

HB

104

<TARGET><BILL>HB 104</BILL><SUBJECT>HB
104</SUBJECT><COMM>SSTA28</COMM></TARGET>

SENATE COMMITTEE REPORT

DATE: 4/9/13

FURTHER: Rules

DATE TURNED
IN TO OFFICE: 4/11/13

State Affairs Committee considered CS FOR HOUSE BILL NO. 104(2d JUD)

HB 104-ELECTION PROCEDURES; REAA ADVISORY BOARDS

"An Act relating to election practices and procedures; relating to the reporting of election campaign contributions and expenditures; relating to identification requirements for a communication paid for by a political party; relating to public records; relating to the election of an advisory school board in a regional educational attendance area; and providing for an effective date."

and recommends:

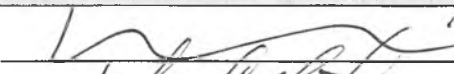
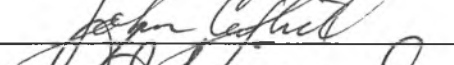
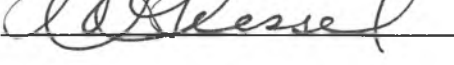
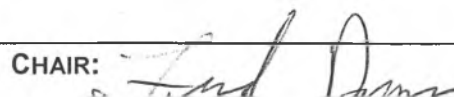
- be replaced with SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- adopt previous SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
EED			✓	2
GOV			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Wielechowski				✓
	Coghill			✓	
	Giessel	✓			
CHAIR: 	Dyson	✓			

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STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

April 8, 2013

The Honorable Fred Dyson, Chair
Senate State Affairs Committee
State Capitol, Room, Room 121
Juneau, AK 99801

Dear Senator Dyson:

The Division of Elections (DOE) respectfully requests a hearing in the Senate State Affairs Committee on CSHB 104(2d JUD), "An Act relating to election practices and procedures; relating to the reporting of election campaign contributions and expenditures; relating to identification requirements for a communication paid for by a political party; relating to public records; relating to the election of an advisory school board in a regional educational attendance area; and providing for an effective date."

Your committee previously heard the companion bill, Senate Bill 44. The current House version of the bill has several changes from the Senate bill. I've enclosed the current bill version, a sectional analysis, fiscal notes, an explanation of changes and bill summary.

The bill is currently on today's House calendar and I anticipate passage today. I am respectfully requesting that the bill be noticed for a committee hearing pending referral.

Your favorable consideration of this request is appreciated. If you need any additional information, please contact me at 907-465-2644.

Sincerely,

A handwritten signature in cursive script that reads "Gail Fenumiai".

Gail Fenumiai
Director

cc: Heather Brakes, Legislative Director, Office of the Governor

Enclosures



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

CSHB 104(2d JUD) BILL SUMMARY

The bill proposes a number of changes to the Election Code and related statutes. These changes are necessary to maximize efficiency in conducting state-run elections and to harmonize certain provisions of state and federal election law.

The bill would specify that the division of elections may conduct elections for advisory school boards in regional educational attendance areas. The division already is required to conduct elections to regional educational attendance area boards, and this change would specify that the division could—but would not be required—to do the same for local advisory boards.

The bill would allow a qualified voter residing outside the U.S. to register to vote absentee if their parent or guardian was domiciled in Alaska immediately before leaving the U.S. This provision is aimed at voters who turn eighteen while living abroad with their parents or guardians.

The bill would allow the division to designate municipal clerks to act as absentee voting officials to distribute absentee ballots to qualified voters and their representatives. This portion of the bill aims to resolve difficulties associated with finding persons to act as absentee voting officials, particularly in more rural areas of the state, by allowing municipal clerks to act in this capacity and thereby reach greater numbers of absentee voters.

The bill would also streamline several aspects of the absentee voting process. The bill would repeal the concept of the “special absentee ballot” and make official ballots for overseas and

military voters available 45 days before a federal election. All regular statewide elections also have federal offices on the ballot. Federal law requires the division to transmit ballots to military and overseas voters 45 days before an election. The purpose of the change would be to eliminate the 60-day advance “special absentee” ballot and make a single, official ballot available to all military and overseas and voters in remote areas of the state available on a timeframe consistent with federal law.

The bill would also shift the date of the primary election and associated candidacy withdrawal and petition deadlines. The bill would move the date of the primary from the fourth Tuesday in August to the third Tuesday in August of every even-numbered year. Candidates would have 52 rather than 48 days before the primary to withdraw their name from the ballot, and judges up for retention would have 64 rather than 48 days to withdraw. Similarly, deadlines governing the nomination of candidates by party petition where an unopposed incumbent dies, disqualified, or is incapacitated and for filling vacancies by party petition would expand. This area of the bill is intended to give the division of elections more time to ensure that the state is able to comply with provisions of federal law requiring the division to transmit ballots to military and overseas voters 45 days before a federal election.

