

SB

44

<TARGET><BILL>SB 44</BILL><SUBJECT>SB
44</SUBJECT><COMM>SSTA28</COMM></TARGET>

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/6/13

FURTHER:

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/12/13

State Affairs Committee considered SENATE BILL NO. 44

SB 44-ELECTION PROCEDURES; REAA ADVISORY BOARDS

"An Act relating to election practices and procedures; relating to the election of an advisory school board in a regional educational attendance area; and providing for an effective date."

and recommends:


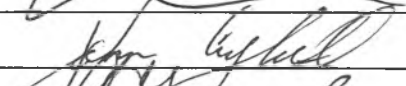
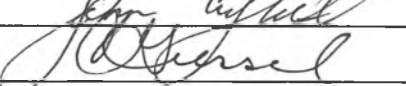
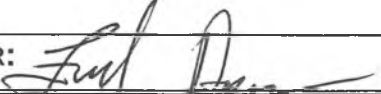
- be replaced with CS SB 44 (STA) [] Same Title New Title
- [] adopt previous CS _____ (_____) [] Same Title [] New Title
- [] attached amendment(s)
- [] adopt _____ Letter of Intent
- [] further referral to _____ Committee

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 #
GOV			✓	1
EED			✓	2

[] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Wielechowski			✓	
	Boghi			✓	
	Stessel	✓			
CHAIR: 	Drown	✓			

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February 4, 2013

The Honorable Charlie Huggins
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Huggins,

Under the authority of Article III, Section 18 of the Alaska Constitution, I am transmitting a bill relating to election practices and procedures; and relating to the election of an advisory school board in a regional educational attendance area.

The bill would make a number of changes to the Election Code and related statutes. These good government changes are necessary to assure voter access to his or her ballot, and to maximize efficiency in conducting State-run elections while harmonizing certain provisions of State and federal election 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 second Tuesday in August of every even-numbered year. The purpose of moving the date is to assure that the Division of Elections can timely comply with provisions of federal law requiring the Division to transmit ballots to military and overseas voters 45 days before a federal election. Candidates would be required to withdraw their name 52 days rather than 48 days before the primary, and judges up for retention would be required to withdraw 64 days rather than 48 days before a general election. Similarly, deadlines governing the nomination of candidates by party petition where an unopposed incumbent dies, is disqualified, or is incapacitated, and for filling vacancies by party petition, would change.

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 United States to register to vote absentee if the qualified voter's parent or guardian was domiciled in Alaska immediately before leaving the

The Honorable Charlie Huggins

February 4, 2013

Page 2

United States. This provision is aimed at voters who reach 18 years of age while living abroad with their parent or guardian.

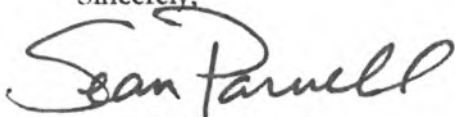
The bill would allow the Division of Elections to designate municipal clerks to act as absentee voting officials to distribute absentee ballots to qualified voters and their representatives. This portion of the bill aims to resolve difficulties associated with finding individuals to act as absentee voting 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 clarify that voters (other than uniformed services voters or overseas voters) who apply to receive their ballots by electronic transmission must, by regulation, be required to comply with the same ballot application deadlines applicable to absentee voting in person. 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 of Elections to transmit ballots to military and overseas voters 45 days before an election. The purpose of the State change would be to eliminate the 60 day advance "special absentee ballot" and make a single, official ballot available to voters overseas, in the military, and in remote areas of the state available on a timeframe consistent with federal law. Sending two ballots often causes voter confusion.

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

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in black ink that reads "Sean Parnell". The signature is written in a cursive, flowing style.

Sean Parnell
Governor

Enclosure

CS FOR SENATE BILL NO. 44(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to election practices and procedures; relating to public records;**
2 **relating to the election of an advisory school board in a regional educational attendance**
3 **area; and providing for an effective date."**

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

5 *** Section 1.** AS 14.08.071 is amended by adding a new subsection to read:

6 (e) The lieutenant governor may provide for the election of an advisory school
7 board established under AS 14.08.115. An election conducted under this subsection
8 shall be held on the first Tuesday in October. The lieutenant governor may adopt
9 regulations governing an election conducted under this subsection.

