

HB

94

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
MAY 8 2005
SENATE FINANCE
COMMITTEE

DATE: 5/7/05

FURTHER:

DATE TURNED
IN TO OFFICE: 8 May 2005

Finance Committee considered CS FOR HOUSE BILL NO. 94(FIN) am

HB 94 ELECTIONS/VOTERS/POLITICAL PARTIES

"An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration, voter residence, precinct boundary and polling place designation and modification, political parties, voters unaffiliated with a political party, early voting, absentee voting, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, qualifications for elected office, initiative, referendum, recall, and definitions in the Alaska Election Code; and relating to incorporation elections."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous S CS CS HB94 (STA)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:
 Same Title
 New Title
 SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
Gov	4/13/05	F207			#3

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
COCHAIR: <i>Gary Miller</i>	<input checked="" type="checkbox"/>			
COCHAIR: <i>Lyle Green</i>	<input checked="" type="checkbox"/>			

SENATE FINANCE
COMMITTEE

Amendment Number: #1
Bill Number: HB 94
Sponsor: Olson Date: 5/8/05
Logged In By: Mindy

24-GH1048\R.2
Kurtz
5/7/05

AMENDMENT

failed
By Olson

OFFERED IN THE HOUSE

TO: SCS CSHB 94(STA)

- 1 Page 9, line 20, through page 11, line 14:
- 2 Delete all material.
- 3
- 4 Renumber the following bill sections accordingly.
- 5
- 6 Page 35, line 2:
- 7 Delete "34 - 57"
- 8 Insert "31 - 54"

SENATE FINANCE COMMITTEE
5/8/2005 COMMITTEE ACTION

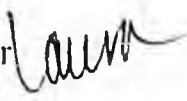
Bill Number	HB 94		
Amendment	#1		
Motion	adopt		
<u>Motion by</u>	Hoffman		
<u>Objection by</u>	Green		
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Bunde			
Senator Dyson			✓
Senator Hoffman	✓		
Senator Olson			
Senator Stedman			
Co-Chair Wilken			✓
Co-Chair Green			✓
<u>Tally</u>			
Yea	1		
Nay	3		
Absent	3		
MOTION	Failed		

Director's Office
PO Box 110017
Juneau, Alaska 99811-0017
907.465.4611 907.465.3203 FAX
elections@gov.state.ak.us

Regional Offices
Anchorage 907.522.8683
Fairbanks 907.451.2835
Juneau 907.465.3021
Nome 907.443.5285

STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

TO: Senator Lyda Green, Co-Chair
Senator Gary Wilken, Co-Chair
Senate Finance Committee

FROM: Laura A. Glaiser, Director 
Division of Elections

DATE: May 6, 2005

SUBJECT: Scheduling SCS HB 94 (STA), upon referral

I respectfully request that you schedule Senate Committee Substitute for House Bill 94 (STA), "*An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration, voter residence, precinct boundary and polling place designation and modification, political parties, voters unaffiliated with a political party, early voting, absentee voting, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, qualifications for elected office, initiative, referendum, and recall, and definitions in the Alaska Election Code; and relating to incorporation elections*" for a hearing in the Senate State Affairs Committee, pending referral.

The bill passed the House with a vote of 38 yeas 1 nay. When the amended version is available, I will provide you with the current version of the bill, fiscal note, sectional analysis, and "highlights" of the bill for members' packets.

Please let me know if you have any questions or I can provide any additional information.

I would sincerely appreciate the scheduling of SCS HB 94 (STA) for a hearing in Senate Finance as soon as possible.

SCS HB 94 (STA) Sectional Highlights

ISSUE	BILL SECTION	PROPOSED	CURRENT LAW
VOTER REGISTRATION	1,2,4,7	Power of attorney may register on behalf of a voter	Cannot register or make changes with a power of attorney
	4,7	Submit voter registration forms by scanning	Can submit in person, by mail or by fax
	3	Voter record presumptive evidence of voter's residence	Voter card is presumptive evidence - card may not be current
	5	Only voter or power of attorney may mark party affiliation on voter registration form unless voter already registered in that party	Not addressed.
	8	Definition of non partisan and undeclared voters	Current practice, not defined in law
	9	Voter list to protect confidentiality of voters	No mention of confidentiality protections when preparing list of voters
	60	Defines "reregistration" for voters inactivated	Not addressed.
PRECINCT BOUNDARY/POLLING PLACE CHANGES	10	Letters to affected voters; Publish one notice in local paper; Post if no local paper, Post on Division's website, Notice to clerks, native groups, community councils, etc.	Letters to affected voters - current practice; Not required to publish for polling place Publish 3 times for boundary changes; Posting if no local paper - SAME; remainder currently not required.
	58	Publish notice of precinct/polling place changes in OEP	Not required.
	64	Repeals language regarding written notice, as changes were incorporated in AS 15.10.090	

SCS HB 94 (STA) Sectional Highights

ISSUE	BILL SECTION	PROPOSED	CURRENT LAW
BALLOTS/ENVELOPES	14	Ballot rotation for all candidates EXCEPT those for State House	Placement of candidates' names randomly determined by Director
	16	Election workers to record ballots destroyed or returned for destruction	Not required. Could affect ballot accountability records.
	17	Hand count verification of 1 precinct (5% of votes cast) per district by State Review Board prior to election certification	Not required
	18	Voter certificate on ballot envelope notice re: false statements are punishable by law	Voter signs that information is true and accurate.
	28	If voter fails to mark choice of primary ballot, Division will send ballot according to affiliation.	Not addressed.
INDEPENDENT CANDIDATES FOR PRES OR VP	15	Names on ballot same as party candidates	Not addressed. No legal procedure for a candidate like Ralph Nader.
	31	Process for qualifying as an Independent candidate	Not addressed.
	32,33	Votes for electors and duties of electors same as party candidates	Not addressed.
EARLY VOTING	19	Sites to be designated by Director by Jan. 1st of an election year	No deadline
	64	Repeals duplicative language	Addressed in AS 15.20.045

