

**SB**

**76**

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

**SB 76**

*"An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration and voter registration records, voter registration through a power of attorney, voter registration using scanned documents, voter residence, precinct boundary and polling place designation and modification, recognized political parties, voters unaffiliated with a political party, early voting, absentee voting, application for absentee ballots through power of attorney, or by scanned documents, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, initiative, referendum and recall, and definitions in the Alaska Election Code; relating to incorporation elections; and providing for an effective date"*

In 2004 the Division of Elections brought a similar bill before the Legislature. House Bill 523 was heavily scrutinized by House State Affairs and underwent constant redrafting before CSHB 523 (STA) was passed from Committee at the end of Session.

The bill before you is very similar to the bill that passed from the House State Affairs Committee last year.

A thorough sectional analysis is provided which includes highlighted changes from CSHB 523 (STA) that have been incorporated into SB 76.

The Division of Elections asks for your support of Senate Bill 76.

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**  
**Senate Bill 76**

*“An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration and voter registration records, voter registration through a power of attorney, voter registration using scanned documents, voter residence, precinct boundary and polling place designation and modification, recognized political parties, voters unaffiliated with a political party, early voting, absentee voting, application for absentee ballots through power of attorney, or by scanned documents, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, initiative, referendum and recall, and definitions in the Alaska Election Code; relating to incorporation elections; and providing for an effective date.”*

**Section One – 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 Two – MANNER OF REGISTRATION**

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

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

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**  
**Senate Bill 76**

*“An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration and voter registration records, voter registration through a power of attorney, voter registration using scanned documents, voter residence, precinct boundary and polling place designation and modification, recognized political parties, voters unaffiliated with a political party, early voting, absentee voting, application for absentee ballots through power of attorney, or by scanned documents, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, initiative, referendum and recall, and definitions in the Alaska Election Code; relating to incorporation elections; and providing for an effective date.”*

**Section One – 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 Two – MANNER OF REGISTRATION**

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

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

### **Section Three – 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.

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.

In 2004, changes by H STA to then HB 523 were “drafting- related” and added the words “applicants,” “statement” and replaced “attestation” with “oath.” Those changes were included in SB 76.

### **Section Four – 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 allow the individual to register on behalf of the voter.

### **Section Five – PREPARATION OF MASTER REGISTER**

H STA incorporated a change suggested by Legislative Legal drafter to then HB 523 to ensure protection of voter information of those victims of domestic violence in accordance with changes made to following section. That language is included here in SB 76.

### **Section Six - PRECINCT BOUNDARY CHANGES**

Changes language that currently requires the Division to publish notice of precinct boundary changes in a newspaper PUBLISHED IN the house district to one that is AVAILABLE IN the house district. If there is no such newspaper, the notice must be posted in A conspicuous place in the precinct. Current law requires posting in three places, which proves excessive in most communities without a newspaper.

ADDS that all boundary changes will be posted on the Division's website (proposed in this legislation) and appropriate municipal clerks will be notified of a precinct boundary change.

## **Section Seven – 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.

In 2004, this was added by H STA to HB 523, and is included in SB 76.

## **Section Eight - 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 to the election board.

In 2004, H STA changed the word "*assure*" to "**ensure**" in HB 523, and the change is included in SB 76.

## **Section Nine – 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.

## **Section Ten – 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** United States citizen who is 18 years of age or older. Rural Alaskans and those who travel to remote locations believe that the requirement for two witnesses creates an undue hardship.

## **Section Eleven – 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.

## **Section Twelve – ABSENTEE VOTING BY MAIL/ ELECTRONIC TRANSMISSION**

Reduces the number of witnesses required to sign the oath accompanying a voter's absentee ballot by mail or by electronic transmission *from two to one* United States citizen who is 18 years of age or older. Once again, the request to reduce the witnesses required came from rural Alaskans and those who travel to remote locations.

## **Section Thirteen – ABSENTEE VOTING BY MAIL/ ELECTRONIC TRANSMISSION**

Defines more accurately "overseas voter." (Qualifying under **AS 15.05.011**) Previous language described military APO or FPO addresses, which was too limiting.

## **Section Fourteen – "BY MAIL" VOTING**

Adds that when the Director mails absentee ballots, 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 Fifteen – STANDARDS FOR VOTING MACHINES**

Adds a new section to Title 15 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 the system.

## **Section Sixteen – QUALIFICATIONS FOR INDEPENDENT CANDIDATES FOR PRESIDENT/VICE PRESIDENT/SELECTION OF ELECTORS**

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

In 2004, H STA added to the HB 523 that 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, who must be an Alaskan resident. This requirement exists **ONLY** for Independent candidates.

This language is incorporated into SB 76.

## **Section Seventeen – 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 Eighteen – 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 Nineteen – PETITIONS /FORM OF APPLICATION**

Adds the requirement for the printed name and date of birth to be included when signing an application for petition. As the date of birth is now required on voter registration applications, it becomes another "identifier" to assist the Division in qualifying the voter's signature. 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.

## **Section Twenty – 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 date of birth.

## **Section Twenty-One – PETITIONS/PREPARATION OF PETITION**

Adds the requirement for the printed name and date of birth to be included when signing a petition. As the date of birth is now required on voter registration applications, it becomes another "identifier" to assist the Division in qualifying the voter's signature.

