

HB

178

<TARGET><BILL>HB 178</BILL><SUBJECT>HB
178</SUBJECT><COMM>HSTA27</COMM></TARGET>

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 5, 2011

SUBJECT: Incorporation of a portion of amendment 27-LS0304\E.1 into CSHB 178(STA) (Work Order No. 27-LS0304\U)

TO: Representative Bob Lynn
Chair of the House State Affairs Committee
Attn: Nancy Manly

FROM: Alpheus Bullard *AB*
Legislative Counsel

This memorandum accompanies the bill described above.

Earlier today, the House State Affairs Committee adopted a portion of amendment 27-LS0304\E.1 (E.1) as a conceptual amendment to the "R" version of the same bill. It was not a perfect fit. Not only was E.1 drafted to fit into a different version of the bill, but only a portion of E.1 was adopted as a conceptual amendment.

To make it work, and consistent with what I understand to be the intent of the committee, I deleted some new language that was contained in the conceptual amendment. The amendment provided, in pertinent part:

AS 15.20.066(a) is amended to read:

(a) The director shall adopt regulations applicable to the delivery of absentee ballots by electronic transmission in a state election and to the use of electronic transmission absentee voting in a state election by qualified voters. The regulations must

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

(2) require the voter to comply with the same deadlines for applying for an absentee ballot as those set out for applying in person for an absentee ballot in AS 15.20.061(a)(1), except that a qualified voter who is an absent uniformed services voter, an overseas voter, or a voter who notifies the director in writing that the voter expects to be living, working, or traveling in a remote area of the state under AS 15.20.082(a)(3) may apply to vote an absentee ballot by electronic transmission at any time during a calendar year . . .

Representative Bob Lynn

April 5, 2011

Page 2

Existing, unamended AS 15.20.082 provides that AS 15.20.066, that is, the section amended by the conceptual amendment, does not apply to AS 15.20.082. See AS 15.20.082(e).

Amendment E.1 repealed and reenacted AS 15.20.082. Your bill does not. Consequently, I changed that portion of the amendment that read:

except that a qualified voter who is an absent uniformed services voter, an overseas voter, or a voter who notifies the director in writing that the voter expects to be living, working, or traveling in a remote area of the state under AS 15.20.082(a)(3) may apply . . .

To read:

except that a qualified voter who is an absent uniformed services voter or an overseas voter may apply . . .

As a result, while this bill will permit an absent uniformed services voter or an overseas voter to apply to vote an absentee ballot by electronic transmission at any time during the calendar year, it does not permit a voter who notifies the director in writing that the voter expects to be living, working, or traveling in a remote area of the state to apply to vote an absentee ballot by electronic transmission at any time during a calendar year. It also does not change the law for voters in remote areas of the state.

Note also, that because the conceptual amendment used the terms "absent uniformed services voter" and "overseas voter," and because definitions for those terms were included in both amendment E.1 and amendment X.1, I added definitions for these terms to AS 15.80.010 (instead of defining them only for purposes of sec. 15.20.081(k), as X.1 did).

If you have questions, please do not hesitate to contact me.

TLAB:plm
11-221.pm

Enclosure

Alaska State Legislature



Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
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FAX

To: Legal Services

Fax #: 465-2029

From: Nancy Manly 465-2794 *Nmanly*
Alaska State Capitol, room 104
Juneau, AK 99801-1182

of Pages (including cover): 4

Phone: 907-465-4931
Fax: 907-465-4316

Re FINAL CS for HB 178 (27-LS0304\R)

4/05/2011

R HB 178 moved out of the House State Affairs Committee this morning with changes to Version
R Please draft a final CS with the following amendments included:

Conceptual Amendment #1
27-LS0304\X.1

Conceptual Amendment #2
27-LS0304\E.1

Conceptual Amendment #3 (Wilson)
Failed

Conceptual Amendment #4 (Johansen)
Withdrawn

Conceptual Amendment # 5 & 6 (Gruenberg)
Failed on both

Please Note

PLEASE RUSH: Sponsor ask that this CS be a RUSH as they want to tighten the title in the Rules Committee.

