

HB

178

<TARGET><BILL>HB 178</BILL><SUBJECT>HB
178</SUBJECT><COMM>HCRA27</COMM></TARGET>

27-LS0304\X
Bullard
3/18/11

CS FOR HOUSE BILL NO. 178()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES THOMAS, Feige, Tuck

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to election practices and procedures; and providing for an effective**
2 **date."**

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

4 *** Section 1.** AS 15.05.011 is amended by adding a new subsection to read:

5 (e) Notwithstanding (b)(1) of this section, a person residing outside the United
6 States may register and vote absentee if

7 (1) the parent or legal guardian of the person was domiciled in the state
8 immediately before leaving the United States;

9 (2) the director determines that the person meets the requirements of
10 (b)(2) - (5) of this section.

11 *** Sec. 2.** AS 15.20.030 is amended to read:

12 **Sec. 15.20.030. Preparation of ballots, envelopes, and other material.** The
13 director shall provide ballots for use as absentee ballots in all districts. The director
14 shall provide a secrecy sleeve in which the voter shall initially place the marked ballot,

1 and shall provide an envelope with the prescribed voter's certificate on it, in which the
2 secrecy sleeve with ballot enclosed shall be placed. The director shall prescribe the
3 form of and prepare the voter's certificate, envelopes, and other material used in
4 absentee voting. The voter's certificate shall include a declaration, for use when
5 required, that the voter is a qualified voter in all respects, a blank for the voter's
6 signature, [A CERTIFICATION THAT THE AFFIANT PROPERLY EXECUTED
7 THE MARKING OF THE BALLOT AND GAVE THE VOTER'S IDENTITY,
8 BLANKS FOR THE ATTESTING OFFICIAL OR WITNESS], and a place for
9 recording the date the envelope was sealed [AND WITNESSED]. The envelope with
10 the voter's certificate must include a notice that a false statement [STATEMENTS]
11 made by the voter [OR BY THE ATTESTING OFFICIAL OR WITNESS] on the
12 certificate is [ARE] punishable by law.

13 * **Sec. 3.** AS 15.20.045 is amended by adding a new subsection to read:

14 (c) In a municipality in which the division will not be operating an absentee
15 voting station, the director may designate the municipal clerk as an absentee voting
16 official for the limited purpose of distributing absentee ballots to qualified voters
17 under AS 15.20.061(a)(1) and qualified voters' representatives under AS 15.20.072. At
18 least 15 days before the election, the director shall supply municipal clerks designated
19 under this subsection with absentee ballots.

20 * **Sec. 4.** AS 15.20.061(a) is amended to read:

21 (a) A qualified voter may apply in person for an absentee ballot to the
22 following election officials at the times specified:

23 (1) to an absentee voting official on or after the 15th day before an
24 election up to and including the date of the election;

25 (2) to an election supervisor on or after the 22nd [15TH] day before an
26 election up to and including the date of the election;

27 (3) to an absentee voting official at an absentee voting station
28 designated under AS 15.20.045(b) on or after the 15th day before an election up to and
29 including the date of the election;

30 (4) to an absentee voting official in the precinct in which no volunteers
31 can be located to serve on the election board on or after the 15th day before an election

1 up to and including election day.

2 * **Sec. 5.** AS 15.20.061(c) is amended to read:

3 (c) On receipt of an absentee ballot in person, the voter shall proceed to mark
4 the ballot in secret, to place the ballot in the secrecy sleeve, to place the secrecy sleeve
5 in the envelope provided, and to sign the voter's certificate on the envelope [IN THE
6 PRESENCE OF THE ELECTION OFFICIAL WHO SHALL SIGN AS ATTESTING
7 OFFICIAL AND DATE THAT SIGNATURE]. The election official shall then accept
8 the ballot.

9 * **Sec. 6.** AS 15.20.064(a) is amended to read:

10 (a) For 22 [15] days before an election and on election day, a qualified voter
11 who meets the requirements set out in this section may vote in locations designated by
12 the director.

13 * **Sec. 7.** AS 15.20.066 is amended to read:

14 **Sec. 15.20.066. Absentee voting by electronic transmission.** (a) The director
15 shall adopt regulations applicable to the delivery of absentee ballots by facsimile,
16 electronic mail, and other methods of electronic transmission approved by the
17 director and identified in regulation in a state election and to the use of electronic
18 transmission absentee voting in a state election by qualified voters. The regulations
19 must

20 (1) require the voter to comply with the same time deadlines as for
21 voting in person on or before the closing hour of the polls;

22 (2) ensure the accuracy and, to the greatest degree possible, the
23 integrity and secrecy of the ballot process.

24 (b) An absentee ballot that is completed and returned by the voter by
25 electronic transmission must

26 [(1)] contain the following statement: "I understand that, by using
27 electronic transmission to return my marked ballot, I am voluntarily waiving a portion
28 of my right to a secret ballot to the extent necessary to process my ballot, but expect
29 that my vote will be held as confidential as possible," followed by the voter's signature
30 and date of signature [; AND

31 (2) BE ACCOMPANIED BY A STATEMENT EXECUTED UNDER

1 OATH AS TO THE VOTER'S IDENTITY; THE STATEMENT UNDER OATH
2 MUST BE WITNESSED BY

3 (A) A COMMISSIONED OR NONCOMMISSIONED
4 OFFICER OF THE ARMED FORCES OF THE UNITED STATES;

5 (B) AN OFFICIAL AUTHORIZED BY FEDERAL LAW OR
6 THE LAW OF THE STATE IN WHICH THE ABSENTEE BALLOT IS
7 CAST TO ADMINISTER AN OATH; OR

8 (C) AN INDIVIDUAL WHO IS 18 YEARS OF AGE OR
9 OLDER].

10 * **Sec. 8.** AS 15.20.072(d) is amended to read:

11 (d) The representative shall deliver the special needs ballot and other voting
12 materials to the voter as soon as practicable. The voter shall mark the ballot in secret,
13 place the ballot in the secrecy sleeve, and place the secrecy sleeve in the envelope
14 provided. The voter shall provide the information on the envelope that would be
15 required for absentee voting if the voter voted in person. The voter shall sign the
16 voter's certificate [IN THE PRESENCE OF THE REPRESENTATIVE. THE
17 REPRESENTATIVE SHALL SIGN AS ATTESTING OFFICIAL] and date the
18 voter's signature.

