

**HB**

**86**

<TARGET><BILL>HB 86</BILL><SUBJECT>HB  
86</SUBJECT><COMM>HSTA28</COMM></TARGET>

# ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

## MEMORANDUM

DATE: January 28, 2013  
TO: Representative Bob Lynn  
FROM: Representative Les Gara  
RE: Hearing Request for House Bill 86

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A handwritten signature in black ink, appearing to be "Les Gara", written over the "FROM:" line of the memorandum.

On behalf of the seven co-sponsors, I respectfully request that House Bill 86, an act permitting a voter to register up to or on the day of an election, be scheduled for a hearing in the State Affairs Committee. Please feel free to contact me or my aide Toby Smith at 465-2647 with questions.

Attached you will find a background packet for House Bill 86. This includes the current version of the bill, a sponsor statement, and a sectional analysis.

Thank you for your consideration.

Representative Les Gara

**HOUSE BILL NO. 86**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES GARA, Tarr, Gruenberg, Kawasaki, Tuck, Josephson, Drummond**

**Introduced: 1/28/13**

**Referred:**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to voter registration and questioned ballots, and permitting a voter to  
2 register up to or on the day of an election."

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

4 \* **Section 1.** AS 15.05.010 is amended to read:

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

6 (1) is a citizen of the United States;

7 (2) is 18 years of age or older;

8 (3) has been a resident of the state and of the house district in which  
9 the person seeks to vote for at least 30 days just before the election; and

10 (4) has registered [BEFORE THE ELECTION] as required under AS  
11 15.07 and is not registered to vote in another jurisdiction.

12 \* **Sec. 2.** AS 15.07.070(d) is amended to read:

13 (d) Qualified voters may register in person before a registration official or  
14 through a voter registration agency at any time throughout the year. A qualified voter

1 **who registers** [, EXCEPT THAT A PERSON REGISTERING] within 30 days  
 2 preceding an election **or on the day of an election shall vote a questioned ballot** [IS  
 3 NOT ELIGIBLE TO VOTE] at that election. Upon receipt and approval of the  
 4 registration forms, the director or the election supervisor shall forward to the voter an  
 5 acknowledgment in the form of a registration card, and the voter's name shall  
 6 immediately be placed on the master register. Names of persons registering 30 or more  
 7 days before an election shall be placed on the official registration list for that election.

8 \* **Sec. 3.** AS 15.07.090(d) is repealed and reenacted to read:

9 (d) A voter who has failed to request a transfer as provided in (c) of this  
 10 section or a person who claims to be a registered voter, but for whom no evidence of  
 11 registration in the precinct can be found, shall vote a questioned ballot. The director or  
 12 the director's representative shall determine whether a voter for whom no evidence of  
 13 registration in the precinct is found is registered in that house district before counting  
 14 the ballot.

15 \* **Sec. 4.** AS 15.15 is amended by adding a new section to read:

16 **Sec. 15.15.212. Election day voting by questioned ballot outside a voter's**  
 17 **house district.** (a) Notwithstanding AS 15.05.010(3), a qualified voter who has been a  
 18 resident of the state and of a house district for at least 30 days before an election, but  
 19 who is absent from that house district on election day, may vote a questioned ballot at  
 20 a polling place outside that district on election day.

21 (b) For purposes of (a) of this section, the director shall

22 (1) supply all polling places with ballots for all house districts in the  
 23 state; the director may provide the ballots under AS 15.15.032, 15.15.050, or AS  
 24 15.20.030;

25 (2) provide each voting official with a means of determining, by  
 26 address, the appropriate house district ballot for a qualified voter voting a questioned  
 27 ballot under this section; and

28 (3) provide each polling place with a separate ballot box for questioned  
 29 ballots cast under this section.