passed
Conceptual
AMENDMENT # 1 *to version R*

OFFERED IN THE HOUSE

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

objected
Greenberg
Wilson
removed

1 Page 5, following line 16:

2 Insert a new bill section to read:

3 **** Sec. 10.** AS 15.20.081(c) is amended to read:

4 (c) After receipt of an application, the director shall send the absentee ballot
5 and other absentee voting material to the applicant by the most expeditious mail
6 service. However, if the application requests that an absentee ballot for a state election
7 be sent by electronic transmission, the director shall send the absentee ballot and other
8 absentee voting material to the applicant by electronic transmission. **Except as**
9 **provided in (k) of this section, the** [THE] absentee ballot and other absentee voting
10 material shall be sent as soon as they are ready for distribution. If the absentee ballot
11 and other absentee voting material are mailed to the applicant, the return envelope sent
12 with the ballot and other materials shall be addressed to the election supervisor in the
13 district in which the voter is a resident."
14

15 Renumber the following bill sections accordingly.
16

17 Page 6, following line 13:

18 Insert a new bill section to read:

19 **** Sec. 13.** AS 15.20.081 is amended by adding a new subsection to read:

20 (k) In accordance with 42 U.S.C. 1973ff-1(a)(8)(A), if an application is
21 received at least 45 days before an election and is from an absent uniformed services
22 voter or an overseas voter, the director shall send an absentee ballot and other voting
23 material to the applicant not later than 45 days before the election. If the absentee

1 ballot prepared under AS 15.20.030 is not ready for distribution under (c) of this
2 section at least 45 days before an election, the director shall provide an alternative
3 absentee ballot to an absent uniformed services voter or overseas voter who requested
4 an absentee ballot at least 45 days before the election. The alternative absentee ballot
5 shall be prepared in substantially the same form as an absentee ballot prepared under
6 AS 15.20.030. In this subsection,

7 (1) "absent uniformed services voter" has the meaning given in 42
8 U.S.C. 1973ff-6;

9 (2) "overseas voter" has the meaning given in 42 U.S.C. 1973ff-6."

10
11 Renumber the following bill sections accordingly.

[Faint handwritten notes and a large question mark are visible in the lower half of the page.]

Passed

Conceptual
AMENDMENT # 2

to version P

*object
Gruenberg
removed*

OFFERED IN THE HOUSE

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

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Page 3, following line 12:

Insert a new bill section to read:

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

(a) The director shall adopt regulations applicable to the delivery of absentee ballots by electronic transmission in a state election and to the use of electronic transmission absentee voting in a state election by qualified voters. The regulations must

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

(2) require the voter to comply with the same deadlines for applying for an absentee ballot as those set out for applying in person for an absentee ballot in AS 15.20.061(a)(1), except that a qualified voter who is an absent uniformed services voter, an overseas voter, or a voter who notifies the director in writing that the voter expects to be living, working, or traveling in a remote area of the state under AS 15.20.082(a)(3) may apply to vote an absentee ballot by electronic transmission at any time during a calendar year; and

(3) [(2)] ensure the accuracy and, to the greatest degree possible, the integrity and secrecy of the ballot process."

AMENDMENT

OFFERED IN THE HOUSE

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

1 Page 5, following line 16:

2 Insert a new bill section to read:

3 **** Sec. 10.** AS 15.20.081(c) is amended to read:

