

**HB**

**94**

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 3  
 Bill Version: CSHB 94(FIN)  
 (H) Publish Date: 4/21/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: GOV  
 Title "An Act relating to qualification of RDU Elections  
volers, requirements and procedures regarding ..." Component Elections  
 Sponsor House Rules Committee  
 Requester House Judiciary 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		24.8		24.8		24.8
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>24.8</b>	<b>0.0</b>	<b>24.8</b>	<b>0.0</b>	<b>24.8</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		24.8		24.8		24.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>24.8</b>	<b>0.0</b>	<b>24.8</b>	<b>0.0</b>	<b>24.8</b>

Estimate of any current year (FY2005) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Current law requires the Division to send written verification to voters in the affected precinct when a polling place change occurs. If passed as amended, this legislation would require the Division to provide notice of change by publication in a local newspaper of general circulation, in addition to the written notice currently mailed. The cost of the additional notice in a newspaper is estimated at 19.0 for publishing polling place locations prior to a primary and general election.

Current law requires the Division to provide notice of a precinct boundary change by publication on three different days in a local newspaper. If passed as amended, this legislation would reduce the number of days a precinct boundary change is published in a local newspaper from three days to one day. Reducing the notice to one publication is estimated to save the Division 2.2. A total of 16.8 will need to be added to the Division's Primary and General budget in future years.

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Phone 465-4611  
 Date/Time 4/13/05 1:15 PM  
 Date 4/13/2005

**FISCAL NOTE #3**

**STATE OF ALASKA  
2005 LEGISLATIVE SESSION**

**BILL NO. CSHB 94(FIN)**

**ANALYSIS CONTINUATION**

This proposed amendment requires the Division to perform a hand count verification of ballots from a randomly selected precinct in each election district that accounts for at least five percent of the ballots cast in that district. The Division estimates an increased cost in personal services for hiring additional State Review Board workers to conduct the recount. The estimated cost of 3.5 for implementing this change would need to be added as an increment to our Primary and General Election budget in future years.

This proposed amendment requires the Division to include a notice on our absentee envelope that false statements made by the voter, attesting official or witness on the certificate, are punishable by law. The Division estimates a cost of 4.5 for replacing existing stock of envelopes for the inclusion of this statement.

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STATE OF ALASKA  
Division of Elections  
Office of the Lieutenant Governor

**SECTIONAL ANALYSIS**  
**CS HB Bill 94 (FIN) am – version "PA.A"**

*"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.

### **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 – 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 Twelve – 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 Thirteen – 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 Fourteen – 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 Fifteen – 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 Sixteen – EARLY VOTING**

Early voting sites would need to be designated by the Director by January 1<sup>st</sup> 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.

### **Section Seventeen – 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 Eighteen– 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 Nineteen – 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 – 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-One – 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-Two – "BY MAIL" VOTING

For a "by mail" election, 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-Three – 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-Four – 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-Five – 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. 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.

### **Section Twenty-Six – 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 Twenty-Seven – 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 Twenty-Eight – 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 1<sup>st</sup> 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 Twenty-Nine – 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 – 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-One – 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-Two – PETITIONS/DESIGNATION OF SPONSORS**

Adds clarification that the sponsors are in support of the bill proposed in the initiative application.

Adds that 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-Three – 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-Four – 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-Five – 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-Six – 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 Thirty-Seven – 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 Thirty-Eight – 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 Thirty-Nine – 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 – 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 – 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-One – 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-Two – 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-Three - 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-Four - 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-Four - 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-Five - 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-Six - 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 Forty-Seven - 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 Forty-Eight - 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 Forty-Nine - 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 - 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-One - RECALL/CIRCULATION**

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

### **Section Fifty-Two -- 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-Three - 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*.

### **Section Fifty-Three - RECALL/CERTIFICATION OF CIRCULATORS (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 (*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-Four - 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-Five - 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-Six - 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 1<sup>st</sup> through the date of the first verification that occurs after the certification of the general election *at which a governor was elected*. However, 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 Fifty-Seven – DEFINITION OF POLITICAL PARTY**

House State Affairs added language that defines a party as a group of voters that represents a political program AND THAT

--nominates a candidate for governor who receives **2%** (changed from 3% by House Judiciary) of the votes cast for that office at the preceding general election **OR**

--nominates a candidate for US senator who receives **2%** (changed from 3% by House Judiciary) of the votes cast for that office at the preceding general election or at the most recent election at which a governor was elected **OR**

--nominates a candidate for US representative who receives **2%** (changed from 3% by House Judiciary) of the votes cast for that office at the preceding general election or at the most recent election at which a governor was elected **OR**

--has registered voters equal in number to 2% of voters registered in the State in the month that the director performs verification of party status. (House Judiciary changed previous language which referred to March 31<sup>st</sup>)

### **Section Fifty-Eight - 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 Fifty-Nine - 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 - 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-One - 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-Two - 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-Three - 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-Four - 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**

### CS HB 94 (FIN) am 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
	58	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.
	55	Publish notice of precinct/polling place changes in OEP	Not required.
	62	Repeals language regarding written notice, as changes were incorporated in AS 15.10.090	