SCS HB 94 (STA) Sectional Highlights

ISSUE	BILL SECTION	PROPOSED	CURRENT LAW
ABSENTEE VOTING	20	Reduce witness' required for submitting a "by fax" ballot. No longer required to be US citizens	Two witnesses. Witness' were required to be US citizens
	21	Apply for absentee ballot by scanning application	Apply in person, by mail or by fax.
	1,2,21	Power of attorney may apply for absentee ballot	Cannot apply for absentee ballot on behalf of voter with power of attorney
	21	Only voter or power of attorney may mark party affiliation unless voter already registered in that party	Not addressed.
		Only voter or power of attorney may mark choice of primary ballot	Not addressed.
	22	Reduce witness' required for submitting a "by mail" ballot to one.	Two witnesses required.
	22	Voter to certify under penalty of perjury that the statements are true	Not required.
	23	Defines overseas voter - AS 15.05.011	Military APO or FPO address.
RECOUNTS	24	Raises deposit amounts	Current amounts have not been addressed since 1986
BY MAIL VOTING	25	Division will not mail ballots to address previously recorded as "undeliverable" (REAA/CRSA elections)	Required to mail ballots to addresses that are "undeliverable" - ballot integrity issue

SCS HB 94 (STA) Sectional Highlights

ISSUE	BILL SECTION	PROPOSED	CURRENT LAW
VOTING SYSTEMS	26	Division to use only those machines/systems approved by FEC	No standards required. Previous administration approved new software that had not been certified at time of election.
CANDIDATES	27,29,30	At time of filing, a candidate will meet the Constitutional age requirements on the 1st day of the first session	Not addressed
INITIATIVES, REFERENDUM, RECALL	34,41,49	Application to include printed name, signature, address, and numerical identifier of sponsors	Signatures required
	35,42,50	Sponsors support action. Additional sponsors will give name address and numerical identifier	Support of action not addressed. Numerical identifier not required but will help qualify the sponsors. No similar language for recall.
	36,43,51	Printed name and numerical identifier, and date when signed required when signing	Signature and address only
	36,43,51	Booklets to be sequentially numbered	Current practice. Not addressed in law.
	36,43,51	Petition to include minimum cost to State to certify and review, not including legal costs	Not required
	36,43,51	Petition to include cost of implementing proposed law or conducting recall election	Not required
	37,44,53	Qualifications of circulator- citizen, at least 18 yrs. old, Alaskan resident.	In practice as result of Buckley ruling - not set out in law

SCS HB 94 (STA) Sectional Highlights

ISSUE	BILL SECTION	PROPOSED	CURRENT LAW
INITIATIVES, REFERENDUM, RECALL (continued)	38,46,55	Printed name and numerical identifier, and date when signed required when withdrawing name from petition	Voter's signature and address required.
	39,47,56	Repeal and reenacted certification of circulator - circulator to sign inclusive affidavit	Does not comply with Buckley decision.
	40,48,57	Display of proposed law at polling place - at least 5 copies available and one posted	10 copies available and 3 posted.
	45,54	Circulator may not receive payment greater than \$1. Prohibitions and penalties defined.	Current language for initiative petitions. not addressed for referendum and recall
	52	Removes language regarding "duplicate copy" of a recall petition.	There are no "duplicate copies" of a recall petition. All are sequentially numbered.
60	Defines "numerical identifier" as voter's date of birth, Alaska driver's license or ID number, last 4 digits of SS# or voter ID number	No requirement for additional information makes qualifying voter's signatures more difficult.	
RECOGNIZED POLITICAL PARTIES	59	Sets out process for a political group to become a party. Ensures that a party cannot lose status during the election cycle. Explains verification process.	Not addressed, though procedure was in place to protect the parties.

SCS HB 94 (STA) Sectional Highlights

ISSUE	BILL SECTION	PROPOSED	CURRENT LAW
INCORPORATION ELECTIONS	61,62	Defines "qualified voter" as a person registered to vote within the proposed municipality or borough for at least 30 days before an election	"qualified voter" was defined as being a <u>resident</u> of the municipality or borough for 30 days before an election
	63	Defines qualified voter as a person who has the qualifications under AS 15.60.010	Not addressed.

Director's Office
PO Box 110017
Juneau, Alaska 99811-0017
907.465.4611 907.465.3203 FAX
elections@gov.state.ak.us

Regional Offices
Anchorage 907.522.8683
Fairbanks 907.451.2835
Juneau 907.465.3021
Nome 907.443.5285

STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

SECTIONAL ANALYSIS
SCS HB Bill 94 (FIN) am – version "R"

"An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration, voter residence, precinct boundary and polling place designation and modification, political parties, voters unaffiliated with a political party, early voting, absentee voting, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, qualifications for elected office, initiative, referendum, and recall, and definitions in the Alaska Election Code; and relating to incorporation elections."

Section One – STATUTORY FORM POWER OF ATTORNEY

Amends General Power of Attorney form to include a line "voter registration and absentee ballot requests" that may be checked by a person wishing to designate another as attorney in fact or agent by power of attorney. The House State Affairs Committee amended this section to meet the Division's request to allow an individual with the express power of attorney to register or request an absentee ballot on behalf of a voter.

Section Two – INTERPRETATION OF PROVISIONS IN STATUTORY FORM POWER OF ATTORNEY

Amends this section to clarify the authority conferred to the "agent" to register the principal to vote or request an absentee ballot is on behalf of the "principal" (the voter). The House State Affairs Committee amended this section to meet the Division's request to allow an individual with the express power of attorney to register or request an absentee ballot on behalf of a voter.

Section Three – VOTER RESIDENCY

Changes the reference *from* "temporary construction camps" *to* "temporary work sites" to provide a more accurate definition of what fails to constitute a dwelling place.

Clarifies that the address of a voter as it appears on the voter registration RECORD, **not** the voter registration CARD is proof (presumptive evidence) of that voter's residence.