4 (c) After receipt of an application, the director shall send the absentee ballot
5 and other absentee voting material to the applicant by the most expeditious mail
6 service. However, if the application requests that an absentee ballot for a state election
7 be sent by electronic transmission, the director shall send the absentee ballot and other
8 absentee voting material to the applicant by electronic transmission. **Except as**
9 **provided in (k) of this section, the** [THE] absentee ballot and other absentee voting
10 material shall be sent as soon as they are ready for distribution. If the absentee ballot
11 and other absentee voting material are mailed to the applicant, the return envelope sent
12 with the ballot and other materials shall be addressed to the election supervisor in the
13 district in which the voter is a resident."
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15 Renumber the following bill sections accordingly.
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21 received at least 45 days before an election and is from an absent uniformed services
22 voter or an overseas voter, the director shall send an absentee ballot and other voting
23 material to the applicant not later than 45 days before the election. If the absentee

1 ballot prepared under AS 15.20.030 is not ready for distribution under (c) of this
2 section at least 45 days before an election, the director shall provide an alternative
3 absentee ballot to an absent uniformed services voter or overseas voter who requested
4 an absentee ballot at least 45 days before the election. The alternative absentee ballot
5 shall be prepared in substantially the same form as an absentee ballot prepared under
6 AS 15.20.030. In this subsection,

7 (1) "absent uniformed services voter" has the meaning given in 42
8 U.S.C. 1973ff-6;

9 (2) "overseas voter" has the meaning given in 42 U.S.C. 1973ff-6."
10

11 Renumber the following bill sections accordingly.

Handwritten notes:
7-19-04
?

Patty Krueger

From: mark san souci [sansouci01@comcast.net]
Sent: Saturday, April 02, 2011 11:24 AM
To: Rep. Bob Lynn
Cc: Cecile Elliott
Subject: RE: CSHB 178 Department of Defense Support

Dear Chairman Lynn,

I hope all is continuing to go well for you this session and it was nice visiting with you back in February when I had the opportunity to fly up and testify on HB 28 for military spouse licensing. Thank you for passing that out of your committee, voting for it in full house, and ensuring the bill is well on its way to success.

I write to you today in support of CSHB 178, the Election Procedures bill that will ensure that Alaskan military and overseas voters who desire to vote will be able to obtain their ballots in a timely manner to execute their choices for office and return it in time to be counted. The 45 day transmittal time, the electronic transmission capabilities, and the witness requirement waiver will all be steps in guaranteeing those military folks fighting for our freedoms will be able to exercise the franchise they are out there fighting for in defending liberty and democracy around the world.

In watching the hearing on 178 this past Thursday March 31st, I noted the discussions by your committee members on varying areas of the bill, worked so diligently by Cecile Elliot, staff to Representative Thomas. There were many good questions and good points for you to consider, for sure.

As you decide to move the bill this week please know that as far as the Department of Defense, State Liaison Office is concerned, we support the bill AS IS. Whatever modification you determine you may need to make, we defer to your judgment, as long as the key aspects of 45 days, electronic transmission, and witness waivers remain. Those are the key provisions we think makes progress for Alaskans consistent with the MOVE Act of 2009, and help our military folks vote.

As a fellow Air Force retiree, once again I want to thank you for your service, and thank you immensely for your continued legislative support of our military families! I hope to see you at CSG West again this summer, this time in Hawaii!

Sincerely,
Mark

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
www.usa4militaryfamilies.org
sansouci01@comcast.net

2

AMENDMENT

OFFERED IN THE HOUSE

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

1 Page 3, following line 12:

2 Insert a new bill section to read:

3 **** Sec. 7.** AS 15.20.066(a) is amended to read:

4 (a) The director shall adopt regulations applicable to the delivery of absentee
5 ballots by electronic transmission in a state election and to the use of electronic
6 transmission absentee voting in a state election by qualified voters. The regulations
7 must

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

10 (2) require the voter to comply with the same deadlines for
11 applying for an absentee ballot as those set out for applying in person for an
12 absentee ballot in AS 15.20.061(a)(1), except that a qualified voter who is an
13 absent uniformed services voter, an overseas voter, or a voter who notifies the
14 director in writing that the voter expects to be living, working, or traveling in a
15 remote area of the state under AS 15.20.082(a)(3) may apply to vote an absentee
16 ballot by electronic transmission at any time during a calendar year; and

17 (3) [(2)] ensure the accuracy and, to the greatest degree possible, the
18 integrity and secrecy of the ballot process."

