

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

HB 290 thru HE 293 324

HB

290

al

HOUSE COMMITTEE REPORT

(11)

Date referred: 4/23/87

FURTHER REFERRALS:

DATE: 5-8-87

The Finance Committee has considered HB 290

"An Act prohibiting municipal sales tax on purchases made with certain food certificates; and providing for an effective date."

RECOMMENDS:

- replace with CS HB 290 (FIN) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Al Adams

Pat Faucher

Ronald J. Turner

Richard

Steve Brown

Herb

Kay Wallis

Jay Brown

Michael

Mark

Michael

SIGNING OTHER RECOMMENDATIONS:

Al Adams
Chairman's signature

al

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: HB 290 (Fin.)
Publish Date: HOUSE 4/23/87

Revision Date: _____
Title: An Act prohibiting municipal sales

Agency Affected: Health & Social Services
BRU: State Health Services

tax on purchases made with food instruments

Sponsor: _____
Requestor: _____

Components: Family Health

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		0	0	0	0	0
TRAVEL		0	0	0	0	0
CONTRACTUAL		0	0	0	0	0
SUPPLIES		0	0	0	0	0
EQUIPMENT		0	0	0	0	0
LAND & STRUCTURES		0	0	0	0	0
GRANTS, CLAIMS		0	0	0	0	0
MISCELLANEOUS		0	0	0	0	0
TOTAL OPERATING		0	0	0	0	0

CAPITAL		0	0	0	0	0
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REVENUE		0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS		0	0	0	0	0
OTHER		0	0	0	0	0
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

It is important to note that if this bill does not pass, the State will lose over three million dollars in federal funds, effective October 1, 1987. Please see attached.

Prepared by: Randall Burns
Division: Office of the Commissioner

Phone: 465-3030
Date: 4/21/87

Approved by Commissioner: Myra M. Munson
Agency: Department of Health & Social Services

Date: 4/22/87

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

FISCAL NOTE

WIC is a nutrition intervention program available to pregnant, postpartum, and breastfeeding women, as well as infants and children whose health is determined to be at risk both because of nutritional need and low income.

The WIC program provides nutrition education and supplemental foods via a food prescription which is issued on a voucher redeemable at a grocery store that participates in this program.

The State of Alaska's program is 100% federally funded under 42 U.S.C. 1786, known as the Special Supplemental Food Program for Women, Infants, and Children (or WIC).

In FY 87, the State received \$3,076,100.00 in federal funds to support this program. Those federal dollars are distributed as follows:

Personal Services:	\$ 284.3
Travel	16.1
Contractual	15.8
Supplies	2,262.1
Grants	497.8
	<hr/>
TOTAL	\$3,076.1

The federal government enacted legislation in October of 1986 which makes states ineligible to participate in the WIC Program if state or local sales taxes are collected on WIC food purchases. The federal legislation takes effect October 1, 1987.

This proposed bill will place Alaska in compliance with the new federal legislation by prohibiting a city or borough from collecting sales tax on food purchases made with WIC vouchers.

The health of pregnant mothers, infants, and children is of tantamount importance to the State. Passage of this legislation will guarantee Alaska's continued participation in this very vital program.

Original Sponsor: Rules/Governor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 290 (Finance)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act prohibiting municipal sales tax on purchases
 7 made with certain food certificates; and providing
 8 for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 29.45.650(f) is amended to read:

11 (f) A borough may not levy and collect a sales tax on a purchase
 12 made with (1) food coupons, food stamps, or other type of certificate
 13 issued under 7 U.S.C. 2011 -- 2025 (Food Stamp Act); or (2) food
 14 instruments, food vouchers, or other type of certificate issued under
 15 42 U.S.C. 1786 (Special Supplemental Food Program for Women, Infants,
 16 and Children). This subsection applies to home rule and general law
 17 municipalities.

18 * Sec. 2. AS 29.45.700 is amended by adding a new subsection to read:

19 (d) A city that levies and collects sales and use taxes under
 20 (a) of this section may not levy and collect a sales tax on a purchase
 21 made with (1) food coupons, food stamps, or other types of certifi-
 22 cates issued under 7 U.S.C. 2011 -- 2025 (Food Stamp Act); or (2) food
 23 instruments, food vouchers, or other type of certificate issued under
 24 42 U.S.C. 1786 (Special Supplemental Food Program for Women, Infants,
 25 and Children). This subsection applies to home rule and general law
 26 municipalities.

27 * Sec. 3. This Act takes effect July 1, 1987.
 28
 29

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

STEVE COWPER, GOVERNOR

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

May 8, 1987

Honorable Al Adams, Chair
House Finance Committee
Alaska State Legislature
Room 509, Capitol Building
Juneau, Alaska 99811

Re: HB 290 -- sales tax/food
certificates
Our file: 773-87-0141

Dear Representative Adams:

House Bill 290, dealing with sales tax on food purchased with certificates issued under the supplemental food program for women, infants, and children (WIC), is currently in your committee. It is explained in the governor's April 23, 1987 transmittal letter. See 1987 H.J., pp. 945 and 946.

The general revisor's bill, the latest version of which is HCS CSSB 107(Jud), was passed by the House yesterday. Sections 49, 51, and 52 of the latter bill amend statutes related to this program, sec. 53 makes the changes retroactive to October 1, 1986, and sec. 85 provides an immediate effective date.

To avoid confusion, it would be helpful if your committee would amend HB 290 to conform to the revisor's bill. For that purpose, I am attaching a proposed committee substitute, as requested by the Department of Health and Social Services. No substantive change in the original HB 290 is made by this proposal.

Assuming that the Senate will concur with the House amendments and that the revisor's bill will be enacted, it is not necessary to repeat the revisor's sec. 49, amending AS 29.10.-200(43), regarding limitations on home rule municipalities. Nor is it necessary to repeat his sec. 51, amending AS 29.45.700(a), regarding city taxes. Section 1 of the CS is the same as sec. 1 of the original, amending AS 29.45.650(f), regarding borough taxes. And sec. 2 of this CS combines the revisor's approach with the substantive amendment proposed in sec. 2 of the original HB 290, regarding city taxes. The revisor's retroactivity clause (sec. 53) and immediate-effective-date clause (sec. 85) are not necessary for this bill. Section 3's July 1, 1987 is the same as in the original HB 290.