19 * **Sec. 9.** AS 15.20.081(a) is amended to read:

20 (a) A qualified voter may apply in person, by mail, or by facsimile, scanning,
21 or other electronic transmission to the director for an absentee ballot under this
22 section. Another individual may apply for an absentee ballot on behalf of a qualified
23 voter if that individual is designated to act on behalf of the voter in a written general
24 power of attorney or a written special power of attorney that authorizes the other
25 individual to apply for an absentee ballot on behalf of the voter. The application must
26 include the address or, if the application requests delivery of an absentee ballot by
27 electronic transmission, the telephone electronic transmission number, to which the
28 absentee ballot is to be returned, the applicant's full Alaska residence address, and the
29 applicant's signature. However, a person residing outside the United States and
30 applying to vote absentee in federal elections in accordance with AS 15.05.011 need
31 not include an Alaska residence address in the application. A person may supply to a

1 voter an absentee ballot application form with a political party or group affiliation
2 indicated only if the voter is already registered as affiliated with the political party or
3 group indicated. Only the voter or the individual designated by the voter in a written
4 power of attorney under this subsection may mark the voter's choice of primary ballot
5 on an application. A person supplying an absentee ballot application form may not
6 design or mark the application in a manner that suggests choice of one ballot over
7 another, except that ballot choices may be listed on an application as authorized by the
8 division. The application must be made on a form prescribed or approved by the
9 director. The voter or registration official shall submit the application directly to the
10 division of elections. For purposes of this subsection, "directly to the division of
11 elections" means that an application may not be submitted to any intermediary that
12 could control or delay the submission of the application to the division or gather data
13 on the applicant from the application form. However, nothing in this subsection is
14 intended to prohibit a voter from giving a completed absentee ballot application to a
15 friend, relative, or associate for transfer to a foreign postal service, the United States
16 Postal Service, or a private commercial delivery service for delivery to the division.

17 * **Sec. 10.** AS 15.20.081(d) is amended to read:

18 (d) Upon receipt of an absentee ballot by mail, the voter [, IN THE
19 PRESENCE OF A NOTARY PUBLIC, COMMISSIONED OFFICER OF THE
20 ARMED FORCES INCLUDING THE NATIONAL GUARD, DISTRICT JUDGE
21 OR MAGISTRATE, UNITED STATES POSTAL OFFICIAL, REGISTRATION
22 OFFICIAL, OR OTHER PERSON QUALIFIED TO ADMINISTER OATHS,] may
23 proceed to mark the ballot in secret, to place the ballot in the secrecy sleeve, to place
24 the secrecy sleeve in the envelope provided, and to sign and date the voter's
25 certificate on the envelope. In [IN THE PRESENCE OF AN OFFICIAL LISTED IN
26 THIS SUBSECTION WHO SHALL SIGN AS ATTESTING OFFICIAL AND
27 SHALL DATE THE SIGNATURE. IF NONE OF THE OFFICIALS LISTED IN
28 THIS SUBSECTION IS REASONABLY ACCESSIBLE, AN ABSENTEE VOTER
29 SHALL SIGN THE VOTER'S CERTIFICATE IN THE PRESENCE OF AN
30 INDIVIDUAL WHO IS 18 YEARS OF AGE OR OLDER, WHO SHALL SIGN AS
31 A WITNESS AND ATTEST TO THE DATE ON WHICH THE VOTER SIGNED

1 THE CERTIFICATE IN THE INDIVIDUAL'S PRESENCE, AND, IN] addition, the
2 voter shall certify, as prescribed in AS 09.63.020, under penalty of perjury, that the
3 statements in the voter's certification are true.

4 * **Sec. 11.** AS 15.20.081(e) is amended to read:

5 (e) An absentee ballot must be marked on or before the date of the election. A
6 [EXCEPT AS PROVIDED IN (h) OF THIS SECTION, A] voter who returns the
7 absentee ballot by mail, whether provided to the voter by mail or by electronic
8 transmission, shall use a mail service at least equal to first class and mail the ballot not
9 later than the day of the election to the election supervisor for the house district in
10 which the voter seeks to vote. Except as provided in AS 15.20.480, the ballot may not
11 be counted unless it is received by the close of business on the 10th day after the
12 election. If the ballot is postmarked, it must be postmarked on or before election day.
13 After the day of the election, ballots may not be accepted unless received by mail.

14 * **Sec. 12.** AS 15.20.203(b) is amended to read:

15 (b) An absentee ballot may not be counted if

16 (1) the voter has failed to properly execute the certificate;

17 (2) [AN OFFICIAL OR THE WITNESSES AUTHORIZED BY LAW
18 TO ATTEST THE VOTER'S CERTIFICATE FAIL TO EXECUTE THE
19 CERTIFICATE, EXCEPT THAT AN ABSENTEE BALLOT CAST IN PERSON
20 AND ACCEPTED BY AN ABSENTEE VOTING OFFICIAL OR ELECTION
21 SUPERVISOR MAY BE COUNTED DESPITE FAILURE OF THE ABSENTEE
22 VOTING OFFICIAL OR ELECTION SUPERVISOR TO PROPERLY SIGN AND
23 DATE THE VOTER'S CERTIFICATE AS ATTESTING OFFICIAL AS REQUIRED
24 UNDER AS 15.20.061(c);

25 (3)] the ballot is not attested on or before the date of the election;

26 (3) [(4)] the ballot, if postmarked, is not postmarked on or before the
27 date of the election;

28 (4) [(5)] after the day of election, the ballot was delivered by a means
29 other than mail; or

30 (5) [(6)] the voter voted

31 (A) in person and is a

1 (i) first-time voter who initially registered by mail or by
2 facsimile or other electronic transmission approved by the director
3 under AS 15.07.050, has not provided the identification required by
4 AS 15.15.225(a), was not eligible for waiver of the identification
5 requirement under AS 15.15.225(b), and has not provided the
6 identifiers required in AS 15.07.060(a)(2) and (3) that can be verified
7 through state agency records described in AS 15.07.055(e); or

8 (ii) voter other than one described in (i) of this
9 subparagraph, did not provide identification described in
10 AS 15.15.225(a), was not personally known by the election official,
11 and has not provided the identifiers required in AS 15.07.060(a)(2) and
12 (3); or

13 (B) by mail or electronic transmission, is a first-time voter who
14 initially registered by mail or by facsimile or other electronic transmission
15 approved by the director under AS 15.07.050 to vote, has not met the
16 identification requirements set out in AS 15.07.060, and does not submit with
17 the ballot a copy of a

18 (i) driver's license, state identification card, current and
19 valid photo identification, birth certificate, passport, or hunting or
20 fishing license; or

21 (ii) current utility bill, bank statement, paycheck,
22 government check, or other government document; an item described
23 in this sub-subparagraph must show the name and current address of
24 the voter.

25 * **Sec. 13.** AS 15.20.220(b) is amended to read:

26 (b) The state review board shall review and count absentee ballots under
27 AS 15.20.081(e) [AND (h)] and questioned ballots that have been forwarded to the
28 director and that have not been reviewed or counted by a district counting board.

29 * **Sec. 14.** AS 15.25.020 is amended to read:

30 **Sec. 15.25.020. Date of primary.** The primary election is held on the **second**
31 [FOURTH] Tuesday in August of every even-numbered year.

1 * **Sec. 15.** AS 15.25.055 is amended to read:

2 **Sec. 15.25.055. Removal of name from primary ballot.** A candidate's name
3 must appear on the primary election ballot unless notice of the withdrawal from the
4 primary is received by the director at least 52 [48] days before the date of the primary
5 election.

6 * **Sec. 16.** AS 15.25.056(a) is amended to read:

7 (a) If an unopposed incumbent candidate for renomination dies, becomes
8 disqualified from holding the office the candidate is seeking, or is certified as being
9 incapacitated between June 1 of the election year and that date which is more than 54
10 [50] days before the date of the primary election, the candidate's place on the ballot
11 may be filled by party petition. The petition shall state that the political party requests
12 the name of the proposed candidate replace that of the incumbent on the primary
13 election ballot and shall be accompanied by a declaration of candidacy from the
14 person named in the petition. The petition must be received by the director no later
15 than 14 days after the death, disqualification, or certification of incapacity of the
16 incumbent or 52 [48] days before the primary election date, whichever time is earlier.