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ly Development;
and early development;
nd Early Development;
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ay be established;
ational service area in the
ilitary reservation, and that
r any portion of those grade
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or city school district or a
am § 58 ch 98 SLA 1966; am
§ 29 — 32 ch 124 SLA 1975;

ces. — For definition of "school
3.020.

idments. — The 2006 amendment,
2006, substituted "that" for "which"
nd deleted the former second clause
, which had read, "however, nothing
es schools for Alaska Natives under
ederal government and adminis-
ised through the Bureau of Indian

*HB 178
relevant
Statutes*

L

Title 15. Elections.

Chapter

- 05. Qualification of Voters (§§ 15.05.010 — 15.05.030)
- 07. Registration of Voters (§§ 15.07.010 — 15.07.200)
- 10. Election Districts, Election Officials, and Redistricting (§§ 15.10.010 — 15.10.300)
- 13. State Election Campaigns (§§ 15.13.010 — 15.13.400)
- 15. Elections and Ballots (§§ 15.15.010 — 15.15.480)
- 20. Special Procedures for Elections (§§ 15.20.010 — 15.20.910)
- 25. Nomination of Candidates (§§ 15.25.010 — 15.25.200)
- 30. National Elections (§§ 15.30.010 — 15.30.190)
- 35. State Elections (§§ 15.35.010 — 15.35.135)
- 40. Special Elections and Appointments (§§ 15.40.140 — 15.40.470)
- 45. Initiative, Referendum, and Recall (§§ 15.45.010 — 15.45.720)
- 50. Constitutional Amendments and Conventions (§§ 15.50.010 — 15.50.110)
- 56. Election Offenses, Corrupt Practices, and Penalties (§§ 15.56.012 — 15.56.199)
- 58. Election Pamphlet (§§ 15.58.010 — 15.58.090)
- 80. General Provisions (§§ 15.80.005 — 15.80.020)

Revisor's notes. — The provisions of this title were redrafted in 1988 to remove personal pronouns pursuant to § 4, ch. 58, SLA 1982, and in 1988, 2000, and 2010 to make other minor word changes.

In 1971 "secretary of state" was changed to "lieutenant governor" throughout the title in conformity with the 1970 Alaska constitutional amendment (SJR 2) changing the designation of that office.

Administrative Code. — For elections, see 6 AAC, part 1.

Legislative history reports. — For governor's transmittal letter for ch. 113, SLA 2003 (House Bill 266), see 2003 House Journal 965 — 969.

For governor's transmittal letter for ch. 2, FSSLA 2005 (HB 94), the basis of a number of the 2005 amendments to this title, see 2005 House Journal 118 — 125.

Chapter 05. Qualification of Voters.

Section

- 10. Voter qualification
- 11. Qualifications of overseas voters
- 12. Voter qualification for presidential election

Section

- 14. Procedures in presidential elections
- 20. Rules for determining residence of voter
- 30. Loss and restoration of voting rights

Collateral references. — 25 Am. Jur. 2d, Elections, § 1 et seq.

29 C.J.S., Elections, §§ 14-35.

Sec. 15.05.010. Voter qualification. A person may vote at any election who

- (1) is a citizen of the United States;
- (2) is 18 years of age or older;
- (3) has been a resident of the state and of the house district in which the person seeks to vote for at least 30 days just before the election; and
- (4) has registered before the election as required under AS 15.07 and is not registered to vote in another jurisdiction. (§ 1.01 ch 83 SLA 1960; am § 1 ch 125 SLA 1962; am § 1 ch 80 SLA 1963; am § 1 ch 211 SLA 1968; am § 1 ch 88 SLA 1969; am § 1 ch 15 SLA 1970; am § 1 ch 75 SLA 1972; am §§ 1, 38 ch 116 SLA 1972; am §§ 2, 3 ch 197 SLA 1975; am § 1 ch 100 SLA 1980; am § 27 ch 21 SLA 2000)