Section Four – MANNER OF REGISTRATION

Adds language to allow an individual with the express power of attorney to register on behalf of the voter

Adds "scanning" as another means to transmit a voter registration application to the Division.

Section Five – MANNER OF REGISTRATION

Language added on the House Floor states only the voter or individual with voter's power of attorney may mark the voter's party affiliation on a voter registration form. The political affiliation of a voter may be indicated on a voter registration form when provided to the voter **ONLY** if the voter is already registered as affiliated with the party indicated on the form.

Section Six – REQUIRED INFORMATION FOR VOTER REGISTRATION

An Alaska residence address is required on a voter registration application, and the voter signs an oath that the information provided is true. Legislative Legal removed language in the first work draft for House State Affairs, that removed "as specified in regulations adopted by the director" related to defining the applicant's Alaska residence.

Removes dated language that refers to information proving residency that might be requested by the Division. Elections does not require proof nor does the Division compile voter files that contain this type of information.

Senate State Affairs, replaced the word "oath" with "attestation," as is the current law. Researching the files on the National Voter Registration Act (NVRA), the Department of Law stated the word "attestation" was intentionally included in accordance with the NVRA.

Section Seven – PROCEDURE FOR REGISTRATION

Adds "scanning" as another means to transmit a voter registration application to the Division.

Adds language to allow an individual with the express power of attorney to register on behalf of the voter.

Section Eight - VOTERS UNAFFILIATED WITH POLITICAL PARTIES

Proposes to set out the definitions of voters unaffiliated with political parties to reflect the Division's previous policy. Legislative Legal set this out as a section under "Voter Registration," rather than in the "Definitions" section of Title 15.

Section Nine – PREPARATION OF MASTER REGISTER

Ensures protection of voter information of those victims of domestic violence in accordance with changes made to the following section (AS 15.07.195) last year in Senate Bill 284.

Section Ten – PRECINCT BOUNDARY CHANGES

Changes made by House State Affairs increase public notice when the Division establishes or abolishes a precinct or if the boundaries of a precinct are designated, abolished, or modified, or if a polling place is changed.

This language requires the Division to send voters affected by any of the above changes by:

- Whenever possible written notice to each affected voter in the precinct
- Providing notice of the change by publication once in a local newspaper or by posting the notice in conspicuous places if no such newspaper exists
- Posting notice on the Division's website
- Providing notification of the changes to municipal clerks, community councils, tribal groups, Native villages, and village regional corporations.

The additional notice requirements result in a fiscal note of \$16.8 (in thousands) to the Primary and General Election budget.

Section Eleven, Twelve and Thirteen – ADDED BY STATE AFFAIRS

Section Fourteen - PREPARATION OF OFFICIAL BALLOT

This subparagraph was amended by House State Affairs to implement "ballot rotation" for the names of those candidates running for governor, lieutenant governor, United States senator, United States representative, and state senator on the ballots printed for each house district.

Placement of names of candidates for State House races will appear in random order as determined by the Director, as is the current practice. Ballot rotation WILL NOT occur for candidates for State House.

Current law requires the Director to determine a random order for ALL candidates placed on ballots used in each house district.

Section Fifteen - INDEPENDENT PRESIDENTIAL CANDIDATES

When preparing the general election ballot, the names of the candidates from each political party running for President and Vice President shall be placed on the ballot, rather than the names of the electors.

This language allows that the names of those running as Independents for President and Vice President shall be treated the same as those candidates representing a political party.

Section Sixteen - BALLOT COUNTING

For the purposes of maintaining accountability of ballots, the number of ballots returned to the elections supervisor or designee for destruction must be reported by the election board.

Section Seventeen - SCOPE AND REVIEW OF BALLOT COUNTING

This language was added in House Judiciary to require the Division to do a mandatory hand-count verification of ballots from one precinct in every House district (a precinct that accounts for 5% or more of the ballots cast). Should a discrepancy of more than 1% exist between the results of the hand count and the count certified by the State Review Board, the Division MUST conduct a hand count of the entire district.

Section Eighteen – PREPARATION OF BALLOTS, ENVELOPES, AND OTHER MATERIAL

This language was added in House Judiciary to require that envelopes printed with the voter's certificate must include a notice that false statements made by the voter or by the witness on the certificate are punishable by law.

Section Nineteen – EARLY VOTING

Early voting sites would need to be designated by the Director by June 1st of an election year. This ensures that proper notice is available to voters and that regions can order sufficient ballots and election materials. Additionally, it allows supervisors to schedule election workers accordingly.

Legislative Legal changed language to clarify the intent. Senate State Affairs, at the request of the Division, changed the date *from January 1st to June 1st* to allow more time in an election year for the Director to become aware of opportunities to establish early voting sites, while still allowing enough time to train election workers and order supplies and ballots.

Section Twenty – ABSENTEE VOTING BY ELECTRONIC TRANSMISSION

Reduces the number of witnesses required to sign the oath accompanying a voter's absentee ballot (transmitted electronically) *from two to one*. Rural Alaskans and those who travel to remote locations believe that the requirement for two witnesses creates an undue hardship.

House State Affairs removed the requirement that the witness be a United States citizen.

Section Twenty One – ABSENTEE VOTING BY MAIL/ ELECTRONIC TRANSMISSION

Adds ways a voter may apply for an absentee ballot to include by fax or scanning an application.

Adds that an individual with the express power of attorney to allow the individual to apply for an absentee ballot on behalf of the voter may do so.

On the House Floor, language was added to allow that only the voter or individual with voter's power of attorney may mark the voter's ballot choice on an absentee ballot application, but the party affiliation can be provided as long as it is consistent with the voter's current affiliation as indicated in the voter registration record.

Section Twenty Two – ABSENTEE VOTING BY MAIL/ ELECTRONIC TRANSMISSION

Reduces the number of witnesses required to sign the oath accompanying a voter's absentee ballot (transmitted by mail or electronically) *from two to one*. Once again, rural Alaskans and those who travel to remote locations believe that the requirement for two witnesses creates an undue hardship.

