

SB

36

Alaska State Legislature

SENATOR
GENE THERRIAULT

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Senate

While in session
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Juneau, Alaska
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SENATE DISTRICT F

Senate Bill 36

Sponsor Statement

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

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

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

24-LS0123VG
Bullock
1/27/05

CS FOR SENATE BILL NO. 36(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR THERRIAULT

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to applications requesting the delivery of absentee ballots."

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

3 * **Section 1.** AS 15.20.081(b) is amended to read:

4 (b) An application requesting delivery of an absentee ballot to the applicant by
5 mail must be either hand-delivered or mailed directly to the division of elections
6 by the applicant or by a person that is acting at the applicant's direction and that
7 is not a political group or political party. The application must be received by the
8 division of elections not less than 10 [SEVEN] days before the election for which the
9 absentee ballot is sought. A political group or political party may not encourage
10 or assist in a violation of this subsection. An application for an absentee ballot for a
11 state election from a qualified voter requesting delivery of an absentee ballot to the
12 applicant by electronic transmission must be received by the division of elections not
13 later than 5:00 p.m. Alaska time on the day before the election for which the absentee
14 ballot is sought. An absentee ballot application submitted by mail under this section
15 must permit the person to register to vote under AS 15.07.070 and to request an

1 absentee ballot for each state election held within that calendar year for which the
2 voter is eligible to vote. An absentee ballot application submitted by electronic
3 transmission under this section may not include a provision that permits a person to
4 register to vote under AS 15.07.070.

5 * Sec. 2. AS 15.20.081 is amended by adding a new subsection to read:

6 (j) The director shall adopt regulations under AS 44.62 (Administrative
7 Procedure Act) specifying the information required to be included on an absentee
8 ballot application submitted by mail or hand-delivered. The regulations must require
9 that an application requesting delivery of an absentee ballot

10 (1) contain only that information required under regulations adopted
11 by the director;

12 (2) conceal the personal information of the individual requesting
13 delivery of an absentee ballot while the application is in the custody of the United
14 States Postal Service or other person delivering the application to the division; and

15 (3) if not prepared by the division, be approved by the director before
16 distribution to the public.

17 * Sec. 3. AS 15.56.030(a) is amended to read:

18 (a) A person commits the crime of unlawful interference with voting in the
19 first degree if the person

20 (1) uses, threatens to use, or causes to be used force, coercion,
21 violence, or restraint, or inflicts, threatens to inflict, or causes to be inflicted damage,
22 harm, or loss, upon or against another person to induce or compel that person to vote
23 or refrain from voting in an election;

24 (2) knowingly pays, offers to pay, or causes to be paid money or other
25 valuable thing to a person to vote or refrain from voting in an election; [OR]

26 (3) solicits, accepts, or agrees to accept money or other valuable thing
27 with the intent to vote for or refrain from voting for a candidate at an election or for an
28 election proposition or question; or

29 (4) is a political group or political party, encourages or assists in a
30 violation of AS 15.20.081(b), and has been previously convicted for unlawful
31 interference with voting in the second degree under AS 15.56.035(a)(5).

1 * Sec. 4. AS 15.56.035(a) is amended to read:

2 (a) A person commits the crime of unlawful interference with voting in the
3 second degree if the person

4 (1) has an official ballot in possession outside of the voting room
5 unless the person is an election official or other person authorized by law or local
6 ordinance, or by the director or chief municipal elections official in a local election;

7 (2) makes, or knowingly has in possession, a counterfeit of an official
8 election ballot;

9 (3) knowingly solicits or encourages, directly or indirectly, a registered
10 voter who is no longer qualified to vote under AS 15.05.010, to vote in an election;
11 [OR]

12 (4) as a registration official

13 (A) knowingly refuses to register a person who is entitled to
14 register under AS 15.07.030; or

15 (B) accepts a fee from an applicant applying for registration; or

16 (5) is a political group or political party and encourages or assists
17 in a violation of AS 15.20.081(b).

ALASKA STATE LEGISLATURE

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Senate
Senate District F

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Urgent For Review Please Comment Please Reply Please Recycle

•Comments:

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FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

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

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

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual	0.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

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

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