Hon. Al Adams, Chair
House Finance Committee

May 8, 1987
Page 2

As explained in the April 30, 1987 memo from Revisor of Statutes David Dierdorff to Representative John Sund, the revisor's changes merely correct a drafting error in ch. 38, SLA 1986. They make clear that the 1986 amendments only exempt purchases made with food stamps from municipal sales and use taxes. HB 290's changes merely add food purchased under the WIC program. The revisor's changes will mesh nicely with the Administration's proposal in this committee substitute.

Thank you.

Yours truly,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By: 
Arthur H. Peterson
Assistant Attorney General

AHP:md:lb

cc w/enc.: Hon. Myra Munson, Commissioner
Dept. of Health & Social Services

David Dierdorff
Revisor of Statutes
Legislative Affairs Agency

Iris Barnett
Assistant Attorney General
Human Services Section
Juneau

Position Paper
House Bill No. 290

RECEIVED
MAY 07 1987

LEGISLATIVE FINANCE

For an Act entitled: "An Act prohibiting municipal sales tax on purchases made with certain food certificates; and providing for an effective date."

This act would amend AS 29.45.650(f) and AS 29.45.700(a) to prohibit a city or borough from collecting sales tax on food purchases made with food certificates issued under 42 U.S.C. 1786 (Special Supplemental Food Program for Women, Infants, and Children (WIC)).

The federal government enacted legislation in October, 1986 which makes States ineligible to participate in the WIC Program if State or local sales taxes are collected on WIC food purchases. This federal legislation becomes effective on October 1, 1987.

WIC is a nutrition intervention program available to pregnant, postpartum and breastfeeding women, infants and children whose health is determined to be at risk by both nutritional need and low income. The WIC Program provides nutrition education and supplemental foods via a food prescription which is issued on a food certificate redeemable at contracted grocery stores throughout the State. Scientific evidence has shown that WIC improves the health of program participants and improves birth outcome. In FY 1986, a monthly average of 4,308 Alaskan women and children participated in this federally funded program.

This act would ensure Alaska's continued eligibility for the WIC Program and will lessen the administrative burden on the Department in ensuring that all local sales tax ordinances as well as any proposed ordinances exempt the WIC Program. Through contacts with all city or borough governments in areas with WIC contracted vendors, the Department has learned of only two cities currently taxing WIC food purchases, Nome and Mountain Village. However many communities are currently contemplating the imposition of a sales tax.

Position

The Department believes that this act provides the most effective means of ensuring Alaska's continued eligibility for WIC Program funding. The Department strongly supports this legislation.

Recommended by:

Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

May 5, 1987
Date

Approved by:

Myra M. Munson
Myra M. Munson, Commissioner
Department of Health and
Social Services

May 5, 1987
Date

SEC. 332. STAFFING STANDARDS.

Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) (as amended by section 313) is further amended—

- (1) by striking out subsection (b); and
- (2) by redesignating subsections (c) through (i) as subsections (b) through (h), respectively.

Subtitle C—Special Supplemental Food Program for Women, Infants, and Children

SEC. 341. COSTS FOR NUTRITION SERVICES AND ADMINISTRATION.

(a) **DEFINITIONS.**—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended—

- (1) by striking out paragraph (1);
- (2) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively; and
- (3) by inserting after paragraph (3) (as so redesignated) the following new paragraph:

“(4) ‘Costs for nutrition services and administration’ means costs that shall include, but not be limited to, costs for certification of eligibility of persons for participation in the program (including centrifuges, measuring boards, spectrophotometers, and scales used for the certification), food delivery, monitoring, nutrition education, outreach, startup costs, and general administration applicable to implementation of the program under this section, such as the cost of staff, transportation, insurance, developing and printing food instruments, and administration of State and local agency offices.”.

(b) **CONFORMING AMENDMENTS.**—Section 17 of such Act is amended—

- (1) by striking out “administrative funds” each place it appears in subsections (f)(11), (h)(2), (h)(3), and (h)(4) and inserting in lieu thereof “funds for nutrition services and administration”; and
- (2) by striking out “administrative costs” each place it appears in subsection (h) and inserting in lieu thereof “costs for nutrition services and administration”.

SEC. 342. STATE ELIGIBILITY FOR WIC FUNDS.

(a) **ELIGIBILITY.**—Section 17(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(c)) is amended by adding at the end thereof the following new paragraph:

“(4) A State shall be ineligible to participate in programs authorized under this section if the Secretary determines that State or local sales taxes are collected within the State on purchases of food made to carry out this section.”.

(b) **APPLICATION.**—The amendment made by subsection (a) shall apply to a State beginning with the fiscal year that commences after the end of the first regular session of the State legislature following the date of the enactment of this title.

SEC. 343. PARTICIPATION REPORT.

(a) **BIENNIAL REPORT.**—Section 17(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)) is amended by adding at the end thereof the following new paragraph:

“(4) The Secretary shall report biennially to Congress on—

“(A) the income a participants in the pr
“(B) participation i
of migrant farmwork
“(C) such other ma
program as the Secre

(b) **USE OF EVALUATION F**
such Act (as amended by sec
inserting “preparing the rep
after “health benefits.”.

SEC. 344. PLAN OF OPERATION A

(a) **PLAN.**—Paragraph (1) of
of 1966 (42 U.S.C. 1786(f)(1)) is

“(1)(A) Each State agency s
by a date specified by the
administration for a fiscal year

“(B) To be eligible to receiv
year, a State agency must re
the plan submitted for the fisc

“(C) The plan shall include—

“(i) a description of th
agency and the method
supplemental foods unde
accordance with standard

“(ii) a description of th
State agency;

“(iii) a plan to coordina
special counseling servic
nutrition education progr
care, well-child care, fan
counseling, child abuse ca
with dependent children.

