am not requesting a ballot from any other state, and I am not voting in any other manner in this (these) election(s).
- I further certify that I have not been convicted of a felony, or having been so convicted, have been unconditionally discharged from incarceration, probation and/or parole. I am not registered to vote in another state or I have taken the necessary steps to cancel that registration.

13. For Remote Alaska ONLY
- If you are living, working, or traveling in a remote area of Alaska that does not have access to a polling place and would like a special advanced ballot mailed to you (mailed 60 days prior to the election), check this box.

Voter Signature _____ **Date** _____

WARNING: If you provide false information on this application you can be convicted of a felony and/or misdemeanor. (AS 15.56.040; AS 15.56.050)

For Office Use Only

VN _____

D/P _____