17 * **Sec. 17.** AS 15.25.056(c) is amended to read:

18 (c) The death, disqualification, or certification of incapacity of the incumbent
19 within 52 [48] days before or on the primary election date does not affect the counting
20 and review of the ballots. If the result of the counting and review discloses that the
21 candidate, if the candidate had lived, would have been nominated, the candidate shall
22 be declared nominated. The vacancy may be filled by party petition as provided in
23 AS 15.25.110 - 15.25.130.

24 * **Sec. 18.** AS 15.25.110 is amended to read:

25 **Sec. 15.25.110. Filling vacancies by party petition.** If a candidate of a
26 political party nominated at the primary election dies, withdraws, resigns, becomes
27 disqualified from holding the office for which the candidate is nominated, or is
28 certified as being incapacitated in the manner prescribed by this section after the
29 primary election and 64 [48] days or more before the general election, the vacancy
30 may be filled by party petition. The central committee of any political party or any
31 party district committee may certify as being incapacitated any candidate nominated

1 by their respective party by presenting to the director a sworn statement made by a
2 panel of three licensed physicians, not more than two of whom may be of the same
3 political party, that the candidate is physically or mentally incapacitated to an extent
4 that would in the panel's judgment prevent the candidate from active service during
5 the term of office if elected. The director shall place the name of the person nominated
6 by party petition on the general election ballot. The name of a candidate disqualified
7 under this section may not appear on the general election ballot.

8 * **Sec. 19.** AS 15.25.120 is amended to read:

9 **Sec. 15.25.120. Requirements for party petition.** Party petitions for the
10 nomination of candidates shall state in substance that the political party desires and
11 intends to support the named candidate for the named office and requests that the
12 name of the proposed candidate be placed on the general election ballot. The petition
13 may be filed no later than 64 [48] days before the date of the general election.

14 * **Sec. 20.** AS 15.25.200 is amended to read:

15 **Sec. 15.25.200. Withdrawal of candidate's name.** If a candidate nominated
16 by petition dies or withdraws after the petition has been filed and 64 [48] days or more
17 before the general election, the director may not place the name of the candidate on
18 the general election ballot.

19 * **Sec. 21.** AS 15.35.135(b) is amended to read:

20 (b) The name of a candidate for retention for supreme court justice, judge of
21 the court of appeals, superior court judge, or district court judge must appear on the
22 general election ballot unless notice under (a) of this section of withdrawal of
23 candidacy is received by the director at least 64 [48] days before the date of the
24 general election.

25 * **Sec. 22.** AS 29.20.380 is amended by adding a new subsection to read:

26 (c) The municipal clerk may act as an absentee voting official under
27 AS 15.20.045(c) for the limited purpose of distributing absentee ballots to qualified
28 voters or qualified voters' representatives under AS 15.20.072 in a municipality in
29 which the division of elections will not be operating an absentee voting station.

30 * **Sec. 23.** AS 15.20.081(h), 15.20.081(i), and 15.20.160 are repealed.

31 * **Sec. 24.** This Act takes effect January 1, 2012.



REPRESENTATIVE BILL THOMAS

ALASKA STATE LEGISLATURE DISTRICT 5

e-mail: Representative.Bill.Thomas@legis.state.ak.us

webpage: www.akrepublicans.org/thomas/

State Capitol

Juneau AK, 99801-1182

907-465-3732

888-461-3732

FAX 907-465-2652

SECTIONAL ANALYSIS CSHB 178 X

Election Practices and Procedures

SECTION 1

Adds, under "Qualifications for overseas voters", a child whose parents lived in Alaska and comes of voting age overseas, will be granted the opportunity to register to vote absentee for a federal election in the state of Alaska.

SECTION 2,5,7,8,9, 10 & 12

Removes the witnessing requirement for absentee ballots.

SECTION 3

Adds the designation of a municipal clerk as an absentee voting official.

SECTION 4 & 6.

Adds that absentee ballots are available in regional offices 22 days before the election.

SECTION 7.

Adds email as a form of electronic transmission for delivery of ballots and information.

{EMAILING OF VOTED BALLOT REMOVED}

SECTION 11 & 13.

Removes language referencing the receipt of a ballot 15 days post election as if a provision of this bill is to change this to 10 days.

SECTION 14.

Moves primary by two weeks, from the fourth, to the second Tuesday in August.

SECTION 15.

Changes the time frame from 48 to 52 days for the withdrawal of a candidate's name from the primary ballot.

SECTION 16 ,17 ,18,19, & 20 ,

Changes the timeframes for replacement of candidate by party petition.

SECTION 21.

Changes the date of name withdrawal of judges to 64 days before the general election.

SECTION 22.

Adds that municipal clerk may serve as an absentee voting official for the purposes of distributing absentee ballots.

SECTION 23.

Repeals the provision that the absentee ballot application is valid for the next two general elections (15.20.081(i)).

Repeals the allowance for Military and Overseas absentee ballots to be received 15 days post Election Day (15.20.081(h)).

Repeals the provision pertaining to the conduct of a witness (15.20.160).

SECTION 24.

Establishes the effective date of January 1, 2012.

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE MUÑOZ

TO: CSHB 178(), Draft Version "X"

1 Page 1, line 11, through page 2, line 12:

2 Delete all material.

3

4 Renumber the following bill sections accordingly.

5

6 Page 3, lines 2 - 8:

7 Delete all material.

8

9 Renumber the following bill sections accordingly.

10

11 Page 3, line 13:

12 Delete "AS 15.20.066"

13 Insert "AS 15.20.066(a)"

14

15 Page 3, line 14:

16 Delete "**Sec. 15.20.066. Absentee voting by electronic transmission.**"

17

18 Page 3, line 24, through page 4, line 18:

19 Delete all material.

20

21 Renumber the following bill sections accordingly.

22

23 Page 5, line 17, through page 6, line 3:

1 Delete all material.

2

3 Renumber the following bill sections accordingly.

4

5 Page 6, line 14, through page 7, line 24:

6 Delete all material.

7

8 Renumber the following bill sections accordingly.

9

10 Page 9, line 30:

11 Delete ", 15.20.081(i), and 15.20.160"

12 Insert "and 15.20.081(i)"



REPRESENTATIVE BILL THOMAS

ALASKA STATE LEGISLATURE DISTRICT 5

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MEMORANDUM

Date: 3-07-11

To: Representative Cathy Munoz, House Community and Regional Affairs Committee, Chair

From: Representative Bill Thomas

Re: HB 178

I respectfully request the House Community and Regional Affairs Committee hear HB 178 at its earliest convenience.

HB 178 expands absentee voting provisions to provide greater access for our military and overseas voters as well as our regular absentee voters.

If you have any questions about this bill please feel free to contact Cecile Elliott, in my office, at 465-3732.