House State Affairs removed the requirement that the witness be a United States citizen.

House Judiciary added language that the witness certifies, under penalty of perjury, that the statements in the voter certificate are true.

Section Twenty Three– ABSENTEE VOTING BY MAIL/ ELECTRONIC TRANSMISSION

Defines more accurately "overseas voter" by referring to definition in AS 15.05.011. Current language that describes military APO or FPO addresses is too limiting.

Section Twenty Four – RECOUNT REQUIREMENT OF DEPOSIT

The amount of deposits required for recounts were raised in House Judiciary as follows:

	Amount required since 1986	Amount proposed in CS HB 94 (JUD)
Per precinct	\$300	\$1,000
Per house district	\$750	\$2,000
Statewide	\$10,000	\$15,000

No changes were made to those recounts that the State bears the cost to conduct. (a tie, 20 or less vote margin, or less than .5 percent of the total number of votes cast for the two candidates for the contested office.)

Section Twenty Five – "BY MAIL" VOTING

For a "by mail" election (REAA/CRSA elections, for example), the ballots shall be mailed by first class, *nonforwardable* mail and that ballots will not be mailed to a voter whose address has been identified as being undeliverable.

This language is proposed to ensure ballot security and the integrity of the election process.

Section Twenty Six – STANDARDS FOR VOTING MACHINES

Recommended by the Division, a new section to Title 15 is added regarding the use of voting machines or vote tally systems. The Division of Elections will only utilize systems certified by the Federal Election Commission. All updates to the data management system must be certified before the State implements a modification of the current system or a new system.

House State Affairs added the last line to clarify that a voting system approved by the Director must satisfy the requirements of AS 15.15.032 (c) – which clearly states that the Director SHALL provide for a paper record of each electronically generated ballot that can be reviewed and corrected by a voter.

Section Twenty Seven – DECLARATION OF CANDIDACY

Added in House State Affairs, this section adds language to ensure that a candidate shall take an oath when making a declaration for office that the candidate will be the age required by the Alaska Constitution:

- If a candidate for state representative:

Be at least 21 on the first scheduled day of the first regular session of the legislature convened after the election

- If a candidate for state senator:

Be at least 25 on the first scheduled day of the first regular session of the legislature convened after the election

- If a candidate for governor or lieutenant governor:

Be at least 30 on the first Monday in December following the election

Section Twenty Eight – PREPARATION AND DISTRIBUTION OF BALLOTS (PRIMARY)

New section added on House Floor that states that if a voter fails to indicate the ballot they want on an absentee ballot application, the Division will send the ballot that corresponds to their party affiliation.

Senate State Affairs, at the request of the Division, removed language "If the voter is unaffiliated with a party, the voter will be sent the ballot that offers the greatest range of candidates from different parties," as under current law there is no such ballot.

Section Twenty Nine – WRITE-IN CANDIDATES

Added in House State Affairs, this section adds language to ensure that a write-in candidate shall state in a letter of intent that the candidate will be the age required by the Alaska Constitution at the times noted above in the "Declaration of Candidacy" section.

Section Thirty – REQUIREMENTS FOR PETITION

Added in House State Affairs, this section adds language to ensure that a candidate filing for office by petition shall state in the petition that the candidate will be the age required by the Alaska Constitution at the times noted above in the "Declaration of Candidacy" section.

Section Thirty One – QUALIFICATIONS FOR INDEPENDENT CANDIDATES FOR PRESIDENT/VICE PRESIDENT/SELECTION OF ELECTORS

Adds new language to describe the process for Independent candidates running for President.

An Independent candidate for President may file no earlier than January 1st of a presidential election year and no later than 90 days prior to the presidential general election. An Independent candidate for President must also provide the name, Alaska mailing address, and signature of the candidate's state campaign chair, which must be an Alaskan resident. This requirement exists ONLY for Independent candidates.

Section Thirty Two – INTERPRETATION OF VOTES CAST

In voting for presidential electors, votes marked for Independent candidates for President and Vice President are counted the same as votes marked for electors for party candidates.

Section Thirty Three – DUTIES OF ELECTORS

Duties for electors representing Independent candidates for President and Vice President are the same as those of electors representing other candidates.

Section Thirty Four – PETITIONS /FORM OF APPLICATION

Adds the requirement for the printed name and numerical identifier (changed from "date of birth" by House Judiciary to allow more identifiers to be used to assist the Division in qualifying the voter's signature) to be included when signing an application for petition. Numerical identifiers are defined in 15.60.010 (40) as: date of birth, the last four digits of a voter's social security number, a voter's Alaska driver's license number, or a voter's Alaska identification card number or voter ID number. Additionally, the three sponsors designated as the committee representing the sponsors must provide their name, mailing address and signatures.

These changes, and those that follow related to the petition process, are proposed to improve the petition process and make the process more "user friendly" for Alaskans.

Section Thirty Five – PETITIONS/DESIGNATION OF SPONSORS

Adds clarification that the sponsors are in support of the bill proposed in the initiative application. Additional sponsors, when providing their names and addresses, must also include numerical identifier (changed from "date of birth" by House Judiciary to allow more identifiers to be used).

Section Thirty Six – PETITIONS/PREPARATION OF PETITION

Adds the requirement for the printed name and numerical identifier to be included when signing a petition to assist the Division in qualifying the voter's signature. Added in House Judiciary was that the signer of a petition provide the date they signed the petition. This is to ensure that signers were indeed qualified voters at the time of signing the petition.

House Judiciary also added language to include with a petition booklet a statement of minimum costs to the State associated with certifying the application, reviewing the initiative petition, and an estimate of the cost to the State of implementing the proposed law.

The petition books have been sequentially numbered, but the inclusion of the language more clearly states the process and deletes language that refers to a record of petition booklets assigned to the sponsors. Judge Suddock criticized the requirement for these "accountability reports" in the Hinterberger case.