“(iv) a plan to provide
and to meet the special
migrants and Indians;

“(v) a plan to expend f
the relevant fiscal year;

“(vi) a plan to provide
unserved and underserve
are available to carry out

“(vii) a plan to provide
eligible persons most ir
eligible women in the ea
maximum extent practicable;

“(viii) such other infor

“(D) The Secretary may r
those parts of a plan that di
fiscal years.

“(E) The Secretary may r
person to participate simu
thorized under this section
program authorized under s
Consumer Protection Act of 1

(b) **APPLICATION.**—The am
apply to a plan submitted by

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 23, 1987

cc
The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

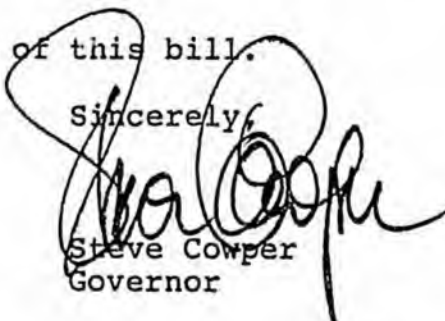
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill prohibiting municipal taxation of purchases made with certain food certificates ("vouchers," "instruments," etc.).

Food certificates are vouchers issued by the state with money provided by the United States Department of Agriculture, Food and Nutrition Service, under the Special Supplemental Food Program for Women, Infants, and Children (WIC program). The certificates are distributed to low-income pregnant and postpartum women who have nutritional deficiencies to enable them to purchase food necessary for their and their children's nutritional well-being.

In October 1986, Congress enacted legislation (P.L. 99-591) under which a state is ineligible to participate in the WIC program if state or local taxes are collected on purchases made with WIC food certificates. If appropriate action is not taken before October 1, 1987, Alaska will be ineligible to participate in the WIC program during federal fiscal year 1988. At this time, Nome is the only community in the state participating in the WIC program that charges a sales tax on WIC food items. Though we could retain our eligibility to participate in the WIC program by obtaining Nome's agreement to forego tax on WIC items, I am requesting a statutory prohibition to ensure that no local taxes are assessed on WIC items and that the state will remain eligible to participate in the WIC program.

I urge your prompt passage of this bill.

Sincerely,



Steve Cowper
Governor

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 290

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act prohibiting municipal sales tax on purchases
7 made with certain food certificates; and providing
8 for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 29.45.650(f) is amended to read:

11 (f) A borough may not levy and collect a sales tax on a purchase
12 made with (1) food coupons, food stamps, or other type of certificate
13 issued under 7 U.S.C. 2011 -- 2025 (Food Stamp Act); or (2) food
14 instruments, food vouchers, or other type of certificate issued under
15 42 U.S.C. 1786 (Special Supplemental Food Program for Women, Infants,
16 and Children). This subsection applies to home rule and general law
17 municipalities.

18 * Sec. 2. AS 29.45.700(a) is amended to read:

19 (a) A city in a borough that levies and collects areawide sales
20 and use taxes may levy sales and use taxes on all sources taxed by the
21 borough in the manner provided for boroughs. The assembly may by
22 ordinance authorize a city to levy and collect sales and use taxes on
23 other sources except purchases made with (1) food coupons, food
24 stamps, or other type of certificate issued under 7 U.S.C. 2011 --
25 2025 (Food Stamp Act); or (2) food instruments, food vouchers, or
26 other type of certificate issued under 42 U.S.C. 1786 (Special Supple-
27 mental Food Program for Women, Infants, and Children). This sub-
28 section applies to home rule and general law municipalities.

29 * Sec. 3. This Act takes effect July 1, 1987.

C S H B

2 9 0

SENATE COMMITTEE REPORT

FURTHER:

5/9/87

DATE TURNED INTO OFFICE 5/15/87

Mr. President:

FINANCE Committee considered CSHB 290(Fin)

prohibiting municipal sales tax on purchases made with certain food certificates; efd.

and recommended:

replace with CS FOR _____) same title
 or adopt _____ CS FOR _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures]

[Handwritten signature] DO PASS

Chairman Signature and recommendation

Committee Backup Attached

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version : HB 290
Publish Date : HOUSE 4/23/87

Revision Date: _____
Title : An Act prohibiting municipal sales
tax on purchases made with food instruments

Agency Affected : Health & Social Services
BRU : State Health Services

Sponsor : _____
Requestor : _____

Components : Family Health

EXPENDITURES/REVENUES: (Thousands of Dollars)

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SUPPLIES		0	0	0	0	0
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LAND & STRUCTURES		0	0	0	0	0
GRANTS, CLAIMS		0	0	0	0	0
MISCELLANEOUS		0	0	0	0	0
TOTAL OPERATING		0	0	0	0	0

CAPITAL		0	0	0	0	0
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REVENUE		0	0	0	0	0
---------	--	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS		0	0	0	0	0
OTHER		0	0	0	0	0
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

It is important to note that if this bill does not pass, the State will lose over three million dollars in federal funds, effective October 1, 1987. Please see attached.

Prepared by: Randall Burns
Division : Office of the Commissioner

Phone : 465-3030
Date : 4/21/87

Approved by Commissioner : Myra M. Munson
Agency : Department of Health & Social Services

Date : 4/22/87

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2 CS FOR HOUSE BILL NO. 290 (Finance)
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4 FIFTEENTH LEGISLATURE - FIRST SESSION
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17 municipalities.
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23 instruments, food vouchers, or other type of certificate issued under
24 42 U.S.C. 1786 (Special Supplemental Food Program for Women, Infants,
25 and Children). This subsection applies to home rule and general law
26 municipalities.
27 * Sec. 3. This Act takes effect July 1, 1987.

Position Paper

House Bill No. 290

For an Act entitled: "An Act prohibiting municipal sales tax on purchases made with certain food certificates; and providing for an effective date."