Witness List for HB178 "Election Practices and Procedures"

Gail Fenumiai, Director Division of Elections

465-4611

MARK B. SAN SOUCI

Regional Liaison Northwest (WA, AK, ID, OR) Defense State Liaison Office Office of the Deputy Assistant
Secretary of Defense DUSD (Military Community and Family Policy)

253-273-2214

Paddy McGuire

Federal Voting Assistance Program

Department of Defense

Alaska State House of Representatives

Interim:

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Session:

State Capitol, Room 505
Juneau, AK 99801-1182
Phone: (907) 465-3732
Fax: (907) 465-2652

Sponsor Statement from:

Representative Bill Thomas R - District 5

RELEASED: March 8, 2011, v27_LS0304-I

CONTACT: Cecile Elliott, 465-3732

HB178 - Election Procedures

"An Act relating to election practices and procedures; and providing for an effective date."

Status: PREFILE RELEASED >> (H) CRA : 2011-03-07

In 2009 Congress passed the MOVE Act which outlines procedures that make it easier for overseas military and civilians to use our electoral system. Overseas military personnel and civilians represent 61,000 of Alaska's eligible voters. These voters face a myriad of challenges when pursuing their fundamental right to vote. Additionally, those who live in remote areas of the state experience similar challenges. In 2010 approximately 41,000 voters voted absentee in Alaska. HB 178 increases the accessibility of our electoral system for these voters by expanding absentee voting.

HB 178:

- Moves the primary back 2 weeks, allowing for more time for voters to receive information. One of the greatest concerns for military and overseas voters is the amount of time to receive and return their ballot. (This assists the Department in accommodating the 45 day requirement established under MOVE)
- Removes witnessing requirements alleviating the burden of our military voters from finding a witness when stationed remotely. (MOVE requirement)
- Establishes "email" in statute as a form of electronic transmission allowing for ballots and information to be distributed via email. This is another provision that addresses the challenges of the voter to get the ballot in a timely manner and returned.
- Changes the deadline for overseas voters to 10 days aligning it with the 10 day deadline for domestic absentee ballots. It also allows more time for the department to finalize ballots and send them out to our military and overseas voters. (Further assisting the accommodation of the 45 day MOVE ballot distribution time for military and overseas voters).
- Provides for the city clerk to administer absentee ballots. This further expands access options for our rural and remote voters to receive and return their absentee ballot.

These outlined changes align our state statutes with MOVE as well as improve voter access within our

own state. All voters deserve, and are required to have, equal access to our electoral system. HB 178 accomplishes this by bringing our statues in line with federal law and greatly improving access and ease to our absentee voting system.

I urge your support of HB 178.

###

House Majority Press: <http://housemajority.org/spon.php?id=27HB178>

27-LS0304\E
Bullard
3/11/11

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IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

Offered:
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Sponsor(s): REPRESENTATIVES THOMAS, Feige, Tuck

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5 (e) Notwithstanding (b)(1) of this section, a person residing outside the United
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11 *** Sec. 2.** AS 15.20.030 is amended to read:

12 **Sec. 15.20.030. Preparation of ballots, envelopes, and other material.** The
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5 required, that the voter is a qualified voter in all respects, a blank for the voter's
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22 following election officials at the times specified:

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24 election up to and including the date of the election;

25 (2) to an election supervisor on or after the 22nd [15TH] day before an
26 election up to and including the date of the election;

27 (3) to an absentee voting official at an absentee voting station
28 designated under AS 15.20.045(b) on or after the 15th day before an election up to and
29 including the date of the election;

30 (4) to an absentee voting official in the precinct in which no volunteers
31 can be located to serve on the election board on or after the 15th day before an election

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8 the ballot.

9 * **Sec. 6.** AS 15.20.064(a) is amended to read:

10 (a) For 22 [15] days before an election and on election day, a qualified voter
11 who meets the requirements set out in this section may vote in locations designated by
12 the director.

13 * **Sec. 7.** AS 15.20.066(b) is amended to read:

14 (b) An absentee ballot that is completed and returned by the voter by
15 electronic transmission must

16 [(1)] contain the following statement: "I understand that, by using
17 electronic transmission to return my marked ballot, I am voluntarily waiving a portion
18 of my right to a secret ballot to the extent necessary to process my ballot, but expect
19 that my vote will be held as confidential as possible," followed by the voter's signature
20 and date of signature [; AND

21 (2) BE ACCOMPANIED BY A STATEMENT EXECUTED UNDER
22 OATH AS TO THE VOTER'S IDENTITY; THE STATEMENT UNDER OATH
23 MUST BE WITNESSED BY

24 (A) A COMMISSIONED OR NONCOMMISSIONED
25 OFFICER OF THE ARMED FORCES OF THE UNITED STATES;

26 (B) AN OFFICIAL AUTHORIZED BY FEDERAL LAW OR
27 THE LAW OF THE STATE IN WHICH THE ABSENTEE BALLOT IS
28 CAST TO ADMINISTER AN OATH; OR

29 (C) AN INDIVIDUAL WHO IS 18 YEARS OF AGE OR
30 OLDER].

31 * **Sec. 8.** AS 15.20.066 is amended by adding a new subsection to read:

1 (c) In this section, "electronic transmission" means facsimile, electronic mail,
2 and other methods of electronic transmission approved by the director and identified
3 in regulation.

4 * **Sec. 9.** AS 15.20.072(d) is amended to read:

5 (d) The representative shall deliver the special needs ballot and other voting
6 materials to the voter as soon as practicable. The voter shall mark the ballot in secret,
7 place the ballot in the secrecy sleeve, and place the secrecy sleeve in the envelope
8 provided. The voter shall provide the information on the envelope that would be
9 required for absentee voting if the voter voted in person. The voter shall sign the
10 voter's certificate [IN THE PRESENCE OF THE REPRESENTATIVE. THE
11 REPRESENTATIVE SHALL SIGN AS ATTESTING OFFICIAL] and date the
12 voter's signature.

13 * **Sec. 10.** AS 15.20.081(a) is amended to read:

14 (a) A qualified voter may, if the voter is in the state, apply in person, or if
15 the voter is in the state or traveling or working outside the state, apply by mail, or
16 by facsimile, scanning, or other electronic transmission to the director for an absentee
17 ballot under this section. Another individual may apply for an absentee ballot on
18 behalf of a qualified voter if that individual is designated to act on behalf of the voter
19 in a written general power of attorney or a written special power of attorney that
20 authorizes the other individual to apply for an absentee ballot on behalf of the voter.
21 The application must include the address or, if the application requests delivery of an
22 absentee ballot by electronic transmission, the telephone electronic transmission
23 number or electronic mail address, to which the absentee ballot is to be returned, the
24 applicant's full Alaska residence address, and the applicant's signature. However, a
25 person residing outside the United States and applying to vote absentee in federal
26 elections in accordance with AS 15.05.011 need not include an Alaska residence
27 address in the application. A person may supply to a voter an absentee ballot
28 application form with a political party or group affiliation indicated only if the voter is
29 already registered as affiliated with the political party or group indicated. Only the
30 voter or the individual designated by the voter in a written power of attorney under
31 this subsection may mark the voter's choice of primary ballot on an application. A

1 person supplying an absentee ballot application form may not design or mark the
2 application in a manner that suggests choice of one ballot over another, except that
3 ballot choices may be listed on an application as authorized by the division. The
4 application must be made on a form prescribed or approved by the director. The voter
5 or registration official shall submit the application directly to the division of elections.
6 For purposes of this subsection, "directly to the division of elections" means that an
7 application may not be submitted to any intermediary that could control or delay the
8 submission of the application to the division or gather data on the applicant from the
9 application form. However, nothing in this subsection is intended to prohibit a voter
10 from giving a completed absentee ballot application to a friend, relative, or associate
11 for transfer to a foreign postal service, the United States Postal Service, or a private
12 commercial delivery service for delivery to the division.