Section Thirty Seven – PETITIONS/QUALIFICATIONS OF CIRCULATOR

New section defines the qualifications of the petition circulators. Requires that circulator be a citizen, 18 years of age or older, and an Alaskan resident. When Alaska law was revised to comply with the Buckley decision, this change failed to be incorporated.

Section Thirty Eight – PETITIONS/WITHDRAWING NAME FROM PETITION

Adds the requirement for the printed name and numerical identifier to be included when signing a petition.

Also added in House Judiciary was that the signer of a petition provide the date they signed the petition. This is to ensure that signers were indeed qualified voters at the time of signing the petition.

Section Thirty Nine – PETITIONS/CERTIFICATION OF CIRCULATOR

Circulators of a petition are required to sign an affidavit that they meet residency, age, and citizenship qualifications for circulating a petition.

The requirement that the circulator's name be prominently displayed on the petition was deleted. This language has not been enforced since 2000 in compliance with the Supreme Court decision in *Buckley v. American Constitutional Law Foundation*.

In House Judiciary the phrase "to the best of the circulator's knowledge" was added to subparagraph 5, describing that petition circulator gather signatures of qualified voters.

Additionally, subparagraph 8 was rewritten in accordance with an Attorney General's opinion that advised that the State cannot require a petition carrier to prominently place their name in bold capital letters as currently required by law AND more clearly required that a circulator needs to indicate whether they received payment and the name of the person/organization that agreed to pay the circulator.

Section: Forty – PETITIONS/DISPLAY OF PROPOSED LAW

Reduces the copies of the proposed law that are provided to each of the 439 election boards for distribution and posting at a polling place.

House State Affairs added the words "at least" to clarify that the Director shall provide AT LEAST five copies of the proposed law being initiated to the election board, and AT LEAST one copy of the proposed law will be posted.

Section Forty One – REFERENDUM/FORM OF APPLICATION

Adds the requirement for the printed name and numerical identifier (changed from "date of birth" by House Judiciary to allow more identifiers to be used to assist the Division in qualifying the voter's signature) to be included when signing an application for referendum. Numerical identifiers are defined in 15.60.010 (40) as: date of birth, the last four digits of a voter's social security number, a voter's Alaska driver's license number, or a voter's Alaska identification card number or voter ID number. Additionally, the three sponsors designated as the committee representing the sponsors must provide their name, mailing address and signatures.

Section Forty Two – REFERENDUM/DESIGNATION OF SPONSORS

Adds clarification that the sponsors are in support of the referendum.

Adds that additional sponsors, when providing their names and addresses, must also include numerical identifiers.

Section Forty Three– REFERENDUM/ PREPARATION OF PETITION

Adds the requirement for the statement of rejection or approval, the signer's printed name and numerical identifier be included on a petition for referendum. Added in House Judiciary was that the signer of a petition provide the date signed they signed the petition. This is to ensure that signers were indeed qualified voters at the time of signing the petition.

House Judiciary also added language to include with a petition booklet a statement of minimum costs to the State associated with certifying the application, reviewing the referendum petition, and an estimate of the cost to the State of implementing the proposed law.

Section Forty Three-- REFERENDUM/ PREPARATION OF PETITION (continued)

The petition books have been sequentially numbered, but the inclusion of the language more clearly states the process and replaces language that refers to a record of petition booklets assigned to the sponsors.

Section Forty Four – REFERENDUM/QUALIFICATIONS OF CIRCULATOR

New section defines the qualifications of the referendum petition circulators. Requires that circulator be a citizen, 18 years of age or older, and an Alaskan resident. When Alaska law was revised to comply with the Buckley decision, this change failed to be incorporated.

Section Forty Five – REFERENDUM/CIRCULATION

Adds the prohibitions and penalties applicable to initiative petitions and applies these to the circulation of referendum petitions. (May not be paid more than \$1 per signature, nor may the circulator receive more than \$1 per signature)

Section Forty Six - REFERENDUM/MANNER OF SIGNING AND WITHDRAWING NAME FROM PETITION

Adds the requirement for the printed name and numerical identifier to be included when signing a referendum petition.

Also added in House Judiciary was that the signer of a petition provide the date they signed the petition. This is to ensure that signers were indeed qualified voters at the time of signing the petition.

Section Forty Seven - REFERENDUM/CERTIFICATION OF CIRCULATOR

This section more clearly defines the certification of circulators, to conform to the requirements for circulation of initiative petitions. Circulators of a referendum petition are required to sign an affidavit that they meet residency, age, and citizenship qualifications for circulating a petition.

The requirement that the circulator's name be prominently displayed on the petition was deleted. This language has not been enforced since 2000 in compliance with the Supreme Court decision in *Buckley v. American Constitutional Law Foundation*.

Section Forty Seven - REFERENDUM/CERTIFICATION OF CIRCULATOR (continued)

In House Judiciary the phrase "to the best of the circulator's knowledge" was added to subparagraph 5, describing that petition circulator gather signatures of qualified voters.

Additionally, subparagraph 8 was rewritten in accordance with an Attorney General's opinion that advised that the State cannot require a petition carrier to prominently place their name in bold capital letters as currently required by law AND more clearly required that a circulator needs to indicate whether they received payment and the name of the person/organization that agreed to pay the circulator.

Section Forty Eight - REFERENDUM/DISPLAY OF ACT BEING REFERRED

Reduces the copies of the act being referred that are provided to each of the 439 election boards for distribution and posting at a polling place.

House State Affairs added the words "at least" to clarify that the Director shall provide AT LEAST five copies of the act being referred to the election board and AT LEAST one copy of the act will be posted.

Section Forty Nine - RECALL/FORM OF APPLICATION

Adds the requirement for the printed name and numerical identifier (changed from "date of birth" by House Judiciary to allow more identifiers to be used to assist the Division in qualifying the voter's signature) to be included when signing an application for recall. Numerical identifiers are defined in 15.60.010 (40) as: date of birth, the last four digits of a voter's social security number, a voter's Alaska driver's license number, or a voter's Alaska identification card number or voter ID number. Additionally, the three sponsors designated as the committee representing the sponsors must provide their name, mailing address and signatures.