30 \* **Sec. 5.** AS 15.15.215(a) is amended to read:

31 (a) A voter who casts a questioned ballot **in the voter's house district** shall

1 vote the ballot in the same manner as prescribed for other voters. The voter shall insert  
2 the ballot into a secrecy sleeve and put the secrecy sleeve into an envelope on which  
3 the statement the voter previously signed is located. The envelope shall be sealed and  
4 deposited in the ballot box. When the ballot box is opened, the envelopes shall be  
5 segregated, counted, compared to the voting list, and delivered to the official or body  
6 supervising the election. The merits of the question shall be determined by this official  
7 or body in accordance with the procedure prescribed for questioned **ballots** [VOTES]  
8 in AS 15.20.207.

9 \* **Sec. 6.** AS 15.15.215 is amended by adding a new subsection to read:

10 (c) A voter who casts a questioned ballot at a polling place outside the voter's  
11 house district under AS 15.15.212 shall vote the ballot in the same manner prescribed  
12 for other voters. The voter shall insert the ballot into a secrecy sleeve and put the  
13 secrecy sleeve into an envelope on which the statement the voter previously signed is  
14 located. The envelope shall be sealed and deposited in a ballot box provided by the  
15 director under AS 15.15.212(b) for out-of-district questioned ballots. When the ballot  
16 box is opened, the envelopes shall be segregated, counted, and delivered to the  
17 director.

18 \* **Sec. 7.** AS 15.15.350(a) is amended to read:

19 (a) The director may adopt regulations prescribing the manner in which the  
20 precinct ballot count is accomplished so as to ensure accuracy in the count and to  
21 expedite the process. The election board shall account for all ballots by completing a  
22 ballot statement containing (1) the number of official ballots received; (2) the number  
23 of official ballots voted; (3) the number of official ballots spoiled; (4) the number of  
24 official ballots unused and either destroyed or returned for destruction to the elections  
25 supervisor or the election supervisor's designee. The board shall count the number of  
26 questioned ballots **cast by voters registered to vote in the house district** and  
27 compare that number to the number of questioned voters in the register. Discrepancies  
28 shall be noted and the numbers included in the certificate prescribed by AS 15.15.370.  
29 The election board, in hand-count precincts, shall count the ballots in a manner that  
30 allows watchers to see the ballots when opened and read. A person handling the ballot  
31 after it has been taken from the ballot box and before it is placed in the envelope for

1 mailing may not have a marking device in hand or remove a ballot from the immediate  
2 vicinity of the polls.

3 \* **Sec. 8.** AS 15.15 is amended by adding a new section to read:

4 **Sec. 15.15.367. Counting and review of out-of-district questioned ballots.**

5 The director shall examine each questioned ballot cast under AS 15.15.212 in the  
6 manner provided in AS 15.20.207(b). If a questioned ballot is not rejected, it shall be  
7 counted, subject to AS 15.15.360. A questioned ballot cast under AS 15.15.212 may  
8 be challenged by an appointed party representative when that ballot is reviewed under  
9 AS 15.20.220(b). The director shall follow the procedures provided by AS  
10 15.20.207(h) - (k) for ballots reviewed under this section.

11 \* **Sec. 9.** AS 15.15.198(b) is repealed.

# ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA  
REPRESENTATIVE GERAN TARR  
REPRESENTATIVE MAX GRUENBERG  
REPRESENTATIVE SCOTT KAWASAKI  
REPRESENTATIVE CHRIS TUCK  
REPRESENTATIVE ANDY JOSEPHSON  
REPRESENTATIVE HARRIET DRUMMOND

## Sponsor Statement

### House Bill 86

An act permitting a voter to register up to or on the day of an election

Voting is a constitutional right. We should make it easier for people who wish to vote, not harder. Under current statute, an Alaskan voter must be registered thirty days prior to an election or else they are ineligible to vote in Alaskan races. House Bill 86 allows Alaskans who wish to vote to register on the day of voting if they miss the current thirty-day prior to an election deadline.

HB 86 would benefit first-time voters who are unaware of registration rules, and people who forget to update their registration after moving. It helps those who have no idea that the redistricting process has changed their voting district. Under current law all of these people are disenfranchised from voting in Legislative and Assembly races.