13 * **Sec. 11.** AS 15.20.081(d) is amended to read:

14 (d) Upon receipt of an absentee ballot by mail, the voter [, IN THE
15 PRESENCE OF A NOTARY PUBLIC, COMMISSIONED OFFICER OF THE
16 ARMED FORCES INCLUDING THE NATIONAL GUARD, DISTRICT JUDGE
17 OR MAGISTRATE, UNITED STATES POSTAL OFFICIAL, REGISTRATION
18 OFFICIAL, OR OTHER PERSON QUALIFIED TO ADMINISTER OATHS,] may
19 proceed to mark the ballot in secret, to place the ballot in the secrecy sleeve, to place
20 the secrecy sleeve in the envelope provided, and to sign and date the voter's
21 certificate on the envelope. In [IN THE PRESENCE OF AN OFFICIAL LISTED IN
22 THIS SUBSECTION WHO SHALL SIGN AS ATTESTING OFFICIAL AND
23 SHALL DATE THE SIGNATURE. IF NONE OF THE OFFICIALS LISTED IN
24 THIS SUBSECTION IS REASONABLY ACCESSIBLE, AN ABSENTEE VOTER
25 SHALL SIGN THE VOTER'S CERTIFICATE IN THE PRESENCE OF AN
26 INDIVIDUAL WHO IS 18 YEARS OF AGE OR OLDER, WHO SHALL SIGN AS
27 A WITNESS AND ATTEST TO THE DATE ON WHICH THE VOTER SIGNED
28 THE CERTIFICATE IN THE INDIVIDUAL'S PRESENCE, AND, IN] addition, the
29 voter shall certify, as prescribed in AS 09.63.020, under penalty of perjury, that the
30 statements in the voter's certification are true.

31 * **Sec. 12.** AS 15.20.081(e) is amended to read:

1 (e) An absentee ballot must be marked on or before the date of the election. A
2 [EXCEPT AS PROVIDED IN (h) OF THIS SECTION, A] voter who returns the
3 absentee ballot by mail, whether provided to the voter by mail or by electronic
4 transmission, shall use a mail service at least equal to first class and mail the ballot not
5 later than the day of the election to the election supervisor for the house district in
6 which the voter seeks to vote. Except as provided in AS 15.20.480, the ballot may not
7 be counted unless it is received by the close of business on the 10th day after the
8 election. If the ballot is postmarked, it must be postmarked on or before election day.
9 After the day of the election, ballots may not be accepted unless received by mail.

10 * Sec. 13. AS 15.20.203(b) is amended to read:

11 (b) An absentee ballot may not be counted if

12 (1) the voter has failed to properly execute the certificate;

13 (2) [AN OFFICIAL OR THE WITNESSES AUTHORIZED BY LAW
14 TO ATTEST THE VOTER'S CERTIFICATE FAIL TO EXECUTE THE
15 CERTIFICATE, EXCEPT THAT AN ABSENTEE BALLOT CAST IN PERSON
16 AND ACCEPTED BY AN ABSENTEE VOTING OFFICIAL OR ELECTION
17 SUPERVISOR MAY BE COUNTED DESPITE FAILURE OF THE ABSENTEE
18 VOTING OFFICIAL OR ELECTION SUPERVISOR TO PROPERLY SIGN AND
19 DATE THE VOTER'S CERTIFICATE AS ATTESTING OFFICIAL AS REQUIRED
20 UNDER AS 15.20.061(c);

21 (3)] the ballot is not attested on or before the date of the election;

22 (3) [(4)] the ballot, if postmarked, is not postmarked on or before the
23 date of the election;

24 (4) [(5)] after the day of election, the ballot was delivered by a means
25 other than mail; or

26 (5) [(6)] the voter voted

27 (A) in person and is a

28 (i) first-time voter who initially registered by mail or by
29 facsimile or other electronic transmission approved by the director
30 under AS 15.07.050, has not provided the identification required by
31 AS 15.15.225(a), was not eligible for waiver of the identification

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requirement under AS 15.15.225(b), and has not provided the identifiers required in AS 15.07.060(a)(2) and (3) that can be verified through state agency records described in AS 15.07.055(e); or

(ii) voter other than one described in (i) of this subparagraph, did not provide identification described in AS 15.15.225(a), was not personally known by the election official, and has not provided the identifiers required in AS 15.07.060(a)(2) and (3); or

(B) by mail or electronic transmission, is a first-time voter who initially registered by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050 to vote, has not met the identification requirements set out in AS 15.07.060, and does not submit with the ballot a copy of a

(i) driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license; or

(ii) current utility bill, bank statement, paycheck, government check, or other government document; an item described in this sub-subparagraph must show the name and current address of the voter.

* **Sec. 14.** AS 15.20.220(b) is amended to read:

(b) The state review board shall review and count absentee ballots under AS 15.20.081(e) [AND (h)] and questioned ballots that have been forwarded to the director and that have not been reviewed or counted by a district counting board.

* **Sec. 15.** AS 15.25.020 is amended to read:

Sec. 15.25.020. Date of primary. The primary election is held on the second [FOURTH] Tuesday in August of every even-numbered year.

* **Sec. 16.** AS 15.25.055 is amended to read:

Sec. 15.25.055. Removal of name from primary ballot. A candidate's name must appear on the primary election ballot unless notice of the withdrawal from the primary is received by the director at least 52 [48] days before the date of the primary

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election.

* **Sec. 17.** AS 15.25.056(a) is amended to read:

(a) If an unopposed incumbent candidate for renomination dies, becomes disqualified from holding the office the candidate is seeking, or is certified as being incapacitated between June 1 of the election year and that date which is more than 54 [50] days before the date of the primary election, the candidate's place on the ballot may be filled by party petition. The petition shall state that the political party requests the name of the proposed candidate replace that of the incumbent on the primary election ballot and shall be accompanied by a declaration of candidacy from the person named in the petition. The petition must be received by the director no later than 14 days after the death, disqualification, or certification of incapacity of the incumbent or 52 [48] days before the primary election date, whichever time is earlier.

* **Sec. 18.** AS 15.25.056(c) is amended to read:

(c) The death, disqualification, or certification of incapacity of the incumbent within 52 [48] days before or on the primary election date does not affect the counting and review of the ballots. If the result of the counting and review discloses that the candidate, if the candidate had lived, would have been nominated, the candidate shall be declared nominated. The vacancy may be filled by party petition as provided in AS 15.25.110 - 15.25.130.

* **Sec. 19.** AS 15.25.110 is amended to read:

Sec. 15.25.110. Filling vacancies by party petition. If a candidate of a political party nominated at the primary election dies, withdraws, resigns, becomes disqualified from holding the office for which the candidate is nominated, or is certified as being incapacitated in the manner prescribed by this section after the primary election and 64 [48] days or more before the general election, the vacancy may be filled by party petition. The central committee of any political party or any party district committee may certify as being incapacitated any candidate nominated by their respective party by presenting to the director a sworn statement made by a panel of three licensed physicians, not more than two of whom may be of the same political party, that the candidate is physically or mentally incapacitated to an extent that would in the panel's judgment prevent the candidate from active service during

1 the term of office if elected. The director shall place the name of the person nominated
2 by party petition on the general election ballot. The name of a candidate disqualified
3 under this section may not appear on the general election ballot.