10 *** Sec. 2.** AS 15.05.011 is amended by adding a new subsection to read:

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

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

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

3 * **Sec. 3.** AS 15.10.170 is amended to read:

4 **Sec. 15.10.170. Appointment and privileges of watchers.** The precinct party
5 committee, where an organized precinct committee exists, or the party district
6 committee where no organized precinct committee exists, or the state party
7 chairperson where neither a precinct nor a party district committee exists, may appoint
8 one or more persons as watchers in each precinct and counting center for any election.
9 Each candidate not representing a political party may appoint one or more watchers
10 for each precinct or counting center in the candidate's respective district or the state for
11 any election. Any organization or organized group that sponsors or opposes an
12 initiative, referendum, or recall may have one or more persons as watchers at the polls
13 and counting centers after first obtaining authorization from the director. A state party
14 chairperson, a precinct party committee, a party district committee, or a candidate not
15 representing a political party or organization or organized group may not have more
16 than one watcher on duty at a time in any precinct or counting center. **A watcher must**
17 **be registered to vote in the state.** The watcher may be present at a position inside the
18 place of voting or counting that affords a full view of all action of the election officials
19 taken from the time the polls are opened until the ballots are finally counted and the
20 results certified by the election board or the data processing review board. The
21 election board or the data processing review board may require each watcher to
22 present written proof showing appointment by the precinct party committee, the party
23 district committee, the organization or organized group, or the candidate the watcher
24 represents that is signed by the chairperson of the precinct party committee, the party
25 district committee, the state party chairperson, the organization or organized group, or
26 the candidate representing no party.

27 * **Sec. 4.** AS 15.10.180 is amended to read:

28 **Sec. 15.10.180. Appointment of state ballot counting review board.** The
29 director shall appoint two persons from the political party of which the governor is a
30 member and two persons from the political party that received the second largest
31 number of votes statewide in the preceding gubernatorial election to participate in the

1 state ballot counting review. The director may appoint additional individuals to
 2 participate in the state ballot counting review. **Appointees must be registered to vote**
 3 **in the state.** Each political party may present to the director a list of three or more
 4 names from which the director shall select the persons to represent the party. The list
 5 of names may be submitted in writing at least 30 days before the date of the election.
 6 The list of names shall be certified by the state chairperson of the political party or by
 7 the person authorized by the party bylaws to act in the absence of the chairperson.

8 * **Sec. 5.** AS 15.13.374(f) is amended to read:

9 (f) Advisory opinion requests and advisory opinions are public records subject
 10 to inspection and copying under AS 40.25, **except that the name of a person**
 11 **requesting an advisory opinion shall be kept confidential, and the commission**
 12 **shall redact the name of the requester from a request and from an advisory**
 13 **opinion before making the request and opinion public.**

14 * **Sec. 6.** AS 15.20.045 is amended by adding a new subsection to read:

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

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

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

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

28 **(2) require the voter to comply with the same deadlines for**
 29 **applying for an absentee ballot as those set out for applying in person for an**
 30 **absentee ballot in AS 15.20.061(a)(1), except that a qualified voter who is an**
 31 **absent uniformed services voter or an overseas voter may apply to vote an**

1 absentee ballot by electronic transmission at any time during a calendar year;
 2 and

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

5 * **Sec. 8.** AS 15.20.081(c) is amended to read:

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

16 * **Sec. 9.** AS 15.20.081(e) is amended to read:

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

26 * **Sec. 10.** AS 15.20.081 is amended by adding new subsections to read:

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

31 (l) If an application is received at least 45 days before an election and is from

1 a voter who notifies the director in writing that the voter expects to be living, working,
 2 or traveling outside the United States at the time of the election or expects to be living,
 3 working, or traveling in a remote area of the state where distance, terrain, or other
 4 natural conditions deny the voter reasonable access to a polling place at the time of the
 5 election, the director shall send an absentee ballot and other voting material to the
 6 applicant not later than 45 days before the election.

7 * **Sec. 11.** AS 15.20.220(b) is amended to read:

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

11 * **Sec. 12.** AS 15.25.020 is amended to read:

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

14 * **Sec. 13.** AS 15.25.055 is amended to read:

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

19 * **Sec. 14.** AS 15.25.056(a) is amended to read:

20 (a) If an unopposed incumbent candidate for renomination dies, becomes
 21 disqualified from holding the office the candidate is seeking, or is certified as being
 22 incapacitated between June 1 of the election year and that date which is more than **54**
 23 [50] days before the date of the primary election, the candidate's place on the ballot
 24 may be filled by party petition. The petition shall state that the political party requests
 25 the name of the proposed candidate replace that of the incumbent on the primary
 26 election ballot and shall be accompanied by a declaration of candidacy from the
 27 person named in the petition. The petition must be received by the director **not** [NO]
 28 later than 14 days after the death, disqualification, or certification of incapacity of the
 29 incumbent or **52** [48] days before the primary election date, whichever time is earlier.