Additional Documents
for
HB 178

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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MEMORANDUM

April 2, 2011

SUBJECT: Legal summary of sec. 1 of CSHB 178(CRA)
(Work Order No. 27-LS0304\R)

TO: Representative Bill Thomas
Attn: Cecile Elliott

FROM: Alpheus Bullard *TAB*
Legislative Counsel

You have asked me to provide a legal summary of what sec. 1 of CSHB 178(CRA) does. Section one provides:

- * **Section 1.** AS 15.05.011 is amended by adding a new subsection to read:
- (e) Notwithstanding (b)(1) of this section, a person residing outside the United States may register and vote absentee if
 - (1) the parent or legal guardian of the person was domiciled in the state immediately before leaving the United States;
 - (2) the director determines that the person meets the requirements of (b)(2) - (5) of this section.¹

¹ AS 15.05.011 provides:

Sec. 15.05.011. Qualifications of overseas voters. (a) A person residing outside the United States may register and vote absentee by qualifying under this section.

(b) Before registering a person under this section, the director shall determine that the person

(1) was domiciled in the state immediately before leaving the United States;

(2) meets the qualifications established in AS 15.05.010(1) and (2) [*AS 15.05.010(1) and (2) require that a voter be a United States citizen and be 18 years or older*];

(3) has not established a domicile in another state, territory, or possession of the United States since leaving this state;

(4) is not registered to vote and has not voted in another state, territory, or possession of the United States since leaving this state;

(5) has a valid passport, card of identity and registration, or other identification issued under the authority of the United States

Representative Bill Thomas

April 2, 2011

Page 2

The addition of this subsection permits a United States citizen, who is 18 years or older and who has never been a resident of another state, territory, or possession of the United States, to register to vote in the state so long as the person's parent or legal guardian was domiciled in the state before last leaving the United States. A person registered under this subsection may only vote in federal elections.

The addition of this subsection expands the voting franchise to certain persons who have never been domiciled in the state. This section does not restrict the ability of a voter who is qualified to vote under AS 15.05.010 and who is outside the United States from voting by absentee ballot in a state election.

If you have questions, please do not hesitate to contact me.

TLAB:ljw

11-212.ljw

Secretary of State, and identification complying with the requirements of this title.

(c) Lack of a place of abode in the state or lack of intent to return to the state does not disqualify a person who qualifies under (b) of this section.

(d) A person registered under this section may vote in a federal election in this state.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version CSHB 178 (C&RA)
 () Publish Date _____

Identifier (file name) HB178CS(CRA)-OOG-DOE-4-2-11 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 State 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	0.0	0.0

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

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other (please identify)								
TOTAL	0.0	0.0	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 4/2/2011, 9:57pm
 Date 4/2/2011

FISCAL NOTE

**STATE OF ALASKA
2011 LEGISLATIVE SESSION**

BILL NO. CSHB 178 (C&RA)

Analysis

This bill changes the date of the primary, candidate withdrawal and replacement deadlines for the primary and general election to ensure that military and overseas voters will be mailed ballots at least 45 days before each federal election. This legislation will allow the division to modernize the method of electronically transmitting ballots, which is currently limited to fax transmission. Absentee ballots will no longer require witnessing. It will also allow children, who turn 18, while residing overseas, to register to vote if their parent was domiciled in the state immediately before leaving the United States.

This legislation will require no fiscal appropriation for the division.

SECTIONAL ANALYSIS CSHB 178 (CRA)

REVISED – PLEASE REPLACE WITH ONE IN YOUR BILL PACKET



REPRESENTATIVE BILL THOMAS

ALASKA STATE LEGISLATURE DISTRICT 5

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

webpage: www.akrepublicans.org/thomas/

State Capitol

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SECTIONAL ANALYSIS CSHB 178 (CRA)

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.