4 * **Sec. 20.** AS 15.25.120 is amended to read:

5 **Sec. 15.25.120. Requirements for party petition.** Party petitions for the
6 nomination of candidates shall state in substance that the political party desires and
7 intends to support the named candidate for the named office and requests that the
8 name of the proposed candidate be placed on the general election ballot. The petition
9 may be filed no later than 64 [48] days before the date of the general election.

10 * **Sec. 21.** AS 15.25.200 is amended to read:

11 **Sec. 15.25.200. Withdrawal of candidate's name.** If a candidate nominated
12 by petition dies or withdraws after the petition has been filed and 64 [48] days or more
13 before the general election, the director may not place the name of the candidate on
14 the general election ballot.

15 * **Sec. 22.** AS 15.35.135(b) is amended to read:

16 (b) The name of a candidate for retention for supreme court justice, judge of
17 the court of appeals, superior court judge, or district court judge must appear on the
18 general election ballot unless notice under (a) of this section of withdrawal of
19 candidacy is received by the director at least 64 [48] days before the date of the
20 general election.

21 * **Sec. 23.** AS 29.20.380 is amended by adding a new subsection to read:

22 (c) The municipal clerk may act as an absentee voting official under
23 AS 15.20.045(c) for the limited purpose of distributing absentee ballots to qualified
24 voters or qualified voters' representatives under AS 15.20.072 in a municipality in
25 which the division of elections will not be operating an absentee voting station.

26 * **Sec. 24.** AS 15.20.081(h), 15.20.081(i), 15.20.082, and 15.20.160 are repealed.

27 * **Sec. 25.** This Act takes effect January 1, 2012.



REPRESENTATIVE BILL THOMAS

ALASKA STATE LEGISLATURE DISTRICT 5

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SECTIONAL ANALYSIS CSHB 178

"Election Practices and Procedures"

SECTION 1

Adds, under "Qualifications for overseas voters", a child whose parents lived in Alaska, prior to living overseas, will be granted the opportunity to register to vote absentee.

SECTION 2,5,7,9, 11& 13

Removes the witnessing requirement for absentee ballots.

SECTION 3

Adds the designation of a municipal clerk as an absentee voting official.

SECTION 4 & 6,

Adds that absentee ballots are available in regional offices 22 days before the election.

SECTION 7,

Adds a security waiver for electronic submission of an absentee ballot and removes witnessing requirement.

SECTION 8

Adds "electronic mail" to the definition of electronic transmission as well as any other form of electronic transmission, approved by the director and identified in regulation, for an absentee ballot.

SECTION 9,

Removes (h) as this pertains to the 15 day post election receipt of an absentee ballot.

SECTION 10,

Provides that those who are eligible to receive an absentee specialty ballot would be captured under the same provisions as UOCAVA voters with regarding receipt of ballot. that they will receive a ballot 45 days prior to the election.

Adds "electronic mail" to acceptable addresses for absentee voter information and adds that the voter must date the ballot. Current statute has the witness date the ballot. CSHB 178 removes the witnessing requirement.

SECTION 12.

Removes language referencing the receipt of a ballot 15 days post election as it is repealed in this legislation and changed to 10 days.

SECTION 15.

Moves Primary by two weeks, from the fourth, to the second Tuesday in August.

SECTION 16.

Changes the time frame from 48 to 52 days for the withdrawal of a candidate's name from the primary ballot.

SECTION 17.

Changes the timeframe of 50 to 54 for replacement by party petition if an incumbent candidate for renomination dies or is otherwise ineligible to remain on ballot.

SECTION 17 & 18.

Changes the timeframe of candidate name withdrawal from 48 days to 52 days for primary election.

SECTION 19 & 20.

Changes the date from 48 days to 64 days prior to the general election, in which a vacancy (of an individual nominated at the primary election) can be filled by party petition for the general election.

SECTION 21.

In the event of death of a party petition replacement, 64 or more days prior to the general election, the name will not be placed on the ballot.

SECTION 22.

Changes the date of name withdrawal of judges to 64 days before the general election.

SECTION 23.

Adds that municipal clerk may serve as an absentee voting official for the purposes of distributing absentee ballots.

SECTION 24.

Repeals 15.20.082, Specialty absentee ballots.

Repeals the provision that the absentee ballot application is valid for the next two general elections (15.20.081(i)).

Repeals the allowance for Military and Overseas absentee ballots to be received 15 days post Election Day (15.20.081(h)).

Repeals the provision pertaining to the conduct of a witness (15.20.160).

SECTION 25.

Establishes the effective date of January 1, 2012.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version HB 178
 () Publish Date _____

Identifier (file name) HB178-OOG-DOE-3-12-11 Dept. Affected Office of the Governor
 Title "An Act relating to election practices and procedures" Appropriation Elections
 Allocation Elections
 Sponsor Representatives Thomas, Feige and Tuck
 Requester House Community and Regional Affairs Committee OMB Component Number 21

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
Miscellaneous								
TOTAL OPERATING	0.0	***	***	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES								
---------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other (please identify)								
TOTAL	0.0	***	***	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost _____

POSITIONS

Full-time								
Part-time								
Temporary								

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by Gail Fenumiai, Director
 Division Division of Elections
 Approved by Linda Perez, Administrative Director
Office of the Governor

Phone 465-2644
 Date/Time 3/12/2011, 12:45pm
 Date 3/12/2011

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 178

Analysis

The implementation of a new method to deliver ballots electronically may result in a cost to the division. The amount at this time is indeterminate.

The division intends to use prior funding received from the Help America Vote Act (HAVA) to cover the expenses incurred from this legislation.

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**STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor**

May 5, 2010

Mr. Robert Carey, Director
Federal Voting Assistance Program
Department of Defense
1155 Defense Pentagon
Washington, DC 20301-1155

Re: MOVE Act Hardship Exemption Request

Dear Director Carey:

On October 28, 2009 President Barack Obama signed into law the National Defense Authorization Act. Subtitle H of that law, known as the Military and Overseas Voter Empowerment Act (MOVE), amended parts of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). The State of Alaska is contacting you regarding the amendment 42 USC § 1973ff-1 (a)(8)(A) requiring states to transmit absentee ballots to UOCAVA voters no later than 45 days prior to a federal election, effective November 1, 2010.

In accordance to 42 USC § 1973ff-1 (g), a state may seek a hardship exemption. Pursuant to this section, the State of Alaska hereby submits its application for a waiver from the requirement of (a)(8)(A) set below:

42 USC § 1973ff (g)(1)(A) requires states demonstrate "a recognition that the purpose of such subsection is to allow absentee uniformed services voters and overseas voters enough time to vote in an election for Federal office:"

The State of Alaska recognizes the purpose of 42 USC § 1973ff-1(g)(1)(A) is to provide uniformed services and overseas voters enough time to vote in an election for Federal office. The State of Alaska understands the importance of ensuring that uniformed and overseas voters have sufficient time to vote. Alaska will continue to mail special advance ballots beginning on the 60th day prior to an election through the 28th day prior to the election to overseas military and overseas citizens. The special advance ballot is a blank

ballot that contains the names of the races to be voted on but does not contain candidate names. The appropriate candidate list is sent along with the special advance ballot as well as instructions for the voter to follow for voting the ballot.