House Judiciary also clarified language stating that the signers must be qualified voters equal in number to 10 percent of those who voted in the preceding general election in the state or in the senate or house district of the official sought to be recalled (as current law requires), 100 of whom will serve as sponsors. (Further clarifying that the 100 sponsors are not additional signers, but rather part of the 10 percent required)

Section Fifty - RECALL/DESIGNATION OF SPONSORS

Proposes to add a new section with language similar to that regarding initiative petitions and referendum, stating the sponsors are in support of the recall and regarding the designation of additional sponsors.

Adds that additional sponsors, when providing their names and addresses, must also include numerical identifiers.

Section Fifty One - RECALL/PREPARATION OF PETITION

Adds the requirement for the printed name and numerical identifier to be included when signing the recall petition. The recall petition books have been sequentially numbered, but the inclusion of the language more clearly states the process and replaces language that refers to a record of petition booklets assigned to the sponsors.

Added in House Judiciary was that the signer of a recall petition provide the date they signed the petition. This is to ensure that signers were indeed qualified voters at the time of signing the petition.

House Judiciary also added language to include with a recall petition booklet a statement of minimum costs to the State associated with certifying the recall application, reviewing the recall petition, and an estimate of the cost to conduct a special election.

Section Fifty Two - RECALL/STATEMENT OF WARNING

Removes language referring to a "duplicate copy" as there are no "duplicate copies" assigned in a recall petition effort. This language mirrors language in the initiative and referendum sections.

Section Fifty Three - RECALL/QUALIFICATIONS OF CIRCULATOR

New section defines the qualifications of the recall petition circulators. Requires that circulator be a citizen, 18 years of age or older, and an Alaskan resident. When Alaska law was revised to comply with the Buckley decision, this change failed to be incorporated.

Section Fifty Four- RECALL/CIRCULATION

Adds the prohibitions and penalties applicable to initiative petitions and referendum and applies these to circulation of recall petitions.

Section Fifty Five – RECALL/MANNER OF SIGNING AND WITHDRAWING NAME FROM PETITION

Adds the requirement for the printed name and numerical identifier to be included when signing a recall petition.

Also added in House Judiciary was that the signer of a petition provide the date they signed the recall petition. This is to ensure that signers were indeed qualified voters at the time of signing the recall petition.

Section Fifty Six - RECALL/CERTIFICATION OF CIRCULATORS

This section more clearly defines the certification of circulators, to conform to the requirements for circulation of initiative and referendum petitions. Circulators of a recall petition are required to sign an affidavit that they meet residency, age, and citizenship qualifications for circulating a petition.

The requirement that the circulator's name be prominently displayed on the petition was deleted. This language has not been enforced since 2000 in compliance with the Supreme Court decision in *Buckley v. American Constitutional Law Foundation*.

In House Judiciary the phrase "to the best of the circulator's knowledge" was added to subparagraph 5, describing that petition circulator gather signatures of qualified voters.

Additionally, subparagraph 8 was rewritten in accordance with an Attorney General's opinion that advised that the State cannot require a petition carrier to prominently place their name in bold capital letters as currently required by law (*Buckley* struck down the requirement that circulators wear badges) AND more clearly required that a circulator needs to indicate whether they received payment and the name of the person/organization that agreed to pay the circulator.

Section Fifty Seven - RECALL/DISPLAY OF GROUNDS FOR AND AGAINST RECALL

Reduces the copies of the statement of the grounds for recall and the statement made by the official subject to recall in justification of the official's conduct in office that are provided to each of the election boards for distribution and posting at each polling place.

House State Affairs added the words "at least" to clarify that the Director shall provide AT LEAST five copies of the statement of grounds for recall and AT LEAST five copies of the statement made by the official subject to recall in justification of the official's conduct in office to the election board for distribution and AT LEAST one copy of the act to be posted.

Section Fifty Eight - CONTENTS OF PAMPHLET (OFFICIAL ELECTION PAMPHLET)

House State Affairs added a new section that requires the Division to publish establishment/abolishment of a precinct, designation abolition, or modification of precinct boundaries, or changes in location of polling places in the Official Election Pamphlet (OEP).

As explained to members of the Committee, the Division would include all changes that are known at the time that the OEP goes to print. Additional changes that affect voters may occur after printing of the OEP and would NOT be included in the publication.

Section Fifty Nine - RECOGNIZED POLITICAL PARTY STATUS

Political groups may be recognized as a party if, on or before May 31 of the election year that seek recognition they have: filed an application with the Director, submitted their bylaws to the Director and the Department of Justice *and* met the requirements related to nominating a candidate *or* obtained the required number of registered voters

Provides that the Director will verify the numbers of registered voters who have declared an affiliation with a group or recognized political party and the process for notification when a political group obtains or loses their political party status.

Finally, this section adds that during an election year, recognized political party status cannot be withdrawn by the Director for the period from June 1st through the date of the first verification that occurs after the certification of the general election *at which a governor was elected* House Finance restored language that clarified the verification of party status would be conducted every FOUR years for parties that achieve recognized political party status by the number of votes cast for their candidate in the election contests outlined below. House State Affairs added that monthly verification political party status would be suspended during the period of time when the Director may not withdraw political party status.

Section Sixty - DEFINITION OF "NUMERICAL IDENTIFIER" and "REREGISTRATION"

Added in House Judiciary, numerical identifiers are defined in 15.60.010 (40) as: date of birth, the last four digits of a voter's social security number, a voter's Alaska driver's license number, or a voter's Alaska identification card number or voter ID number.

Reregistration is defined as the submission of a registration form by a voter whose registration was inactivated during the list maintenance process (AS 15.07.130) or due to conviction of a felony involving moral turpitude. The voter once removed from the voter rolls due to conviction of a felony involving moral turpitude, must provide proof that they were unconditionally discharged from custody before being allowed to register. (AS 15.07.135)

Section Sixty One - INCORPORATION ELECTION

Clarifying language in Title 29 for incorporation elections that a qualified voter is a voter who has been registered to vote within the proposed municipality at least 30 days prior to the election.