Currently, eight states plus the District of Columbia have already enacted same-day registration laws, two states passed same-day registration laws in 2012 that will take effect in 2013 or 2014, and legislation proposing the adoption of same-day registration is pending in eleven states.

Please contact our office if you have any questions.

# LEGAL SERVICES

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

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Mail Stop 3101

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

## MEMORANDUM

January 28, 2013

**SUBJECT:** Sectional summary (Work Order No. 28-LS0185\N)

**TO:** Representative Les Gara  
Attn: Toby Smith

**FROM:** Alpheus Bullard *TAB*  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** Conforms AS 15.05.010 to a change made to AS 15.07.070(d) in sec. 2 of the bill.

**Section 2.** Amends AS 15.07.070(d) to permit a qualified voter to register up to, or on, the day of an election. Requires a person who registers on, or within 30 days of an election, to vote a questioned ballot.

**Section 3.** Repeals and reenacts AS 15.07.090(d) to clarify that a person who claims to be a registered voter, but for whom no evidence of registration in the precinct can be found, must vote a questioned ballot.

**Section 4.** Adds a new section, AS 15.15.212, permitting a qualified voter to vote outside the voter's house district on election day. Provides that these voters must vote a questioned ballot. Requires the director of the division of elections (director) to supply all polling places with the necessary questioned ballots, provide election officials with a means of determining the appropriate house district ballot for each such voter, and to provide a separate ballot box for questioned ballots cast by these voters.

**Section 5.** Makes conforming changes to AS 15.15.215 to clarify that a questioned ballot cast by a voter in the voter's house district will be deposited in the same ballot box as the other (non-questioned) ballots cast at that polling place for that house district.

Representative Les Gara  
January 26, 2013  
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**Section 6.** Adds a new subsection "(c)" to AS 15.15.215 that provides that a voter who casts a questioned ballot at a polling place outside the voter's house district may vote in the same manner provided for other voters, but that the questioned ballot cast by that voter must be deposited in the separate ballot box provided for out-of-district ballots (under AS 15.15.212) and delivered to the director.

**Section 7.** Amends AS 15.15.350(a) to clarify that the subsection applies to the counting of questioned ballots cast in a house district by voters residing in that district.

**Section 8.** Adds a new section, AS 15.13.367, that provides how questioned ballots cast by voter's outside their house districts are to be reviewed and counted.

**Section 9.** Repeals AS 15.15.198(b).

TLAB:plm  
13-017.plm

# The Pew Charitable Trusts

Pew Center on the States

## Online Voter Registration in California

January 22, 2013

Election Initiatives



[Return to Election Data Dispatches.](#)

A recent [study](#) from the University of California, Davis found that after online voter registration became available in the state on September 19, 2012, approximately half of all voter registrations came via this method.

Voters ages 18-24 took greatest advantage of the new online system. Of the more than 244,000 new young registrants for the November 2012 election, more than 154,000, or 63 percent - registered online. This age group made up 30 percent of the more than 500,000 new online registrants.

Additionally, there are now two million young registrants in California, an increase of 13.9 percent since November 2008.

<http://www.pewstates.org/research/analysis/online-voter-registration-in-california-85899444554#>



## 2013 MONTANA LEGISLATURE

# Same-day voter registration under fire

Same-day voter registration under fire

Associated Press

Posted: Monday, January 14, 2013 5:09 pm



Mike Greener/Chronicle

Bozeman residents wait in line to vote Tuesday morning, Nov. 6, 2012, at the Gallatin County Courthouse.

HELENA (AP) — A Republican legislator is proposing to repeal the 2005 Montana law that allows voters to register on Election Day.

Rep. Ted Washburn of Bozeman says the law has led to a “zoo-ish” atmosphere on Election Day with long lines and delays in tallying votes.

A similar proposal cleared the Republican-controlled Legislature in 2011, but it was vetoed by former Gov. Brian Schweitzer. The House State Administration Committee didn't take immediate action on the bill Monday.