This act would amend AS 29.45.650(f) and AS 29.45.700(a) to prohibit a city or borough from collecting sales tax on food purchases made with food certificates issued under 42 U.S.C. 1786 (Special Supplemental Food Program for Women, Infants, and Children (WIC)).

The federal government enacted legislation in October, 1986 which makes States ineligible to participate in the WIC Program if State or local sales taxes are collected on WIC food purchases. This federal legislation becomes effective on October 1, 1987.

WIC is a nutrition intervention program available to pregnant, postpartum and breastfeeding women, infants and children whose health is determined to be at risk by both nutritional need and low income. The WIC Program provides nutrition education and supplemental foods via a food prescription which is issued on a food certificate redeemable at contracted grocery stores throughout the State. Scientific evidence has shown that WIC improves the health of program participants and improves birth outcome. In FY 1986, a monthly average of 4,308 Alaskan women and children participated in this federally funded program.

This act would ensure Alaska's continued eligibility for the WIC Program and will lessen the administrative burden on the Department in ensuring that all local sales tax ordinances as well as any proposed ordinances exempt the WIC Program. Through contacts with all city or borough governments in areas with WIC contracted vendors, the Department has learned of only two cities currently taxing WIC food purchases, Nome and Mountain Village. However many communities are currently contemplating the imposition of a sales tax.

Position

The Department believes that this act provides the most effective means of ensuring Alaska's continued eligibility for WIC Program funding. The Department strongly supports this legislation.

Recommended by:

Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

May 5, 1987
Date

Approved by:

Myra M. Munson
Myra M. Munson, Commissioner
Department of Health and
Social Services

May 5, 1987
Date

SEC. 332. STAFFING STANDARDS.

Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) (as amended by section 313) is further amended—

- (1) by striking out subsection (b); and
- (2) by redesignating subsections (c) through (i) as subsections (b) through (h), respectively.

**Subtitle C—Special Supplemental Food Program for Women,
Infants, and Children**

SEC. 341. COSTS FOR NUTRITION SERVICES AND ADMINISTRATION.

(a) **DEFINITIONS.**—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended—

- (1) by striking out paragraph (1);
- (2) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively; and
- (3) by inserting after paragraph (3) (as so redesignated) the following new paragraph:

"(4) 'Costs for nutrition services and administration' means costs that shall include, but not be limited to, costs for certification of eligibility of persons for participation in the program (including centrifuges, measuring boards, spectrophotometers, and scales used for the certification), food delivery, monitoring, nutrition education, outreach, startup costs, and general administration applicable to implementation of the program under this section, such as the cost of staff, transportation, insurance, developing and printing food instruments, and administration of State and local agency offices."

(b) **CONFORMING AMENDMENTS.**—Section 17 of such Act is amended—

- (1) by striking out "administrative funds" each place it appears in subsections (f)(11), (h)(2), (h)(3), and (h)(4) and inserting in lieu thereof "funds for nutrition services and administration"; and
- (2) by striking out "administrative costs" each place it appears in subsection (h) and inserting in lieu thereof "costs for nutrition services and administration".

SEC. 342. STATE ELIGIBILITY FOR WIC FUNDS.

(a) **ELIGIBILITY.**—Section 17(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(c)) is amended by adding at the end thereof the following new paragraph:

"(4) A State shall be ineligible to participate in programs authorized under this section if the Secretary determines that State or local sales taxes are collected within the State on purchases of food made to carry out this section."

(b) **APPLICATION.**—The amendment made by subsection (a) shall apply to a State beginning with the fiscal year that commences after the end of the first regular session of the State legislature following the date of the enactment of this title.

SEC. 343. PARTICIPATION REPORT.

(a) **BIENNIAL REPORT.**—Section 17(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)) is amended by adding at the end thereof the following new paragraph:

"(4) The Secretary shall report biennially to Congress on—

"(A) the income participants in the

"(B) participation of migrant farmwork

"(C) such other r

program as the Sec:

(b) **USE OF EVALUATION** :
such Act (as amended by s
inserting "preparing the r
after "health benefits,".

SEC. 344. PLAN OF OPERATION

(a) **PLAN.**—Paragraph (1) c
of 1966 (42 U.S.C. 1786(f)(1))

"(1)(A) Each State agency
by a date specified by th
administration for a fiscal y

"(B) To be eligible to rece
year, a State agency must r
the plan submitted for the fi

"(C) The plan shall includ:

"(i) a description of
agency and the metho
supplemental foods un
accordance with standa

"(ii) a description of
State agency;

"(iii) a plan to coordi
special counseling ser
nutrition education pro
care, well-child care, fa
counseling, child abuse
with dependent childre
health care programs;

"(iv) a plan to provid
and to meet the specia
migrants and Indians;

"(v) a plan to expend
the relevant fiscal year;

"(vi) a plan to provid
unserved and underser
are available to carry o

"(vii) a plan to provic
eligible persons most
eligible women in the e
mum extent practicable

"(viii) such other inf

(D) The Secretary may
those parts of a plan that
fiscal years.

(E) The Secretary may
person to participate sim
thorized under this section
program authorized under
Consumer Protection Act of

(b) **APPLICATION.**—The ar
apply to a plan submitted b

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

STEVE COWPER, GOVERNOR

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

May 8, 1987

Honorable Al Adams, Chair
House Finance Committee
Alaska State Legislature
Room 509, Capitol Building
Juneau, Alaska 99811

Re: HB 290 -- sales tax/food
certificates
Our file: 773-87-0141

Dear Representative Adams:

House Bill 290, dealing with sales tax on food purchased with certificates issued under the supplemental food program for women, infants, and children (WIC), is currently in your committee. It is explained in the governor's April 23, 1987 transmittal letter. See 1987 H.J., pp. 945 and 946.

The general revisor's bill, the latest version of which is HCS CSSB 107(Jud), was passed by the House yesterday. Sections 49, 51, and 52 of the latter bill amend statutes related to this program, sec. 53 makes the changes retroactive to October 1, 1986, and sec. 85 provides an immediate effective date.