The bill also proposes changes to campaign finance reporting for no-party petition candidates. It also allows for a requestor of an APOC advisory opinion to have their name redacted prior to the request and opinion being made public. The bill changes identification requirements for communications paid for by a political party.

The bill also proposes to allow for a special runoff election following a special election to fill the vacancy of a U.S. Senator or U.S. Representative if no candidate in the special election receives more than 50 percent of the vote.

Finally, the bill would harmonize state and federal law by adding definitions of “absent uniformed services voter” and “overseas voter” to the Election Code.



STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

CSHB 104(2d JUD)

“An Act relating to election practices and procedures; relating to the reporting of election campaign contributions and expenditures; relating to identification requirements for a communication paid for by a political party; relating to public records; relating to the election of an advisory school board in a regional educational attendance area; and providing for an effective date.”

Sectional Analysis

Section 1 - specifies that the division may conduct elections for advisory school boards in regional educational attendance areas and regulations may be adopted to implement this process.

Section 2 - allows a child turning 18 who resides outside the U.S. to register and vote absentee if their parent or guardian was domiciled in Alaska immediately before leaving the U.S. This section is aimed at voters who turn 18 while living abroad with their parents or guardians.

Section 3 - amends AS 15.10.170 to require poll watchers to be United States citizens.

Section 4 - amends AS 15.10.170 to allow candidates to appoint poll watchers.

Section 5 - amends AS 15.10.180 to require that state review board members be United States citizens.

Section 6- amends APOC statutes to include no-party candidates.

Sections 7 - 9 - amends APOC statutes related to identification requirements for communications paid for by a political party.

Section 10 - amends APOC statutes to require that no-party candidates file campaign related reports prior to the primary election.

Section 11 - amends AS 15.13.374(f) to provide that, upon request, the name of a person requesting an advisory opinion from the APOC is confidential and must be redacted from both the request and the opinion before the opinion is made public.

Section 12 – allows the division to designate municipal clerks to serve as absentee voting officials in municipalities where the division does not have an absentee voting station.

Section 13 – clarifies that ballots are sent to voters as soon as they are available for distribution with the exception of uniformed services and overseas voters whose ballots must be mailed 45 days prior to the election.

Section 14 – changes the receipt date for ballots postmarked from overseas to 10 days for the primary and special elections and 15 days for the general, special runoff or other special elections.

Section 15 – adds harmonizing language from federal law that ballots for uniformed services and overseas voters will be mailed 45 days prior to an election. Also adds that voters living, working, traveling outside the U.S. at election time or those living in remote areas of the state will have a ballot mailed 45 days prior to an election.

Section 16 – amends current law related to mailing of partial count and reject letters to include absentee ballots from a special election under AS 15.40.140 or special runoff election.

Section 17 – amends current law related to free access for absentee voters to check the status of their ballot to include absentee ballots from a special election under 15.40.140 or special runoff election.

Section 18 – amends current law related to mailing of partial count and reject letters to include questioned ballots from a special election under AS 15.40.140 or special runoff election.

Section 19 - amends current law related to free access for absentee voters to check the status of their ballot to include questioned ballots from a special election under 15.40.140 or special runoff election.

Section 20 - amends current law related to mailing of partial count and reject letters to include questioned ballots from a special election under AS 15.40.140 or special runoff election.

Section 21 - amends current law related to free access for absentee voters to check the status of their ballot to include questioned ballots from a special election under 15.40.140 or special runoff election.

Section 22 – changes the date of the primary election to the third Tuesday in August (currently is the fourth Tuesday in August).

Section 23 – changes the withdrawal date for primary election candidates to 52 days prior to the primary election (currently is 48 days).

Sections 24 and 25 – change the date to replace unopposed incumbent candidates to 54 days prior to the primary election (currently is 50 days) and filling of vacancy by party petition to 52 days prior to the primary election (currently is 48 days).

Sections 26 and 27 – change the date to replace a candidate nominated at the primary election to 64 days before the general election (currently is 48 days).

Section 28 – changes the withdrawal date for a candidate appearing on the general election ballot to 64 days prior to the general election (currently is 48 days).

Section 29 – changes the withdrawal date for judicial candidates to 64 days prior to the general election (currently is 48 days).