SECTION 11 & 13.

Removes language referencing the receipt of a ballot 15 days post election as it 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.

Declaration of candidacy is public record

SECTION 16.

If a change is made regarding the eligibility of a candidate by the director, notice must be provided to the candidate, other candidates in the race and to the individual filing the candidacy complaint, if applicable. A challenge may be made to this decision within 15 days and the director must respond to the challenge within 15 days.

SECTION 17.

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

SECTION 18,19, 21 & 22 .

Changes the timeframes for replacement of candidate by party petition.

SECTION 20.

Letter of intent is public record.

SECTION 23.

All statements in a petition are public record

SECTION 24.

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

SECTION 25.

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

SECTION 26.

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 27.

Establishes the effective date of 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/

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FAX 907-465-2652

Sponsor Statement CSHB 178

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

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. CSHB178 increases the accessibility of our electoral system for these voters by expanding absentee voting.

CSHB 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.
- Establishes "email" in statute as a form of electronic transmission allowing for the delivery of 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.
- Provides the opportunity for a person who comes of age, overseas, to vote. If the parents lived in Alaska prior to going overseas their child who comes of age overseas may apply to vote absentee for federal elections in Alaska.

○ CHANGES MADE IN COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

- If a change is made regarding the eligibility of a candidate by the director, notice must be provided to the candidate, other candidates in the race and to the individual filing the candidacy complaint, if applicable. A challenge may be made to this decision within 15 days and the director must respond to the challenge within 15 days.
- All information on a declaration of candidacy, letter of intent, nominating petition is open to public inspection.

These outlined changes align our state statutes with the MOVE act as well as improve absentee voter access within our own state.

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

I urge your support of CSHB 178.

AS 15.25.040	Candidate Filing Deadline	1	June	Primary Filing Deadline AS 15.25.040
AS 15.20.082	Mailing of Special Advance Ballots	29	June	Primary 60 Days Prior AS 15.25.040
AS 15.25.055	Candidate Withdrawal Deadline	11	July	Primary 48 Days Prior AS 15.20.082
Based off Withdrawal Deadline	Ballot Layout Sent to Printer	13	July	Primary 47 Days Prior AS 15.25.055
MOVE Act	Deadline to Mail UOCAVA Ballots	14	July	Primary 45 Days Prior
Established by DOE	Target Day to Mail Absentee By-Mail Ballots	3	Aug	Primary 25 Days Prior MOVE Act by DOE
AS 15.20.061	Absentee By Fax and In Person Voting Starts	13	Aug	Primary 15 Days Prior Established Time
AS 15.25.020	Election Day	28	Aug	Primary AS 15.25.020
AS 15.20.081(e)	Deadline for Domestic Absentee Ballots	7	Sept	Primary 10 Days After AS 15.20.081(e)
AS 15.20.082	Special Advance Ballots Mailed	7	Sept	General 60 Days Prior AS 15.20.081(e)
AS 15.20.081(h)	Deadline for Overseas Absentee Ballots	12	Sept	Primary 15 Days After AS 15.20.082
AS 15.20.220	Target Date for State Review Board Completion	19	Sept	Primary 24 Days After AS 15.20.081(h)
AS 15.25.110	Candidate Withdrawal Deadline and Filling of Vacancies by Party Petition	19	Sept	General 48 Days Prior AS 15.20.220
Based off Withdrawal Deadline	Ballot Layout Sent to Printer	20	Sept	General 47 Days Prior
MOVE Act	Deadline to Mail UOCAVA Ballots	22	Sept	General 45 Days Prior MOVE Act
AS 15.20.430	Deadline to File Recount Application	24	Sept	Primary 42 Days Prior AS 15.20.430
	Recount Prepared for and Conducted	25-28	Sept	Primary 41 through 38 Days Prior
AS 15.20.540	Deadline for Election Contest Application	29	Sept	Primary 40 Days Prior AS 15.20.540
AS 15.20.510	Recount Appeal Deadline to Courts	3	Oct	Primary 34 Days Prior AS 15.20.510
Established by DOE	Target Day to Mail Absentee By-Mail Ballots	12	Oct	General 25 Days Prior
AS 15.20.061	Absentee By Fax and In Person Voting Starts	22	Oct	General 15 Days Prior
Constitution	Election Day	6	Nov	General
AS 15.20.081(e)	Deadline for Domestic Absentee Ballots	16	Nov	General 10 Days After
AS 15.20.081(h)	Deadline for Overseas Absentee Ballots	21	Nov	General 15 Days After
AS 15.20.220	Target Date for State Review Board Completion	3	Dec	General 27 Days After