**CS HB 94 (FIN) am Sectional Highlights**

ISSUE	BILL SECTION	PROPOSED	CURRENT LAW
<b>BALLOTS/ENVELOPES</b>	11	Ballot rotation for all candidates EXCEPT those for State House	Placement of candidates' names randomly determined by Director
	13	Election workers to record ballots destroyed or returned for destruction	Not required. Could affect ballot accountability records.
	14	Hand count verification of 1 precinct (5% of votes cast) per district by State Review Board prior to election certification	Not required
	15	Voter certificate on ballot envelope notice re: false statements are punishable by law	Voter signs that information is true and accurate.
	25	If voter fails to mark choice of primary ballot, Division will send ballot according to affiliation. If unaffiliated, voter to get ballot with greatest range of candidates	Not addressed.
<b>INDEPENDENT CANDIDATES FOR PRES OR VP</b>	12	Names on ballot same as party candidates	Not addressed. No legal procedure for a candidate like Ralph Nader.
	28	Process for qualifying as an Independent candidate	Not addressed.
	29,30	Votes for electors and duties of electors same as party candidates	Not addressed.
<b>EARLY VOTING</b>	16	Sites to be designated by Director by Jan. 1st of an election year	No deadline
	62	Repeals duplicative language	Addressed in AS 15.20.045

## CS HB 94 (FIN) am Sectional Highlights

ISSUE	BILL SECTION	PROPOSED	CURRENT LAW
<b>ABSENTEE VOTING</b>	17	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
	18	Apply for absentee ballot by scanning application	Apply in person, by mail or by fax.
	1,2,18	Power of attorney may apply for absentee ballot	Cannot apply for absentee ballot on behalf of voter with power of attorney
	18	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.
	19	Reduce witness' required for submitting a "by mail" ballot to one.	Two witnesses required.
	19	Voter to certify under penalty of perjury that the statements are true	Not required.
	20	Defines overseas voter - AS 15.05.011	Military APO or FPO address.
<b>RECOUNTS</b>	21	Raises deposit amounts	Current amounts have not been addressed since 1986
<b>BY MAIL VOTING</b>	22	Division will not mail ballots to address previously recorded as "undeliverable"	Required to mail ballots to addresses that are "undeliverable" - ballot integrity issue

**CS HB 94 (FIN) am Sectional Highlights**

ISSUE	BILL SECTIC N	PROPOSED	CURRENT LAW
<b>VOTING SYSTEMS</b>	23	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.
<b>CANDIDATES</b>	24,26,27	At time of filing, a candidate will meet the Constitutional age requirements on the 1st day of the first session	Not addressed
<b>INITIATIVES, REFERENDUM, RECALL</b>	31,38,46	Application to include printed name, signature, address, and numerical identifier of sponsors	Signatures required
	32,39,47	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.
	33,40,48	Printed name and numerical identifier, and date when signed required	Signature and address only
	33,40,48	Booklets to be sequentially numbered	Current practice. Not addressed in law.
	33,40,48	Petition to include minimum cost to State to certify and review, not including legal costs	Not required
	33,40,48	Petition to include cost of implementing proposed law or conducting recall election	Not required
	34,41,50	Qualifications of circulator- citizen, at least 18 yrs. old. Alaskan resident.	In practice as result of Buckley ruling - not set out in law

**CS HB 94 (FIN) am Sectional Highlights**

ISSUE	BILL SECTION	PROPOSED	CURRENT LAW
<b>INITIATIVES, REFERENDUM, RECALL (continued)</b>	35,43,52	Printed name and numerical identifier, and date when signed required when withdrawing name from petition	Voter's signature and address required.
	36,44,53	Repeal and reenacted certification of circulator - circulator to sign inclusive affidavit	Does not comply with Buckley decision.
	37,45,54	Display of proposed law at polling place - at least 5 copies available and one posted	10 copies available and 3 posted.
	42,51	Circulator may not receive payment greater than \$1. Prohibitions and penalties defined.	Current language for initiative petitions. not addressed for referendum and recall
	49	Removes language regarding "duplicate copy" of a recall petition.	There are no "duplicate copies" of a recall petition. All are sequentially numbered.
58	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.	
<b>RECOGNIZED POLITICAL PARTIES</b>	56	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.

**CS HB 94 (FIN) am Sectional Highlights**

ISSUE	BILL SECTION	PROPOSED	CURRENT LAW
RECOGNIZED POLITICAL PARTIES (continued)	57	Defines political party- 2% of the total votes cast for governor at the preceding election OR 2% of the total votes for US Senate OR 2% of the total votes for US Representative at the most recent general election or when a governor was elected...OR..2% of the number of registered voters.	3% of total votes cast for governor OR if governor NOT on ballot, 3% of total votes cast for US Senate OR if neither on ballot, 3% of total votes cast for US Representative OR registered voters totaling 3% of the number votes cast in that election.
INCORPORATION ELECTIONS	59,60	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
	61	Defines qualified voter as a person who has the qualifications under AS 15.60.010	Not addressed.