To avoid confusion, it would be helpful if your committee would amend HB 290 to conform to the revisor's bill. For that purpose, I am attaching a proposed committee substitute, as requested by the Department of Health and Social Services. No substantive change in the original HB 290 is made by this proposal.

Assuming that the Senate will concur with the House amendments and that the revisor's bill will be enacted, it is not necessary to repeat the revisor's sec. 49, amending AS 29.10.-200(43), regarding limitations on home rule municipalities. Nor is it necessary to repeat his sec. 51, amending AS 29.45.700(a), regarding city taxes. Section 1 of the CS is the same as sec. 1 of the original, amending AS 29.45.650(f), regarding borough taxes. And sec. 2 of this CS combines the revisor's approach with the substantive amendment proposed in sec. 2 of the original HB 290, regarding city taxes. The revisor's retroactivity clause (sec. 53) and immediate-effective-date clause (sec. 85) are not necessary for this bill. Section 3's July 1, 1987 is the same as in the original HB 290.

Hon. Al Adams, Chair
House Finance Committee

May 8, 1987
Page 2

As explained in the April 30, 1987 memo from Revisor of Statutes David Dierdorff to Representative John Sund, the revisor's changes merely correct a drafting error in ch. 38, SLA 1986. They make clear that the 1986 amendments only exempt purchases made with food stamps from municipal sales and use taxes. HB 290's changes merely add food purchased under the WIC program. The revisor's changes will mesh nicely with the Administration's proposal in this committee substitute.

Thank you.

Yours truly,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By: 
Arthur H. Peterson
Assistant Attorney General

AHP:md:lb

cc w/enc.: Hon. Myra Munson, Commissioner
Dept. of Health & Social Services

David Dierdorff
Revisor of Statutes
Legislative Affairs Agency

Iris Barnett
Assistant Attorney General
Human Services Section
Juneau

Original Sponsor: Rules/Governor

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 290 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act prohibiting municipal sales tax on purchases
7 made with certain food certificates; and providing
8 for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 29.45.650(f) is amended to read:

11 (f) A borough may not levy and collect a sales tax on a purchase
12 made with (1) food coupons, food stamps, or other type of certificate
13 issued under 7 U.S.C. 2011 -- 2025 (Food Stamp Act); or (2) food
14 instruments, food vouchers, or other type of certificate issued under
15 42 U.S.C. 1786 (Special Supplemental Food Program for Women, Infants,
16 and Children). This subsection applies to home rule and general law
17 municipalities.

18 * Sec. 2. AS 29.45.700 is amended by adding a new subsection to read:

19 (d) A city that levies and collects sales and use taxes under
20 (a) of this section may not levy and collect a sales tax on a purchase
21 made with (1) food coupons, food stamps, or other types of certifi-
22 cates issued under 7 U.S.C. 2011 -- 2025 (Food Stamp Act); or (2) food
23 instruments, food vouchers, or other type of certificate issued under
24 42 U.S.C. 1786 (Special Supplemental Food Program for Women, Infants,
25 and Children). This subsection applies to home rule and general law
26 municipalities.

27 * Sec. 3. This Act takes effect July 1, 1987.

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 23, 1987

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

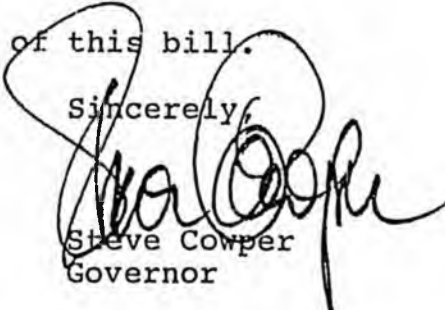
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill prohibiting municipal taxation of purchases made with certain food certificates ("vouchers," "instruments," etc.).

Food certificates are vouchers issued by the state with money provided by the United States Department of Agriculture, Food and Nutrition Service, under the Special Supplemental Food Program for Women, Infants, and Children (WIC program). The certificates are distributed to low-income pregnant and postpartum women who have nutritional deficiencies to enable them to purchase food necessary for their and their children's nutritional well-being.

In October 1986, Congress enacted legislation (P.L. 99-591) under which a state is ineligible to participate in the WIC program if state or local taxes are collected on purchases made with WIC food certificates. If appropriate action is not taken before October 1, 1987, Alaska will be ineligible to participate in the WIC program during federal fiscal year 1988. At this time, Nome is the only community in the state participating in the WIC program that charges a sales tax on WIC food items. Though we could retain our eligibility to participate in the WIC program by obtaining Nome's agreement to forego tax on WIC items, I am requesting a statutory prohibition to ensure that no local taxes are assessed on WIC items and that the state will remain eligible to participate in the WIC program.

I urge your prompt passage of this bill.

Sincerely,


Steve Cowper
Governor

H B

2 9 3

HOUSE COMMITTEE REPORT

(11)

Date referred: 2/26/88

FURTHER REFERRALS:

DATE: 3-1-88

The Finance Committee has considered HB 293

"An Act relating to elections."

RECOMMENDS:

- replace with CS HB 293 (JUD) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact FY89 indeterminate same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Al Adams

Tom Kouichot

Bronald L. Larson

Marken Boyer

SIGNING OTHER RECOMMENDATIONS:

John Auer NK

Mike Adams NK

Steve Thayer No Recommendation

Jim Brown NO Rec.

Mike Davis NO REC

Al Adams

Chairman's signature

Original sponsors: Pourchot, Ulmer
and Boucher

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 293 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to elections; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 15.07.090(a) is amended to read:

10 (a) A voter whose name is changed by marriage or court order may
11 vote under the previous name, but a [IF THE] voter who desires to use
12 a [THE] new name shall vote a questioned ballot [, HE OR SHE SHALL
13 NOTIFY THE DIRECTOR NOT LATER THAN 30 DAYS PRECEDING AN ELECTION SO
14 THAT THE REGISTRATION MAY BE AMENDED TO REFLECT THE CHANGE].