Washburn's proposal would cut off late registration on the Friday prior to Election Day. Secretary of State Linda McCulloch rebuffed accusations that same-day voter registration could lead to fraud or multiple votes from one person. The state's top election official says the state uses a voter database and no such fraud has ever been found.

# O'Malley promotes same-day registering and voting in Maryland

## Says it enhances overall turnout

The Washington Times

Thursday, January 24, 2013



Maryland Gov. Martin O'Malley's proposal to allow residents to register to vote

Maryland Gov. Martin O'Malley is proposing legislation this year that would allow residents to register to vote and cast their ballots on the same day, as he looks to join other Democratic-leaning states that are expanding voter access as a counterpoint to voter-identification laws passed in more conservative states.

The governor's proposal would allow residents to register and vote on the same day during early voting, but not on Election Day, and would add Maryland to 12 states and the District which have enacted some form of same-day voter registration.

A change is expected to increase voter turnout and is part of a push by many Democrats, including President Obama, to clear what they say are unnecessary roadblocks in the way of potential voters.

"Same-day voter registration is working in a number of states to boost both registration and turnout," said Maryland state Sen. Jamin B. "Jamie" Raskin, Montgomery Democrat. "The right to vote is fundamental and we should remove all obstacles to registration and voting that thwart people's ability to exercise their basic right as citizens."

Maryland, California and Connecticut, all blue states, are the most recent to push for same-day voter registration, but the practice is allowed in states across the political spectrum.

The District, Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin and Wyoming all allow qualified voters to register and cast ballots on Election Day. California and Connecticut passed same-day registration laws last year but they have yet to take effect.

North Carolina and Ohio allow same-day voting only during the early voting period that precedes Election Day.

Studies have shown that states with same-day registration typically have higher voter turnout. A study by the Wisconsin Government Accountability Board found that 15 percent of its voters in the 2008 general election registered to vote at their polling place on Election Day.

<http://www.washingtontimes.com/news/2013/jan/24/omalley-promotes-same-day-registering-and-voting-i/print/>

Democrats in some states have pursued same-day voting as a way to open up the process, and also have called for additional polling places and voting machines to accommodate large crowds that they believe act as a deterrent for voters.

In his inauguration address on Monday, Mr. Obama called the issue a civil rights obstacle.

"Our journey is not complete until no citizen is forced to wait for hours to exercise the right to vote," he said.

Opponents of measures to expand polling places and make voting more accessible argue that doing so brings added costs and less security, and that while the Constitution guarantees a right to vote, it does not guarantee a right to absolute convenience at the expense of other concerns.

Republicans have looked to overturn same-day registration in some states, on grounds that it overburdens poll workers and is vulnerable to registration at multiple polling places.

There were calls last fall by Wisconsin Republicans, including Gov. Scott Walker, to end same-day registration, but Mr. Walker backed off the issue last month after a Government Accountability Board report said it could cost \$5.2 million to get rid of same-day voting.

Such a change would have required the state to begin offering residents a chance to register to vote when renewing their driver's licenses or applying for government assistance -- a policy that is required of states that don't have same-day voting by the National Voter Registration Act of 1993, also known as the "motor-voter" act.

Barry Burden, a political-science professor at the University of Wisconsin-Madison, said he doesn't buy the argument that same-day voting is more susceptible to fraud, but he acknowledged that it can lead to more hectic atmospheres at polling precincts.

"In my mind, registration at polls is more secure and has more integrity than registration at a third-party place," he said. "But especially when this is done by paper, there's just a lot of paper to process in a short period of time."



## Ending same-day voter registration would cost \$5.2 million, board finds

By Patrick Marley of the Journal Sentinel  
Dec. 11, 2012

**Madison** - Ending election-day registration would likely cost the state more than \$5.2 million, won't reduce the administrative work of clerks and would still allow some people to register at the polls because of a federal law.

Those details were included in a report sent to lawmakers Friday by the Government Accountability Board, which runs state elections.

Democrats said the report should prompt Republicans to rethink plans to end election-day registration, but one GOP senator said he'd like to see the law changed as early as next month.