Alaska law allows for voted ballots to be received by the division of elections, when mailed domestically, 10 days after Election Day and, when mailed from overseas, 15 days after Election Day.

42 USC § 1973ff-1 (g)(1)(B) requires that states provide "an explanation of the hardship that indicates why the State is unable to transmit absentee uniformed services voters and overseas voters an absentee ballot in accordance with such sections;"

The State of Alaska's primary election date prohibits it from complying with (a)(8)(A). Under state law, primary elections are to be held the fourth Tuesday in August in every even-numbered year. Alaska law allows for absentee ballots to be received up to 15 days after Election Day when mailed from overseas. The certification process of the Primary Election does not begin until after the 15th day following the election and can take up to two weeks. The division anticipates a target certification date for the 2010 Primary Election of September 17, as shown in the timeline below:

Primary Election Day	August 24
Last day to receive absentee ballots mailed from overseas	September 8
Final count of ballots	September 9
Candidate withdrawal deadline for general election	September 15
Target Date for certification of Primary Election	September 17
Deadline to request recount	September 21
General Election Ballot Certified for printing (depending on recount)	September 17 - 22
45 th day prior to General Election	September 18

As you can see from the above timeline, the 45-day deadline to mail ballots to military and overseas voters does not provide Alaska with adequate time to meet the requirement. The 45-day deadline would give Alaska only three days from the candidate withdrawal deadline and only one day from the primary certification date to get the official ballot

printed. In addition, once the election is certified, a defeated candidate may request a recount and the recount must be completed before ballots are printed. It would be impossible to print ballots in this short time frame. In order to meet this requirement, Alaska would need to shorten the above mentioned deadlines, including the 15 day time period we allow for voted ballots to be received and counted after Election Day. We believe it is in the voters' best interest to allow more time after Election Day to receive and count ballots than it is to shorten the time frame in order to meet the 45-day mailing requirement.

After the 2010 election cycle, the Division of Elections will work with the Alaska Legislature on making changes to our statutes and regulations to further expand electronic voting options to all voters, including military and overseas voters and to allow the special advance ballot to be mailed to all UOCAVA voters, not just those who are overseas.

42 USC § 1973ff-1 (g)(1)(C) requires that states must provide "the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to absentee uniformed services voters and overseas voters;"

In accordance to Alaska law, the State of Alaska must mail ballots by first class mail as soon as ballots are made available for distribution. Per state law, the official ballot must be received by the division 25 days prior to an election. Alaska typically begins mailing ballots three weeks prior to an election.

The special advance ballot will continue to be mailed to all overseas military and overseas citizens beginning on the 60th day prior to Election Day through the 28th day prior to Election Day.

42 USC § 1973ff-1 (g)(1)(D) requires that states provide "a comprehensive plan to ensure that absentee uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes -

- (i) the steps the State will undertake to ensure that the absent uniformed services voters and overseas voters have time to receive, mark and submit their ballots in time to have those ballots counted in the election;
- (ii) why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under such subsection; and
- (iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements."

As mentioned above, Alaska begins mailing the official absentee ballot to voters approximately 21 days prior to each election and continues to accept and count ballots if they are received up to 10 days after the date of the election for those mailed within

the United States or 15 days after the date of the election for those mailed from overseas. In addition, Alaska will continue to mail special advance ballots beginning the 60th day prior to an election through the 28th day prior to the election to overseas military and overseas citizens. The special advance ballot is a blank ballot that contains the names of the races to be voted on but does not contain candidate names. The appropriate candidate list is sent along with the special advance ballot as well as instructions for the voter to follow for voting the ballot.

All voters who receive a special advance ballot are also mailed an official ballot. Voters are instructed to vote and return both ballots. The state will count the official ballot if received. If no official ballot received, the state will count the special advance ballot.

Although Alaska is unable to comply with the new requirement to mail ballots 45 days prior to the election, our process to send and receive the official ballot, along with the special advance ballot provisions, allows military and overseas voters two opportunities to receive, vote and return their ballot in time for it to be counted.

Alaska informs and encourages uniformed services voters and overseas voters to use the Federal Write-In Absentee Ballot (FWAB). Voters who have applied for a ballot, and whose state ballot has not arrived in sufficient time vote, can use the FWAB to vote in all federal and state races for primary, general and special elections. In addition, voters may simultaneously register to vote, request a by-mail and vote the FWAB so long as the FWAB is received 10 days prior to Election Day for State of Alaska.

The State of Alaska allows for ballots to be sent by electronic transmission. Electronic transmission is defined in state regulations as by facsimile. Ballots may be sent by facsimile and returned by facsimile or by mail. The state recently revised its absentee ballot application to allow for military and overseas voters to designate whether they want their ballot transmitted by mail or electronically. Although Alaska statutes limit the application period for electronic voting to 15 days prior to an election, The 15-day application period to receive a ballot by fax does not apply to military and overseas voters. There is now no time limit on when military and overseas voters can apply for electronic voting.

Because of the special advance ballot, followed by the mailing of an official ballot and the opportunity for voters to receive a ballot electronically, the State of Alaska believes that military and overseas voters have ample opportunity to receive, vote and return their voted ballot.

During the 2008 Presidential election, Alaska's return rate and ballot counting rate for military and overseas voters was quite high. Eighty-six percent of military and overseas voters who applied for a ballot returned their ballot in time for it to be counted.

Mr. Robert Carey
May 5, 2010
Page 5 of 5

The State of Alaska recently submitted a letter to the U.S. Department of Justice outlining its compliance with the MOVE Act. A copy of that letter is enclosed for your information.

The State of Alaska requests a waiver be granted for the 45-day ballot transmittal time for the November 2, 2010, General Election.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gail Fenumiai".

Gail Fenumiai
Director

Enclosure

Report: One-third of overseas voters couldn't cast a ballot last fall

By LEO SHANE III
Stars and Stripes
Published: February 10, 2011

WASHINGTON — Nearly one-third of overseas voters surveyed by a voting rights advocacy group could not cast a ballot in last November's election, but officials say that's actually an improvement from previous election cycles.

According to a new survey by the Overseas Vote Foundation, about 18 percent of voters living abroad who tried to cast an absentee ballot never received one, and nearly 13 percent did not receive the forms in time to successfully vote in the mid-term election.

But the foundation called that encouraging. In 2008, nearly half of all overseas voters surveyed said they did not vote in the presidential election, most because their ballots arrived just a few days before the deadline to submit them.

"We're seeing more voters sending their ballots back successfully, so that's definitely a better trend," said Claire Smith, director of research for the group.

The report, which surveyed nearly 5,300 overseas voters, only includes a small percentage of military personnel stationed outside the United States. Official numbers won't be available until spring on how successful absentee voting efforts were among troops last fall.

And nearly 70 percent of those surveyed by the group tried to vote in the 2010 elections, well above the 40 percent voter participation rate among stateside citizens.