15 * Sec. 2. AS 15.10.020 is amended by adding a new subsection to read:

16 (b) Whenever possible, the director shall send written notice of
17 any change in a precinct boundary or polling place to each affected
18 registered voter in the precinct not less than 7 nor more than 30 days
19 before the next state election.

20 * Sec. 3. AS 15.15.030(10) is amended to read:

21 (10) A [SEPARATE] nonpartisan [JUDICIAL] ballot shall be
22 designed for each judicial district in which a justice or judge is
23 seeking retention in office [TO SUCCEED HIMSELF]. The ballot shall be
24 divided into four parts and each part shall bear a heading indicating
25 the court to which the candidate is seeking approval. Within each
26 part the question of whether the justice or judge shall be approved or
27 rejected shall be set out in substantially the following manner: (A)
28 "Shall be retained as justice of the supreme court for
29 10 years?"; (B) "Shall be retained as judge of the

1 court of appeals for eight years?"; (C) "Shall be re-
2 tained as judge of the superior court for six years?"; or (D) "Shall .
3 be retained as judge of the district court for four
4 years?" Provision shall be made for marking each question "Yes" or
5 "No."

6 * Sec. 4. AS 15.20.071(a) is amended to read:

7 (a) A qualified voter who is physically disabled, imprisoned, or
8 confined to an institution may vote by [APPLY FOR AN] absentee ballot
9 through a personal representative. A personal representative may
10 apply for absentee ballots on behalf of physically disabled voters or
11 voters imprisoned or confined to an institution to the following
12 election officials at the times specified:

13 (1) to an absentee voting official in the election district
14 in which the voter resides on or after the 15th day before an election
15 up to and including the day of the election;

16 (2) to an election supervisor

17 (A) after a date announced by the director under
18 AS 15.20.048(b); and

19 (B) on or after the 15th day before an election up to
20 and including the date of the election;

21 (3) to an absentee voting official at an absentee voting
22 station designated under AS 15.20.045(b) at a time when the absentee
23 voting station is operating;

24 (4) to a member of the election board [CHAIRMAN OR HIS
25 DESIGNEE] on election day in the precinct in which the voter is enti-
26 tled to vote [EXCEPT THAT THE VOTER MAY NOT APPLY TO THE ELECTION
27 BOARD CHAIRMAN IN AN AREA IN WHICH ABSENTEE VOTING OFFICIALS HAVE BEEN
28 DESIGNATED].

29 * Sec. 5. AS 15.20.071(b) is amended to read:

1 (b) Upon receipt of a written application and proof of identi-
2 fication from a [BY] personal representative, the election official
3 authorized to issue the absentee ballots under (a) of this section
4 [BALLOT] shall provide the ballots [BALLOT] and other absentee voting
5 material to the personal representative [IF THE WRITTEN APPLICATION IS
6 SIGNED BY THE APPLICANT AND IS ACCOMPANIED BY A LETTER FROM A LICENSED
7 PHYSICIAN OR A STATEMENT SIGNED BY TWO QUALIFIED VOTERS STATING THAT
8 THE APPLICANT WILL BE UNABLE TO GO TO THE POLLING PLACE BECAUSE OF
9 PHYSICAL DISABILITY].

10 * Sec. 6. AS 15.20.071(c) is amended to read:

11 (c) The personal representative shall deliver the application
12 for an absentee ballot to the voter as soon as practicable. On the
13 completion and receipt of the application for an absentee ballot, the
14 personal representative shall deliver an absentee ballot to the voter.
15 The [UPON RECEIPT OF AN ABSENTEE BALLOT THROUGH A PERSONAL REPRESENTA-
16 TIVE, THE] voter shall proceed to mark the ballot in secret, to place
17 the ballot in the small envelope, to place the small envelope in the
18 larger envelope, and to sign the voter's certificate on the envelope
19 in the presence of the personal representative who shall witness and
20 date the signature of the voter. The voter must complete the applica-
21 tion for the absentee ballot, mark the ballot, and sign the voter's
22 certification not later than election day. The voter shall then
23 return the application and the absentee ballot to the personal rep-
24 resentative who shall deliver the ballot to the election official who
25 provided the ballot. The application and the absentee ballot must be
26 returned to the election official not later than 8:00 p.m. on election
27 day.

28 * Sec. 7. AS 15.20.071(d) is amended to read:

29 (d) Each election official shall keep a record of the name and

1 signature of each personal representative requesting an absentee
2 ballot and the name of the person on whose behalf the ballot is re-
3 quested. The election official shall record the date [AND TIME] the
4 absentee ballot is provided and the date [TIME] the ballot is returned
5 to the election official.

6 * Sec. 8. AS 15.20.081(b) is amended to read:

7 (b) An application for an absentee ballot by mail must be re-
8 ceived by the division of elections [POSTMARKED] not less than four
9 [TEN] days before the election for which the absentee ballot is
10 sought. The absentee ballot application shall permit the person to
11 register to vote under AS 15.07.070 and to request an absentee ballot
12 for each state election held within that calendar year for which the
13 voter is eligible to vote.

14 * Sec. 9. AS 15.20.220(b) is amended to read:

15 (b) The state review board shall review and count absentee
16 ballots under AS 15.20.081(e) and (h) and questioned ballots that have
17 been forwarded to the director and that have not been reviewed or
18 counted by a district counting board. [ABSENTEE AND QUESTIONED BALLOTS
19 NOT RECEIVED IN THE OFFICE OF THE DIRECTOR BY 4:00 P.M. ON THE 15TH
20 DAY FOLLOWING THE ELECTION MAY NOT BE COUNTED IN THE REVIEW.]