**2012 Election Time
Based on Current Law**

AS 15.25.040	Candidate Filing Deadline	1 June	Primary Filing Deadline
AS 15.20.082	Mailing of Special Advance Ballots - Remote Alaska Only	15 June	Primary 60 Days Prior
Proposed Change	Candidate Withdrawal Deadline	22 June	Primary 52 Days Prior
Based off Withdrawal Deadline	Ballot Layout Sent to Printer	23 June	Primary 51 Days Prior
MOVE Act	Deadline to Mail UOCAVA Ballots	30 June	45 Days Prior
Established by DOE	Target Day to Mail Absentee By-Mail Ballots	20 July	Primary 25 Days Prior
Proposed Change	Early/Absentee In Person Voting Starts in Regional Elections Offices	23 July	Primary 22 Days Prior
AS 15.20.061	Absentee In Person Voting Starts in Other Locations Statewide	30 July	Primary 15 Days Prior
Proposed Change	Election Day	14 Aug	Primary
Proposed Change - Overseas	Deadline for All Absentee Ballots	24 Aug	Primary 10 Days After
AS 15.20.220	Target Date for State Review Board Completion	31 Aug	Primary 20 Days After
Proposed Change	Candidate Withdrawal Deadline and Filling of Vacancies by Party Petition	3 Sept	General 64 Days Prior
Based off of Withdrawal Deadline	Ballot Layout Sent to Printer	4 Sept	General 63 Days Prior
AS 15.20.430	Deadline to File Recount Application	5 Sept	Primary 62 Days Prior
	Recount Prepared for and Conducted	6-9 Sept	Primary 61 through 58 Days Prior
AS 15.20.082	Mailing of Special Advance Ballots - Remote Alaska Only	7 Sept	General 60 Days Prior
AS 15.20.540	Deadline for Election Contest Application	10 Sept	Primary 57 Days Prior
AS 15.20.510	Recount Appeal Deadline to Courts	14 Sept	Primary 53 Days Prior
MOVE Act	Deadline to Mail UOCAVA Ballots	22 Sept	General 45 Days Prior
Established by DOE	Target Day to Mail Absentee By-Mail Ballots	12 Oct	General 25 Days Prior
AS 15.20.061	Absentee In Person Voting Starts in Other Locations Statewide	22 Oct	Primary 15 Days Prior
Proposed Change	Absentee By Fax and In Person Voting Starts	15 Oct	General 22 Days Prior
Constitution	Election Day	6 Nov	General
Proposed Change - Overseas	Deadline for All Absentee Ballots	16 Nov	General 10 Days After
AS 15.20.220	Target Date for State Review Board Completion	28 Nov	General 22 Days After

2012 Election Time Line
Based on Proposed Changes

Director's Office
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Juneau, Alaska 99811-0017
907.465.4611 907.465.3203 FAX
elections@alaska.gov



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Fairbanks 907.451.2835
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

Mr. Chris Herren
September 3, 2010
Page 2 of 2

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.