But the foundation's numbers point to significant improvements in the process for both civilian and military voters abroad, many of whom have a window of just a few days to participate in elections.

Smith noted that last year all 50 states had some electronic transmission options for voter registration or absentee ballot delivery, either through fax, e-mail or online forms. In 2008, only 20 states offered those options.

In addition, 40 states sent out their absentee ballots to overseas voters at least 45 days before the 2010 election, and the remaining 10 extended their deadlines for return of those ballots to ensure better participation.

Those changes came as a result of a mandate from Congress following the 2008 election, after many state election officials admitted that ballots were mailed too late for overseas voters to participate.

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Juneau 907.465.3021
Nome 907.443.5285

STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

September 3, 2010

Sent via facsimile transmission (202) 307-3961 and U.S. mail

Mr. Chris Herren
Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
1800 G St., N.W.
Washington, DC 20006

RE: Withdrawal of MOVE Act Waiver

Dear Mr. Herren:

As you requested in our conference call yesterday, I am submitting to you the division's proposal for compliance with the 45-day ballot transit time.

As we discussed, the state was able to formulate a plan to comply with the MOVE Act ballot transit time, and so Alaska no longer needs a waiver from the 45-day deadline. Under the new plan, the division will complete the state review board process on an expedited schedule, and expedite other elements of the election certification process. The division has increased the number of members of the state review board in order to expedite the election certification process.

As you are aware, there are two very close state legislative races in House District 12 and 18. Two teams of the state review board will begin their review with these districts in order to certify the House District races on September 9, 2010.

The division will request candidates for these two districts to submit a request for recount immediately versus waiting for the maximum five day period allowed for by state law. The division will conduct the recount within two days of receipt of the recount application. Both recounts would be able to be conducted on the same day and completed in one day.

The absentee office will begin UOCAVA ballot mailing preparation the week of September 13. Envelopes will be labeled and all absentee related documents will be inserted, with the exception of the ballot.

The last day to withdraw from the general election ballot is September 15. The division plans to certify the primary election on September 15 or 16. As soon as certification is

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complete, the division will produce .pdf versions of all forty house district ballots. These ballots will include all races applicable to the house district, including all federal races. The absentee office will copy ballots and complete the ballot mailing for delivery to the U.S. Postal Service on September 18, 2010.

The absentee office will also fax ballots to UOCAVA voters that have requested their ballot be sent by fax on September 18, 2010.

As new requests for absentee ballots are received from UOCAVA voters, the division will continue to mail or fax the .pdf version of the ballot to UOCAVA voters until the official ballot becomes available.

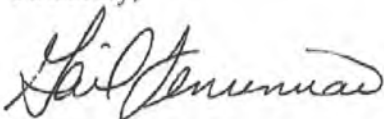
Although the state does not believe it is required I commit to providing your office with updates as deadlines are met. These updates will include certification dates for the two close house district races, date of recount, date of recount completion, date of certification for the remainder of races and ballot propositions, and date ballots are provided to the absentee office.

I will also provide you with the number of ballots mailed and faxed to UOCAVA voters on September 18, 2010.

The division is pleased that Alaska is able to meet the 45 day ballot transit time and no longer needs a waiver from this deadline.

If you have any questions, please do not hesitate to contact me at 907-465-2644.

Sincerely,



Gail Fenumiai
Director

cc: Hon. Craig Campbell, Lieutenant Governor
John Cramer, Chief of Staff, Lieutenant Governor's Office
Sarah Felix, AAG, Labor and State Affairs Section, Juneau
Mike Barnhill, AAG, Labor and State Affairs Section, Juneau
Lynn C. Simpson, Director, Human Capital and Resource Management
Bob Carey, Director, Federal Voting Assistance Program

In most states, the voter must put a stamp on the return envelope for the absentee ballot. At least four states pay the return postage for absentee ballots. Those states are Hawaii, Minnesota, Nevada, and West Virginia.

<http://www.ncsl.org/LegislaturesElections/ElectionsCampaigns/AbsenteeandEarlyVoting/tabid/16604/Default.aspx?tabid=16604>

Witness/Notary Signature

Many states require that an absentee ballot be signed by a witness or a notary public. In these states, ballots that are returned without the required signature are not counted.

Required	Not Required
Alabama	Arizona
Alaska	Arkansas
Delaware	California
Florida	Colorado
Georgia*	Connecticut
Hawaii*	District of Columbia
Louisiana	Idaho
Maine	Illinois
Michigan*	Indiana
Minnesota	Iowa
Mississippi	Kansas
Missouri	Kentucky
Nebraska	Maryland
New Jersey	Massachusetts
New York*	Montana
North Carolina	Nevada
North Dakota	New Hampshire
Oklahoma	New Mexico
Pennsylvania*	Ohio
Rhode Island	Oregon
South Carolina	South Dakota
Tennessee*	Vermont
Texas	Washington
Utah*	West Virginia
Virginia	Wyoming
Wisconsin	

* The signature of a witness is required only if the voter was assisted in filling out the absentee ballot

FYI

	How may a UOCAVA voter submit a ballot?
Alabama	Mail only
Alaska	Mail or fax
American Samoa	Mail only
Arizona	Mail, fax or online *
Arkansas	Mail only
California	Mail or fax
Colorado	Mail, fax or email attachment *
Connecticut	Mail only
Delaware	Mail, fax or email attachment *
District of Columbia	Mail, fax or email attachment *
Florida	Mail or fax if outside U.S.
Georgia	Mail only
Guam	Mail only
Hawaii	Mail, fax or email attachment *
Idaho	Mail only
Illinois	Mail, fax or email attachment *
Indiana	Mail, fax or email attachment *
Iowa	Mail or fax or email only if voter is located in areas designated as "imminent danger pay areas" by the DoD. *
Kansas	Mail, fax or email attachment *
Kentucky	Mail only
Louisiana	Mail or fax in emergency situation or email with special permission *
Maine	Mail, fax or email attachment *
Maryland	Mail only
Massachusetts	Mail, fax or email attachment *
Michigan	Mail only
Minnesota	Mail only
Mississippi	Mail, fax or email attachment *
Missouri	Mail only, fax or email from hostile fire zone *
Montana	Mail, fax or email attachment *
Nebraska	Mail, fax or email attachment *
Nevada	Mail, fax or email *
New Hampshire	Mail only
New Jersey	Mail, fax or email (hard copy must follow) *
New Mexico	Mail, fax or email attachment *
New York	Mail only
North Carolina	Mail, fax or email attachment *
North Dakota	Mail, fax or email attachment *
Ohio	Mail only
Oklahoma	Mail or fax
Oregon	Mail or fax or email attachment (hard copy must follow). *
Pennsylvania	Mail only
Puerto Rico	Mail only
Rhode Island	Mail or fax
South Carolina	Mail, fax or email attachment *
South Dakota	Mail only
Tennessee	Mail only
Texas	Mail or fax from hostile fire zones.
Utah	Mail or fax, email attachment or online from areas with hostile fire or unreliable mail service. *

Vermont	Mail only
Virgin Islands	Mail or fax (hard copy must follow)
Virginia	Mail only
Washington	Mail, fax or email attachment *
West Virginia	Mail, fax or email attachment *
Wisconsin	Mail only
Wyoming	Mail only