21 * Sec. 10. AS 15.20.480 is amended to read:

22 Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the re-
23 count, the director shall review all ballots whether the ballots were
24 counted at the precinct or by computer or by the district absentee
25 counting board or the questioned ballot counting board to determine
26 which ballots, or part of ballots, were properly marked and which
27 ballots are to be counted in the recount, and shall check the accuracy
28 of the original count, the precinct certificate and the review. The
29 director shall check the number of ballots and questioned ballots cast

1 in a precinct against the registers and shall check absentee ballots
2 voted against absentee ballots distributed. [THE DIRECTOR SHALL COUNT
3 ABSENTEE BALLOTS RECEIVED AFTER CLOSE OF BUSINESS ON THE 15TH DAY
4 FOLLOWING THE ELECTION AND BEFORE THE COMPLETION OF THE RECOUNT.] For
5 administrative purposes, the director may join and include two or more
6 applications in a single review and count of votes. The rules in
7 AS 15.15.360 governing the counting of hand-marked ballots and the
8 rules in AS 15.20.730 governing the counting of punch-card ballots
9 shall be followed in the recount. The ballots and other election
10 material shall remain in the custody of the director during the re-
11 count and the highest degree of care shall be exercised to protect the
12 ballots against alteration or mutilation. The recount shall be com-
13 pleted within 10 days. The director may employ additional personnel
14 necessary to assist in the recount.

15 * Sec. 11. AS 15.20.730(b) is amended to read:

16 (b) The computer shall be programmed to count ballots as fol-
17 lows:

18 (1) a vote may be counted only if the punch is clearly
19 spaced in the square [DESIGNATED BY A PLUS SIGN] following the name of
20 the candidate the voter desires to select;

21 (2) if there is only one [PLUS-MARKED] square marked for a
22 team whose names are on separate lines, such as president and vice-
23 president or governor and lieutenant governor, a punch in the square
24 or elsewhere in the rectangle following the names shall be counted for
25 that team;

26 (3) a failure to properly punch a ballot card as to one or
27 more candidates does not itself invalidate the entire ballot;

28 (4) if a voter punches fewer names than there are persons
29 to be elected to the office, a vote shall be counted for each

1 candidate properly marked;

2 (5) if a voter punches more names than there are persons to
3 be elected to the office, the votes for candidates to that office
4 shall not be counted;

5 (6) improper marks on the ballots shall not be counted and
6 shall not invalidate punches for candidates properly made;

7 (7) an erasure or correction invalidates only that section
8 of the ballot in which it appears;

9 (8) a vote marked for the candidate for President of the
10 United States is considered and counted as a vote for the election of
11 presidential electors.

12 * Sec. 12. AS 15.25.055 is amended to read:

13 Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candi-
14 date's name will appear on the primary election ballot unless notice
15 of the [HIS] withdrawal from the primary is received by the director
16 at least 54 [40] days before the date of the primary election.

17 * Sec. 13. AS 15.25.110 is amended to read:

18 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a
19 candidate nominated at the primary election dies, withdraws, resigns,
20 becomes disqualified from holding the office for which the candidate
21 [HE] is nominated, or is certified as being incapacitated in the
22 manner prescribed by this section after the primary election and 54
23 [40] days or more before the general election, the vacancy may be
24 filled by party petition. The central committee of any political
25 party or any party district committee may certify as being incapaci-
26 tated any candidate nominated by their respective party by presenting
27 to the director a sworn statement made by a panel of three licensed
28 physicians, not more than two of whom may [SHALL] be of the same
29 political party, that the candidate is physically or mentally

1 incapacitated to an extent that would [IN HIS JUDGMENT] prevent the
2 candidate from active service during the term of office if elected.
3 The director shall place the name of the person nominated by party
4 petition on the general election ballot. The name of a candidate
5 disqualified under this section may [SHALL] not appear on the general
6 election ballot.

7 * Sec. 14. AS 15.35.050 is amended to read:

8 Sec. 15.35.050. PLACING NAME OF SUPREME COURT JUSTICE ON BALLOT.
9 The director shall place the name of a supreme court justice who has
10 properly filed a declaration of candidacy for retention on the [JUDI-
11 CIAL] ballot in each judicial district of the state for the general
12 election at which approval is sought.

13 * Sec. 15. AS 15.35.059 is amended to read:

14 Sec. 15.35.059. PLACING NAME OF JUDGE OF THE COURT OF APPEALS ON
15 BALLOT. The director shall place the name of a judge of the court of
16 appeals who has properly filed a declaration of candidacy for reten-
17 tion on the [JUDICIAL] ballot in each judicial district of the state
18 for the general election at which approval is sought.

19 * Sec. 16. AS 15.35.090 is amended to read:

20 Sec. 15.35.090. PLACING NAME OF SUPERIOR COURT JUDGE ON BALLOT.
21 The director shall place the name of a superior court judge who has
22 properly filed a declaration of candidacy for retention on the [JUDI-
23 CIAL] ballot in the judicial district designated in the [HIS] declara-
24 tion of candidacy for the general election at which approval is
25 sought.

26 * Sec. 17. AS 15.35.130 is amended to read:

27 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The
28 director shall place the name of a district judge who has properly
29 filed a declaration of candidacy for retention on the [JUDICIAL]

1 ballot in the judicial district designated in the [HIS] declaration of
2 candidacy for the general election at which approval is sought.

3 * Sec. 18. This Act takes effect immediately under AS 01.10.070(c).

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 293(JUD)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to elections

Agency Affected: Office of the Governor
BRU: Elections

Sponsor: Pourchot & Ulmer
Requestor: House Judiciary Committee

Components: II - Primary & General
Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0	(*)	0	(*)	0	(*)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	(*)	0	(*)	0	(*)

CAPITAL						
---------	--	--	--	--	--	--

REVENUE	0	(*)	0	(*)	0	(*)
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	(*)	0	(*)	0	(*)
FEDERAL FUNDS						
OTHER						
TOTAL	0	(*)	0	(*)	0	(*)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Linda Edgeworth
Division: Division of Elections

Phone: 465-4611
Date: 1/22/88

Approved by Commissioner: _____
Agency: Office of the Governor

Date: 1/26/88

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget OMB
- Impacted Agency(ies)

1/26/88

Maw

CONTINUATION FISCAL NOTE
HB 293

Division of Elections

This bill will result in an additional cost to the Division of Elections in only one of its provisions. That provision relates to the increase in the number of sites which will have to have materials for personal representative voting on election day. There will be 238 additional precincts in which materials for this type of voting will be necessary. The estimated cost for these materials will be about \$1,000 for envelopes, accountability reports and applications.