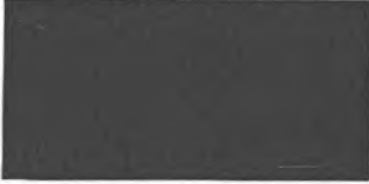
Sincerely,



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

Director's Office



Regional Offices
Anchorage

Fairbanks

Juneau



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



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



Lieutenant Governor Mead Treadwell
STATE OF ALASKA

MEMORANDUM

FROM: Lieutenant Governor Mead Treadwell

TO: John Burns, Attorney General
Gail Fenumiai, Division of Elections Director

RE: Election law and procedures review

DATE: January 24, 2011

A handwritten signature in cursive script, appearing to read "Mead Treadwell".

As you know, we agreed after the 2010 General Election to conduct a thorough review of our election laws and procedures, including, but not limited to those procedures and laws specific to write-in candidates. From public input received so far, the following is my proposed outline for a comprehensive review of Alaska's election law and procedures. We expect the review of sections I through IV to be complete within 45 days. We appreciate the cooperation between the Division of Elections and the Department of Law this review will entail.

I. Summary of 2010 Election

- a. Polling place procedures and election worker training
- b. Impacts on process as it relates to distribution of write-in candidate list
- c. Processes and procedures used to separate and count individual write-in votes, including timeframe to count write-in ballots
- d. Successes
- e. Issues for Improvement
- f. Statistics, analysis and trends
 - i. How many people voted
 - ii. How many people cast write-in ballots
 - iii. Cost and length of time to count write-ins

II. Issues potentially requiring legislation

- a. Should voter intent be included as part of the rules for counting write-in votes?

- b. Should there be continued requirements for individuals to declare their intent to be a write-in candidate and if so, what is realistic time requirement for filing such intention?
- c. What additional precautions, if any, are necessary to prevent felons from voting?
- d. Does the interval between Alaska's primary and general election allow compliance with the MOVE Act in the case of an election dispute, when primary results can be delayed and, by law, general election ballots must be mailed 45 days before an election?
- e. With the passage of the MOVE ACT, should Alaska eliminate the 60-day special advance ballot and expand electronic voting to allow the division to transmit blank ballots to voters via email?
- f. Should voters be required by law to show their IDs, and what proof of citizenship should be necessary to register?

III. Issues potentially requiring administrative action or AG's legal opinion

- a. Should the ground rules defining an election contest be revised to consider that an election can be challenged before certification takes place?
- b. What voter assistance is allowable?
- c. What publicly available information on voters may be used to update voter lists?
- d. Can we offer "real-time" updates on which voters have voted?
- e. Can we offer the public post-election statistical analysis, i.e., cross-cutting tabulations of ballots? (i.e., voters for candidate A supported candidate B, etc.)
- f. How do we ensure that political parties have full participation in and access to the election process?

IV. Justice Department Review

- a. What pending changes in Alaska election law or procedure require Justice Department review?

V. Issues that may require 3rd party review

- a. Election Security – review and follow-up of the 2007 & 2008 University of Alaska Institute of Social and Economic Research Election Security Reports Phases I and II, and launch phases III-V if appropriate.
- b. Are there other measures necessary to enhance ballot security?

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.

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)

	FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
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

Estimate of any current year (FY2011) cost _____

POSITIONS

	FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
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.



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 (CRA)

"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.

SECTION 11 & 13.

Removes language referencing the receipt of a ballot 15 days post election as it 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,

Declaration of candidacy is public record

SECTION 16.

If a change is made regarding the eligibility of a candidate by the director, notice must be provided to the candidate, other candidates in the race and to the individual filing the candidacy complaint, if applicable. A challenge may be made to this decision within 15 days and the director must respond to the challenge within 15 days.

SECTION 17.

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

SECTION 18,19, 20,21 & 22 .

Changes the timeframes for replacement of candidate by party petition.

SECTION 23.

Declaration of candidacy is public record.

SECTION 24.

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

SECTION 25.

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

SECTION 26.

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 27.

Establishes the effective date of January 1, 2012.