Section 30 – amends AS 15.40.140 to require a special election under a new statute (AS 15.40.142) for a vacancy in the office of US Senator or US Representative.

Section 31 – enacts two new provisions regarding special elections and special runoff elections.

The first provision provides for a special runoff election if no candidate in a special election receives over 50 percent of the votes cast in the special election to fill a vacancy in the office of US Senator or US Representative. The two candidates receiving the most votes would appear on a special runoff election ballot.

The second provision establishes the timing of special elections and special runoff elections.

Specifically, the special election for a vacancy in the office of US Senator or US Representative shall be held not less than 60 days nor more than 90 days after the date the vacancy occurs. A special runoff election shall be held on the first Tuesday that is not a state holiday occurring not less than 60 days after the special election.

If the vacancy occurs in an election year in which the candidate for the vacant office is not regularly elected and the vacancy occurs on a date not less than 60 days nor more than 90 days before the date of the primary election, the special election will be held on the date of the primary election with any subsequent special runoff election being held on the date of the general election.

If the vacancy occurs in an election year in which the candidate for the vacant office is not regularly elected and the vacancy occurs on a date not less than 60 days nor more than 90 days before the date of the general election, the special election will be held on the date of the general election with any subsequent special runoff election being held on the first Tuesday that is not a state holiday occurring not less than 60 days after the special and general election.

Section 32 - amends AS 15.40.160 to provide for the governor's proclamation of a special election and special runoff election.

Section 33 - amends AS 15.40.165 to add a special runoff election as an election in which a US Senator may be elected to fill an unexpired term.

Section 34 - amends AS 15.40.170 to add a special runoff election as an election in which a US Representative may be elected to fill an unexpired term.

Section 35 - amends AS 15.40.220 to add a special runoff election under the general provisions governing the conduct of a special election and appears to allow for a write-in candidate in a special election for US Senator or US Representative.

Sections 36 and 37- amend current law to include special runoff elections as an election type in which ballot measures could appear.

Sections 38 and 39 - amend current law to include special runoff elections as a type of election for which a primary voter pamphlet would be produced if there was a ballot measure on the special runoff election.

Section 40 - adds a new subsection amending AS 15.58.030 to require the lieutenant governor to publish an electronic election pamphlet on the division's internet website before each state election. Photograph and statement are provided and paid for by candidate and the information must be published at least 15 days before an election at which the candidate will appear on the ballot.

Section 41 - amends definition of federal election to include a special runoff election.

Section 42 - adds federal definitions of absentee uniformed services voters and overseas voters and defines special runoff elections.

Section 43 - allows municipal clerks to serve as absentee voting officials in municipalities where the division does not have an absentee voting station (harmonizing change to Title 29).

Section 44 -repeals the allowance of an absentee application from a uniformed services or overseas voter to be extended for two general elections (harmonize with federal law); repeals the requirement to send special absentee ballots.

Section 45 - provides for an effective of January 1, 2014.



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

HB 104 - EXPLANATION OF CHANGES

The House State Affairs Committee passed HB104 from their committee on February 20, 2013. These are the differences between the original bill version and CSHB 104(STA).

Section 3 was added to require poll watchers to be registered voters in the state.

Section 4 was added to require members of the state review board to be registered voters in the state.

Section 5 was added to require that the name of a person requesting an advisory opinion from APOC be redacted prior to the request and opinion being made public.

Section 20 was added to require the division to publish on the division's website the photograph and candidate statement. Must be published within 15 days of the election in which the candidate will appear on the ballot.

The House Judiciary Committee passed HB 104 from their committee on April 5, 2013. These are the differences between the CSHB 104(STA) and CSHB 104(2d JUD) versions.

Section 3 was amended to require poll watchers to be US citizen

Section 4 was added to allow each candidate to appoint a poll watcher.

Section 5 was amended to require members of the state review board to be US citizens.

Section 6 was added to require that no-party (petition) candidates be required to submit campaign finance reports on the same schedule as party candidates.

Section 7 was added to change identification requirements for communications paid for by a political party.

Original section 7 from the H (STA) version was deleted. The intent of the original section 7 was to harmonize state and federal law related to the acceptance of absentee applications for ballots being sent electronically.

Section 8 was added in conjunction with Section 7.

Section 9 was added in conjunction with Section 7.

Section 10 was added in conjunction with Section 6.

Section 11 amended to allow the name of the person requesting an advisory opinion from APOC be redacted, only if requested, prior to the request and opinion being released to the public.

Section 14 was amended to allow ballots postmarked overseas shall be received up to 10 days following a state primary or special election and up to 15 days following a state general or special runoff elections.