Section Sixty Two - INCORPORATION ELECTION

Clarifying language in Title 29 for incorporation elections that a qualified voter is a voter who has been registered to vote within the proposed borough at least 30 days prior to the election.

Section Sixty Three - INCORPORATION ELECTION

Defines "qualified voter" to have the same meaning as that in AS 15.60.010.

AS 15.60.010 (26) "qualified voter" means a person who has the qualification of a voter and is not disqualified as provided by art. V, Sec. 2, of the state constitution and AS 15.05.030.

Section Sixty Four - REPEALERS

Repeals section requiring written notice of changes to precinct boundaries or polling places and

Repeals AS 15.20.048 as it includes duplicative language that allows the Director to designate locations for absentee voting, and office of election supervisors will be designated as such.

Section Sixty Five - APPLICABILITY

Provides that changes made by Sections 26 through 49 of this bill apply to an initiative, referendum, or recall for which an application was filed with the lieutenant governor or director of elections on or after the effective date of the bill.

Section Sixty Six - TRANSITION

An initiative, referendum, or recall for which the application was filed before the effective date of the bill is subject to the provisions of statute that existed on the day before the effective date of the bill.

THE IMMEDIATE EFFECTIVE DATE CLAUSE WAS REMOVED IN HOUSE STATE AFFAIRS

HB 94



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

P.O. Box 110001
JUNEAU, ALASKA 99811-0001
(907) 465-3500
FAX (907) 465-3532
WWW.GOV.STATE.AK.US

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 20, 2005

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

Dear Speaker Harris:

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

This bill would update statutes on qualifications of voters, voter registration, voter residence, precinct boundary modification, recognized political parties, voters unaffiliated with a political party, early and absentee voting, ballot counting, ballot design, voting by mail, voting machines and vote tallying, independent candidates for president, initiative, referendum, recall, and definitions.

The updates are necessary to reflect current practices of the Division of Elections and to bring the statutes into compliance with recent court decisions and federal law.

Section 1 of the bill would amend two provisions in AS 15.05.020 on rules for determining the residence of a voter. It would amend AS 15.05.020(2) to clarify that "temporary work sites" do not constitute a dwelling place; this provision formerly referenced "construction camps." Section 1 also would amend AS 15.05.020(10) to reference the official voter registration "record," rather than "card."

Section 2 of the bill would amend AS 15.07.050 to allow voter registration through a power of attorney.

Section 3 of the bill would amend AS 15.07.060(a)(4) on required registration information, to specify that the applicant must provide the applicant's Alaska residence address.

The Honorable John Harris
January 20, 2005
Page 2

Section 4 of the bill would amend AS 15.07.070(b) to allow voter registration by scanned transmissions and to allow voter registration through a power of attorney.

Section 5 of the bill amends AS 15.07.127 on preparation of the master register of voters to recognize that confidential information will not be disclosed.

Section 6 of the bill would amend AS 15.10.090 on notice of precinct boundary designation and modification, to require that notice be published on the Division of Elections' Internet website, and to clarify requirements for publication of notice in a newspaper and for posting notices.

Section 7 of the bill would amend AS 15.15.030(7) to specifically recognize that names of independent candidates for President of the United States be included on the general election ballot.

Section 8 of the bill would amend AS 15.15.350(a), on the general procedure for a ballot count, to require that the accounting for all ballots prepared by the election board include the number of ballots returned to the elections supervisor for destruction.

Sections 9 of the bill would amend AS 15.20.064(a) on early voting, to specify that the director of elections will designate locations for early voting by January 1 of each election year.

Section 10 of the bill would amend AS 15.20.066(b) on absentee voting by electronic transmission, to lower the number of witnesses required from two to one.

Section 11 of the bill would amend AS 15.20.081(a) to allow voters to apply for absentee ballots by scanning documents or through a written power of attorney.

Sections 12 and 13 of the bill would amend AS 15.20.081(d) on absentee voting by mail or electronic transmission, to lower the number of witnesses required from two to one, and AS 15.20.081(h) to change the reference to military addresses from "APO or FPO address" to a "overseas voter qualifying under AS 15.05.011."

Section 14 of the bill would amend AS 15.20.800(b) on voting by mail to specify that a ballot will not be sent to a voter whose address has been identified as undeliverable.

The Honorable John Harris
January 20, 2005
Page 3

Section 15 of the bill would add a proposed new section, AS 15.20.910, on voting system standards, incorporating recent federal requirements under the Help America Vote Act.

Section 16 of the bill would add a proposed new section, AS 15.30.026, on qualifications for independent candidates for President.

Sections 17 and 18 of the bill would amend AS 15.30.050 and 15.30.090 to conform to the qualifications set out in new AS 15.30.026 on independent candidates for President.

Section 19 of the bill would amend AS 15.45.030 on the form of application for an initiative petition, to require additional information from the sponsors.

Section 20 of the bill would amend AS 15.45.060 on designation of sponsors for an initiative, to specify that sponsors support the bill proposed by the initiative application and that the date of birth of any additional sponsors designated by the initiative committee be included in the notice information sent to the lieutenant governor.

Section 21 of the bill would repeal and reenact AS 15.45.090 on preparation of petitions, to require the printed name and date of birth of those signing an initiative petition. This section also would require that initiative petitions be sequentially numbered, and would remove the requirement that the lieutenant governor keep a record of petitions delivered to sponsors. These changes are proposed to comply with the state superior court's decision in the case of *Hinterberger v. State*, 3AN-03-4092 CI (October 21, 2003).

Section 22 of the bill would add a proposed new section, AS 15.45.105, to specify the qualifications of an initiative petition circulator.

Section 23 of the bill would amend AS 15.45.120 on the manner of signing and withdrawing a name from an initiative petition, to require additional information from initiative petition signers.