Rep. Joel Kleefisch (R-Oconomowoc) and Sen. Alberta Darling (R-River Hills) are working on a bill to end the ability of voters to register to vote at the polls. GOP Gov. Scott Walker supports the idea, but Senate President Mike Ellis (R-Neenah) has cautioned that Republicans who control the Legislature have not yet decided what they want to do on the matter.

The report also said ending election-day registration would dramatically increase the provisional ballots that are cast in the state. Provisional ballots are cast when voters who don't appear on a poll list contend they are registered. Provisional ballots are not counted on election day, and clerks and voters have until the Friday after an election to determine if they were indeed registered and had the ability to vote. Any valid votes are counted at that point and added to the total.

"Procedures for election officials to issue, process and canvass provisional ballots are more complex and time-consuming than are those for regular ballots," the report said.

In addition, an increase in provisional ballots could delay the public from knowing the results in close elections because of the need to review and count provisional ballots.

Currently, provisional ballots are given out only rarely in Wisconsin because most disputes can be resolved using same-day registration. If people don't show up on the voter rolls but believe they are registered, they can fill out registration forms at the polls and vote.

Wisconsin has allowed people to register at the polls since 1976. Because of the state law allowing election-day registration, Wisconsin is exempt from aspects of the federal Motor Voter Act of 1993 and the federal Help America Vote Act of 2002. Eliminating election-day registration would make those provisions kick in and require people to be given voter registration forms at Division of Motor Vehicles offices and public assistance offices.

Even if lawmakers repeal the election-day registration law, people who moved short distances would

still be able to update their voter registrations at the polls under federal law. That would apply to people who moved but kept their same polling place, and possibly to others, depending on how state law was revised.

Federal law also would require Wisconsin clerks to keep names on their poll lists for longer periods of time, and removing voters from the list would be a more costly, cumbersome process.

About 10% to 15% of voters register to vote or update their addresses at the polls during major Wisconsin elections. The law is credited with giving Wisconsin one of the highest voter turnout rates in the nation.

The accountability board estimated in its report that ending election-day registration would cost the state \$5.2 million for the first two years - for increased costs to maintain voter lists, computer system upgrades, an ad campaign and voter outreach, and for training and adding staff.

Some of those costs would be recurring. The figures do not include the costs to other state agencies that would have to offer voter registration forms to the public and forward any returned forms to election officials.

The additional costs could be significant. For instance, in 2007, the Department of Transportation estimated eliminating election-day registration would increase its costs by \$748,000 a year.

More up-to-date costs for the DOT, as well as estimates for other agencies, are to be tallied in a follow-up report by the accountability board due at the end of the month.

The accountability board noted that its cost estimates are rough because expenses could change significantly depending on the wording of any legislation.

Sen. Glenn Grothman (R-West Bend) said he had not yet reviewed the material from the accountability board and remained committed to trying to end election-day registration. He said he would like the Senate to vote on it in January.

He said he believed election-day registration made it easier to commit voter fraud, though he acknowledged he had no evidence to support that is happening.

"I can't prove it, but we all believe it," he said of fraud. "It would be harder to cheat under Motor Voter and that's why we should go with Motor Voter."

But Richard Hasen, an expert on election law at the University of California-Irvine School of Law, said studies have not found a correlation between election-day registration and increased voter fraud.

Democrats criticized Grothman for claiming election-day registration can lead to voter fraud without providing backup.

"The only vote fraud taking place here is when they're disenfranchising people and trying to take their vote away," said incoming Senate Minority Leader Chris Larson (D-Milwaukee).

**Find this article at:**

<http://www.jsonline.com/news/statepolitics/ending-sameday-voter-registration-would-cost-52-million-board-finds-vn804ti-182996661.html>

# ALASKA STATE LEGISLATURE



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Please contact our office if you have any questions.