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 recent Hinterberger case.



### **Section Twenty-One – PETITIONS/PREPARATION OF PETITION (continued)**

In 2004, H STA made stylistic changes to HB 523, but also removed language that clarified "if the application is certified" and that the Lieutenant Governor shall prescribe the form of the petition. This language is incorporated into SB 76.

### **Section Twenty-Two – 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 Twenty-Three – PETITIONS/WITHDRAWING NAME FROM PETITION**

Adds the requirement for the printed name and date of birth to be included when signing an application for petition.

### **Section Twenty-Four – 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.

### **Section Twenty-Five - PETITIONS/DISPLAY OF PROPOSED LAW**

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

### **Section Twenty-Six – REFERENDUM/FORM OF APPLICATION**

Adds the requirement for the printed name and date of birth to be included when signing an application for referendum. Additionally, the three sponsors designated, as the committee representing the sponsors must provide their name, mailing address and signatures.

### **Section Twenty-Seven – REFERENDUM/DESIGNATION OF SPONSORS**

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

### **Section Twenty-Eight – REFERENDUM/ PREPARATION OF PETITION**

Adds the requirement for the statement of rejection or approval, the signer's printed name and date of birth be included on a petition for referendum. 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 Twenty-Nine – 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 Thirty – REFERENDUM/CIRCULATION**

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

### **Section Thirty-One – REFERENDUM/MANNER OF SIGNING AND WITHDRAWING NAME FROM PETITION**

Adds the requirement for the printed name and date of birth to be included when signing an application for petition.

### **Section Thirty-Two – 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 petition are required to sign an affidavit that they meet residency, age, and citizenship qualifications for circulating a petition.

### **Section Thirty-Three – REFERENDUM/DISPLAY OF ACT BEING REFERRED**

Reduces the copies of the act being referred that are distributed to each of the 39 election boards for distribution and posting at a polling place.

### **Section Thirty-Four – RECALL/FORM OF APPLICATION**

Adds the requirement for the printed name and date of birth to be included when signing an application for recall. Removes requirement for additional 100 signatures of qualified voters. The current statute was unclear as to whether the 100 who signed were required to have voted in the preceding general election of the official sought to be recalled. Additionally, the three sponsors designated as the committee representing the sponsors, must provide their name, mailing address and signatures.

### **Section Thirty-Five – 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.

### **Section Thirty-Six – RECALL/PREPARATION OF PETITION**

Adds the requirement for the printed name and date of birth to be included when signing the recall petition. 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 Thirty-Seven – 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 would mirror language in the initiative and referendum sections.

### **Section Thirty-Eight – 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 Thirty-Nine – RECALL/CIRCULATION**

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

**Section Forty – RECALL/MANNER OF SIGNING AND WITHDRAWING NAME FROM PETITION**

Adds the requirement for the printed name and date of birth to be included when signing a recall petition.

**Section Forty-One – RECALL/CERTIFICATION OF CIRCULATORS**

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

**Section Forty-Two – 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 distributed to each of the election boards for distribution and posting at each polling place.

**Section Forty-Three - VOTERS UNAFFILIATED WITH POLITICAL PARTIES**

Proposes to set out the definitions of voters unaffiliated with political parties to reflect the Division's previous policy.

**Section Forty-Four - RECOGNIZED POLITICAL PARTY STATUS**

Adds a new section regarding recognized political party status.  
(Please see next page)

### **Section Forty-Four - RECOGNIZED POLITICAL PARTY STATUS (continued)**

Political groups may be recognized as a party if, on or before May 31 of the first 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 describes the process for notification when a political group obtains political party status. Likewise provides the notification process to recognized political parties that have lost their 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 results.

### **Section Forty-Five - DEFINITION OF "REREGISTRATION" and "STATEWIDE OFFICE"**

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)

Statewide office is defined as the office of Governor, Lieutenant Governor, United States Senator, or United States Representative.

### **Section Forty-Six - 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 Forty-Seven - 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 Forty-Eight - 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 Forty-Nine**

Repeals section requiring written notice of any precinct boundary modifications and

Repeals AS 15.20.048 as it includes duplicative language requiring the Director supply ballots to elections supervisors for all districts. Changes suggested in Section 14 of HB 94 allows the Director to designate locations for absentee voting, and office of election supervisors will be designated as such.

### **Section Fifty - APPLICABILITY**

Provides that changes made by Sections 19 through 42 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 Fifty-One - 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.

### **Section Fifty-Two - IMMEDIATE EFFECTIVE DATE**

# FISCAL NOTE

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

Fiscal Note Number: 1  
 Bill Version: SB 76  
 (S) Publish Date: 1/21/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: OOG  
 Title: "An Act relating to qualifications of voters, requirements and procedures regarding independent..." RDU: Elections  
 Component: Elections  
 Spncsor: Rules Committee  
 Requester: Governor 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						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

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

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 will have no fiscal impact on the Division of Elections

Prepared by: Lauri Allred, Administrative Assistant Supervisor Phone: 465-5347  
 Division: Division of Elections Date/Time: 1/18/05 11:46 AM  
 Approved by: Laura A. Glaiser, Director Date: 1/18/2005  
 Agency: Division of Elections