Sections 16 - 21 were added to include special election under AS 15.40.140 and a special runoff election under AS 15.40.141.

Section 22 was amended to move the primary election from the second Tuesday in August to the third Tuesday in August.

Section 31 was added allow for a special runoff election following a special election should no candidate receive over 50 percent of the vote. It also states the conditions of calling a special runoff election and the time for calling the special election and special runoff election.

Section 32 was added to amend current law related to issuance of election proclamation to include special and special runoff elections.

Section 33 was added to amend current law related to the term of elected senator to include a special runoff election.

Section 34 was added to amend current law related to the term of elected representative to include a special runoff election.

Section 35 was added to amend current law related to general provision for conduct of special election to include special runoff election.

Section 36 was added to amend current law related to ballot initiative placement to include a special runoff election.

Section 37 was added to amend current law related to ballot referendum placement to include a special runoff election.

Section 38 was added to amend current law related to preparation of election pamphlet to include a special runoff election.

Section 39 was added to amend current law related to preparation of a primary or special election pamphlet to include a special runoff election.

Section 41 was added to amend current law related to the definition of federal election to include a special runoff election.

Section 44 was amended to delete the repeal of AS 15.20.081(h).

FISCAL NOTE

STATE OF ALASKA
2013 LEGISLATIVE SESSION

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

Identifier (file name) 0983-OOG-DOE-01-07-13 Dept. Affected OOG/Division of Election
Title "An Act relating to election practices and procedures..." Appropriation Division of Elections
Allocation Division of Elections
Sponsor Rules by Request of the Governor
Requester Governor OMB Component Number 21

Expenditures/Revenues (Thousands of Dollars)

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

	FY14 Appropriation Requested	Included in Governor's FY14 Request	Out-Year Cost Estimates					
			FY14	FY15	FY16	FY17	FY18	FY19
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
	TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES

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Estimated SUPPLEMENTAL (FY13) operating costs _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY14) costs _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended, or repealed? 7/15/2014 Discuss details in analysis section.

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

Initial version.

Prepared by Gail Fenumiai, Director
Division Division of Elections
Approved by Guy Bell

Phone 907-465-2644
Date/Time 1/7/2013 12:01 p.m.
Date 1/11/2013

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. 0

Analysis

This legislation will have no proposed fiscal impact for the division. However, Section 1 of the bill will require that regulations be promulgated to define the procedures for conducting local advisory board elections.

FISCAL NOTE

STATE OF ALASKA
2013 LEGISLATIVE SESSION

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

Identifier (file name) 0983-EED-ESS-1-14-13 Dept. Affected Education & Early Development
 Title " An Act relating to election practices and procedures; relating to the election of an advisory school board in..." Appropriation Education Support Services
 Allocation School Finance & Facilities
 Sponsor Rules By Request of the Governor
 Requester Governor OMB Component Number 2737

Expenditures/Revenues (Thousands of Dollars)

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

	FY14 Appropriation Requested	Included in Governor's FY14 Request	Out-Year Cost Estimates					
			FY14	FY15	FY16	FY17	FY18	FY19
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS								
Full-time								
Part-time								
Temporary								

CHANGE IN REVENUES								

Estimated SUPPLEMENTAL (FY13) operating costs _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY14) costs _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended, or repealed? _____ Discuss details in analysis section.

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

Initial version

Prepared by Elizabeth Nudelman, Director
 Division School Finance & Facilities
 Approved by Mike Hanley
Commissioner

Phone 465-8679
 Date/Time 1/11/13 3:30 PM
 Date 1/11/2013

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. 0 _____

Analysis

This bill addresses election practices and the election of a school advisory board in a regional educational attendance area (REAA). This fiscal note and analysis responds to section one covering the REAA election of a school advisory board, the remaining sections of the bill do not directly impact chapter 14 Education and therefore are not discussed in this analysis.

The Alaska legislature delegates to REAA school boards the authority to operate the public schools in those areas, subject to law. Both REAA school districts and municipal governments operate through a Regional School board. The election of the Regional School board is provided for in 14.08.071 (b) for the REAA and through municipal elections law for the organized school districts.

State law provides for advisory school boards in REAAs. Regional school boards shall establish advisory boards in each community and prescribe the manner of selection and organization by regulation. Regional school boards could establish advisory school boards through an election process. Current law does not provide for the division of elections to administer an election for an advisory board.

Section one of this bill allows the election process of advisory school boards to be conducted by the division of elections, and for the ability to adopt regulations governing the election process.