 
[Legislatures & Elections](#) » [Elections & Campaigns](#) » [Same-Day Registration](#)

Go 23695

 

## Same-Day Voter Registration



**Last updated February 11, 2013**

Eight states plus the District of Columbia presently offer same-day registration (SDR), allowing any qualified resident of the state to go to the polls on election day, register that day, and then vote. Another two states--California and Connecticut--have enacted same-day registration but have not yet implemented it. Two others allow voters to register and cast a vote during the early voting period. In most other states, voters must register by a deadline prior to Election Day. The deadline varies by state, with 30 days before the election being a common date.

### On this page

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- [Advantages](#)
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- [Same-day registration and fraud](#)
- [2013 legislation](#)

### NCSL Contact

- [Jennie Drage Bowser](#) or [Wendy Underhill](#)

Same-Day Registration States	
	Year Enacted
<b>California*</b>	2012
<b>Connecticut**</b>	2012
<b>District of Columbia</b>	2010
<b>Idaho</b>	1994
<b>Iowa</b>	2007
<b>Maine</b>	1973
<b>Minnesota</b>	1974
<b>Montana</b>	2005
<b>New Hampshire</b>	1996
<b>Wisconsin</b>	1975
<b>Wyoming</b>	1994

\*California's same-day registration will take effect on January 1 of the year following the year in which the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002. (no sooner than January 2014)

\*\*Connecticut's same-day registration takes effect July 1, 2013.

Since 2007, **North Carolina** has allowed voters to register and vote on the same day at early voting locations that are open from 19 days before the election to 3 days before the election. Other states, such as **Ohio**, offer similar opportunities to register during the early voting period and cast an absentee ballot. These states do not permit same-day registration on Election Day, however.

### Advantages

- Same day registration leads to increased voter turnout. In the six SDR states that had SDR prior to 2006 and North Dakota (which has no voter registration), turnout is 10 percent to 17 percent higher than the national average. Minnesota estimates that election day registrations account for five percent to ten percent of voter turnout.
- Allowing people to register the same day they intend to vote is more convenient. It particularly benefits people who have difficulty getting to an office to register because of work or transportation conflicts and those who have recently moved.
- States have more control over their voter registration rolls because they are not subject to National Voter Registration Act (NVRA) purging restrictions.

### Disadvantages

- SDR can be costly, because it requires:
  - additional poll workers,
  - additional ballots,
  - additional voting equipment, and
  - verification certificates and investigation costs.
- SDR must be adopted along with safeguards to prevent fraud.

### Same-Day Registration and Fraud

State election officials from the same-day registration states and North Dakota contend that their registration procedures have not resulted in increased fraud. Safeguards against fraud that have been considered or implemented in some of the SDR states include:

- . Requiring picture identification at polls.
- . Requiring additional identification to verify address.
- . Segregating SDR ballots, and refraining from counting them until verification certificates have been sent out and undeliverable ones are returned.
- . Restricting sites at which one can register on election day.
- . Implementing minimum residency requirements.
- . Prohibiting changing party affiliation on primary day.
- . Specifying and enforcing a deterrent penalty for fraud associated with SDR.

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## 2013 Legislative Action

Legislation proposing the adoption of same-day registration is pending in fifteen states:

- . **Alaska** -- HB 86
- . **Arizona** -- HB 2146, HB 2368 and SB 1248
- . **Georgia** -- SB 44
- . **Hawaii** -- HB 321, HB 511, HB 1218, SB 854 and SB 857
- . **Illinois** -- HB 68
- . **Maryland** -- HB 17
- . **Montana** -- HB 30 (proposes to repeal the existing same-day registration law)
- . **New Jersey** -- A 1575
- . **New York** -- A 113, A 172, A 2099, S 609, S 617 and S 1549
- . **Pennsylvania** -- HB 178 and SB 364
- . **Tennessee** -- HB 293, HB 998, SB 263 and SB 908
- . **Texas** -- HB 169, HB 464 and SB 81
- . **Utah** -- HB 91
- . **Vermont** -- HB 42
- . **Washington** -- SB 5268

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### Denver Office

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### Washington Office

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