30 * **Sec. 15.** AS 15.25.056(c) is amended to read:

31 (c) The death, disqualification, or certification of incapacity of the incumbent

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

6 * **Sec. 16.** AS 15.25.110 is amended to read:

7 **Sec. 15.25.110. Filling vacancies by party petition.** If a candidate of a
 8 political party nominated at the primary election dies, withdraws, resigns, becomes
 9 disqualified from holding the office for which the candidate is nominated, or is
 10 certified as being incapacitated in the manner prescribed by this section after the
 11 primary election and 64 [48] days or more before the general election, the vacancy
 12 may be filled by party petition. The central committee of any political party or any
 13 party district committee may certify as being incapacitated any candidate nominated
 14 by their respective party by presenting to the director a sworn statement made by a
 15 panel of three licensed physicians, not more than two of whom may be of the same
 16 political party, that the candidate is physically or mentally incapacitated to an extent
 17 that would in the panel's judgment prevent the candidate from active service during
 18 the term of office if elected. The director shall place the name of the person nominated
 19 by party petition on the general election ballot. The name of a candidate disqualified
 20 under this section may not appear on the general election ballot.

21 * **Sec. 17.** AS 15.25.120 is amended to read:

22 **Sec. 15.25.120. Requirements for party petition.** Party petitions for the
 23 nomination of candidates shall state in substance that the political party desires and
 24 intends to support the named candidate for the named office and requests that the
 25 name of the proposed candidate be placed on the general election ballot. The petition
 26 may be filed not [NO] later than 64 [48] days before the date of the general election.

27 * **Sec. 18.** AS 15.25.200 is amended to read:

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

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

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

7 * **Sec. 20.** AS 15.58.030 is amended by adding a new subsection to read:

8 (h) The lieutenant governor shall prepare and publish on the division's Internet
9 website the photograph and statement of a candidate for an office designated under
10 (a), (b), or (g) of this section. The lieutenant governor shall indicate that the
11 photograph and statement are provided and paid for by the candidate. A photograph
12 and a statement of a candidate that have been timely filed with the lieutenant governor
13 shall be published on the website at least 15 days before an election at which the
14 candidate will appear on the ballot.

15 * **Sec. 21.** AS 15.80.010 is amended by adding new paragraphs to read:

16 (43) "absent uniformed services voter" has the meaning given in 42
17 U.S.C. 1973ff-6;

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

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

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

24 * **Sec. 23.** AS 15.20.081(h), 15.20.081(i), and 15.20.082 are repealed.

25 * **Sec. 24.** This Act takes effect January 1, 2014.



STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

Senate Bill 44

"An Act relating to election practices and procedures; 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.

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 - 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 4 - clarifies that voters (other than uniformed services voters or overseas voters) who wish to receive their ballot by electronic transmission must comply with the same ballot application deadlines applicable to absentee voting in person.

Section 5 - 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 6 - removes the reference to receipt of by-mail ballots (postmarked from overseas) 15 days following the election.

Section 7 - 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 8 - removes the reference to receipt of by-mail ballots (postmarked from overseas) 15 days following the election.

Section 9 - changes the date of the primary election to the second Tuesday in August (currently is the fourth Tuesday in August).

Section 10 - changes the withdrawal date for primary election candidates to 52 days prior to the primary election (currently is 48 days).

Sections 11 and 12 - 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 13 and 14 - change the date to replace a candidate nominated at the primary election to 64 days before the general election (currently is 48 days).

Section 15 - 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 16 - changes the withdrawal date for judicial candidates to 64 days prior to the general election (currently is 48 days).

Section 17 - adds federal definitions of absentee uniformed services voters and overseas voters.

Section 18 - allows municipal clerks to serve as absentee voting officials in municipalities where the division does not have an absentee voting station.

Section 19 - repeals provision for ballots postmarked from overseas to be received 15 days following election (all ballots would be received 10 days following the election as provided in AS 15.20.081(e)); 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); repeal the requirement to send special absentee ballots.

Section 20 - provides for an effective of January 1, 2014.

FISCAL NOTE

STATE OF ALASKA
2013 LEGISLATIVE SESSION

Bill Version SB 44
Fiscal Note Number 1
(S) Publish Date 2/6/13

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				
			FY15	FY16	FY17	FY18	FY19
OPERATING EXPENDITURES	FY14	FY14	FY15	FY16	FY17	FY18	FY19
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

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

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? 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 Phone 907-465-2644
Division Division of Elections Date/Time 1/7/2013 12:01 p.m.
Approved by Guy Bell Date 1/11/2013

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. SB 44

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 SB 44
 Fiscal Note Number 2
 (S) Publish Date 2/6/13

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				
			FY15	FY16	FY17	FY18	FY19
OPERATING EXPENDITURES	FY14	FY14	FY15	FY16	FY17	FY18	FY19
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

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

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 Phone 465-8679
 Division School Finance & Facilities Date/Time 1/11/13 3:30 PM
 Approved by Mike Hanley Date 1/11/2013
 Commissioner

(Revised 11/5/2012 OMB)

FISCAL NOTE ANALYSIS #2

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. SB 44

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.