Section 24 of the bill would repeal and reenact AS 15.45.130 on the certification of circulators for an initiative petition, to reference the proposed new section on qualifications of an initiative petition circulator, and to delete the requirement that the circulator's name be prominently displayed on the petition. This latter requirement has not been enforced for some time in order to comply with the United States Supreme Court opinion in *Buckley v.*

The Honorable John Harris
January 20, 2005
Page 4

American Constitutional Law Foundation, 525 U.S. 182 (1999), under advice from a formal opinion of the state attorney general's office, 2000 Op. Att'y Gen. No. 3 (September 22).

Section 25 of the bill would amend AS 15.45.200 on display of the proposed law, to reduce the number of copies of a law proposed by an initiative that must be provided to the election board from 10 to five, and that must be displayed in the polling place from three to one.

Section 26 of the bill would amend AS 15.45.270 on the form of the application, to conform the requirements for a referendum application to those required for an initiative application.

Section 27 of the bill would amend AS 15.45.290 on designation of sponsors, to conform the requirements for a referendum sponsor to those required for an initiative sponsor.

Section 28 of the bill would repeal and reenact AS 15.45.320 on preparation of a referendum petition, to conform the requirements for a referendum petition to those required for an initiative petition.

Section 29 of the bill would add a proposed new section, AS 15.45.335, to set out the qualifications for a circulator of a referendum petition.

Section 30 of the bill would amend AS 15.45.340 on circulation, to incorporate the prohibitions and penalties applicable to initiative petitions and apply these to circulation of referendum petitions.

Section 31 of the bill would amend AS 15.45.350 on the manner of signing and withdrawing a name from a petition, to require additional information for signing a referendum petition.

Section 32 of the bill would repeal and reenact AS 15.45.360 on the certification of circulators, to conform the requirements for circulation of a referendum petition to those required for circulation of an initiative petition.

Section 33 of the bill would amend AS 15.45.430 on display of the act being referred to in the referendum, to reduce the number of copies of the act that must be provided to the election board from ten to five, and that must be displayed in the polling place from three to one.

The Honorable John Harris
January 20, 2005
Page 5

Section 34 of the bill would amend AS 15.45.500 on the form of the application, to specify similar requirements for a recall application to those required for an initiative application, including deleting the requirement that recall petition circulators be registered voters.

Section 35 of the bill would add a proposed new section, AS 15.45.515, on designation of sponsors for a recall application using language similar to the statute on initiative petition sponsors.

Section 36 of the bill would repeal and reenact AS 15.45.560 on preparation of the recall petition, to impose requirements similar to the requirements for an initiative petition.

Section 37 of the bill would amend AS 15.45.570 regarding the statement of warning on recall petitions similar to the requirements for an initiative petition.

Section 38 of the bill would add a proposed new section, AS 15.45.575, on qualifications of circulators to set out the qualifications for circulation of a recall petition.

Section 39 of the bill would amend AS 15.45.580 on circulation, to add requirements on circulation of a recall petition similar to those for circulation of initiative petitions.

Section 40 of the bill would amend AS 15.45.590 on the manner of signing and withdrawing a name from a petition, to require additional information from recall petition signers.

Section 41 of the bill would repeal and reenact AS 15.45.600 on certification of circulators for a recall petition, to add similar requirements to those for circulation of an initiative petition.

Section 42 of the bill would amend AS 15.45.680 on display of grounds for and against recall, to reduce the number of copies provided to the election board from ten to five, and the number displayed in the polling place from three to one.

Section 43 of the bill would add a proposed new section, AS 15.60.003, to set up voter registration categories for voters who are unaffiliated with a political party.

The Honorable John Harris
January 20, 2005
Page 6

Section 44 of the bill would add a proposed new section, AS 15.60.008, to set out the procedural requirements for parties to obtain recognized political party status.

Section 45 of the bill would amend AS 15.60.010 by adding a new definition of "reregistration."

Section 46 of the bill would amend AS 29.05.110(b) to clarify the requirements for voter registration for municipal elections.

Section 47 of the bill would amend AS 29.05.110(c) to clarify that qualified voters registered to vote in the proposed borough may vote on adoption of a non-areawide power.

Section 48 of the bill would add a new subsection to AS 29.05.110 defining a "qualified voter" as that term is defined in AS 15.60.010.


Section 49 of the bill would repeal AS 15.10.020(b). This provision is now set out in AS 15.10.090(l) as amended by this bill. It also would repeal AS 15.20.048 on absentee voting in offices of election supervisors.

Section 50 of the bill would provide that the changes made by secs. 19 - 42 of the bill apply to an application for an initiative, referendum, or recall that is filed with the lieutenant governor on or after the effective date of the bill. Section 51 of the bill would provide that the elections statutes, as they existed before the amendments made by secs. 19 - 42 of this bill, would apply to an initiative, referendum, or recall for which the application was filed before the effective date of the bill.

Section 52 of the bill would establish an immediate effective date for the bill.

I urge your prompt and favorable action on this measure.

Sincerely yours,


Frank H. Murkowski
Governor

Enclosure

SENATE COMMITTEE REPORT

DATE: 5/1/05

FURTHER: Judiciary
Finance

DATE TURNED
IN TO OFFICE: 5/6/05

State Affairs Committee considered CS FOR HOUSE BILL NO. 94(FIN) am

HB 94 ELECTIONS/VOTERS/POLITICAL PARTIES

"An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration, voter residence, precinct boundary and polling place designation and modification, political parties, voters unaffiliated with a political party, early voting, absentee voting, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, qualifications for elected office, initiative, referendum, recall, and definitions in the Alaska Election Code; and relating to incorporation elections."

and recommends:

- be replaced with 3 CS CS HR 94 (SEH)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:

- Same Title
- New Title

SCS House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
COGS	4/13/05	✓			3

APPROPRIATION - no fiscal note

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

Elton
Winters
Hodges
D...
Thornhill