The rest of this bill will result in a savings to the Division of Elections in fiscal years during which their primary and general elections. However, the savings to be realized will fluctuate from year to year.

Most of the cost savings relate to the provision which eliminates the requirement that judicial retention candidates be printed on a separate ballot card, and elimination of language requiring a plus sign in the voting squares on punch card ballots. Often there is adequate space on the other cards to be printed to accommodate the judicial candidates. However, the number of house districts in which this is the case depends on the number of candidates and offices appearing on the ballot, as well as the number of judges up for retention, and the number of total ballots needed to cover the number of voters in the given districts.

The average cost saving related to the elimination of the extra judicial card is about \$115.00 per thousand. Elimination of the plus sign would save approximately \$2,000 per election. With that in mind, a review of the cost savings for the 1984 and 1986, statewide elections, had this bill been in effect would have been as follows:

1984 (14.8)

1986 (18.1)

The Division of Elections anticipates that the amendment requiring the mailing of official notice of precinct boundary or polling place change to each impacted voter would add to the overall costs of elections. However, in view of the fact that the existing bill generates a an overall savings in the costs of ballot printing, it is not expected that the costs related to the amendment will cause the fiscal note to require an increase in funding. However, the savings in ballot printing would be generally offset by the increased costs relative to implementation to the amendment. It should be remembered that the actual savings/costs ratio would fluctuate from year to year.

Costs anticipated should the amendment pass would include printing of computer self-mailers and 1st class postage.

Based on the prior bid awards the printing of similar forms, printing would come to \$0.069 per unit. Postage is figured at \$0.22.

In 1986, 65 polling places were changed, impacting 44,070 voters.

At 28.9 cents per item, the cost of mailing these notices would have been \$12,736.

STATE OF ALASKA
THE LEGISLATURE

POUCH * STATE CAPITOL
JUNEAU, ALASKA 99811
907 455 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 29, 1988

SUBJECT: Elections [CSHB 293 (Judiciary)]
TO: Representative Pat Pourchot
FROM: Richard A. Bradley
Legislative Counsel

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or 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 of the bill amends AS 15.07.090(a) to alter the procedure under which a voter whose name is changed (by court order or by marriage) may vote. Existing law requires that the voter notify the division of election 30 days before the election or vote under the old name. Under the amendment, the voter may vote a questioned ballot.

Section 2 of the bill amends AS 15.10.020 by adding a new subsection (b). The section provides that "whenever possible," the director shall send written notice of a change in a precinct boundary or polling place to affected voters not less than 7 nor more than 30 days before the next state election.

Section 3 of the bill amends AS 15.15.030(10). The goal of the amendment was to eliminate the requirement that judicial retention election ballots be printed on a separate ballot. In that connection note that Art. IV, sec. 6 requires that the retention ballot be "nonpartisan"; presumably this means that judges may not appear on the ballot used for the election of the political officers of the state.

Note in this connection the conforming amendments later in the bill at secs. 14 - 17 of the bill.

Section 4 of the bill amends AS 15.20.071(a). It authorizes a personal representative to assist voters to vote by absentee ballot when the voter is imprisoned or confined to an institution. Under the Alaska Constitution, only those convicted of a felony involving moral turpitude lose the right to vote. With regard to those confined to an institution, only those "who have been judicially determined to be of unsound mind" have lost the right to vote. Art. V, sec. 2.

The same section also permits the application for the absentee voter to apply to a member of the election board; existing language says the application goes to the chairman or his designee. My records do not indicate why the changes were made at page 2, lines 26 - 28; the elimination of the limitation seems to broaden the group of officers from whom absentee ballots may be requested.

Section 5 of the bill amends AS 15.20.071(b). The addition of the requirement of identification conforms to the requirements of existing law. Compare AS 15.07.060. The remainder of the changes seem conforming.

Section 6 of the bill amends AS 15.20.071(c). The changes are intended to conform the law to the reality of the existing process.

Section 7 of the bill amends AS 15.20.071(d). The law relates to absentee voting by personal representative. It amends out the existing requirement that the election official record the "time" that the absentee ballot is provided and returned; it continues the requirement that the date be recorded when the ballot is provided and adds the requirement that the date when the ballot is returned be recorded.

Section 8 of the bill amends AS 15.20.081(b). It substitutes a requirement that an absentee ballot application be "received by the division not less than four days before the election" in place of the former "postmarked not less than ten days before the election".

Section 9 of the bill amends AS 15.20.220(b). The amendment conforms the section to changes made to AS 15.20.081(e) and (h) several years ago regarding the times within which absentee ballots must be received after an election.

Section 10 of the bill amends AS 15.20.480. The section is, I believe, a section that was omitted from an earlier revision of the election recount procedure dates. With the amendment of this section, the general law on the counting of absentee ballots received after an election is now controlled by AS 15.20.081(e) and (h).

Section 11 of the bill amends AS 15.20.730(b). The elimination of the references to "plus signs" is designed to remedy a confusion: The existing law talks about "punches" and "plus signs" and the question has been which controlled.

Section 12 of the bill amends AS 15.25.055. It requires a candidate in the primary election to give notice of a withdrawal from the primary election earlier. The earlier notice is for the better management of the primary election and the preparation of the ballots.

Section 13 of the bill amends AS 15.25.110. It permits a party to name a candidate to fill a vacancy caused by a withdrawal, disqualification, etc., of a candidate nominated at a primary election.

Section 14 of the bill amends AS 15.35.050. It eliminates the requirement that the retention election for supreme court justices be on a judicial ballot; as suggested earlier, there is still a requirement that the ballot be nonpartisan.

Section 15 of the bill amends AS 15.35.059. It eliminates the requirement that the retention election for court of appeals judges be on a judicial ballot; as suggested earlier, there is still a requirement that the ballot be nonpartisan.

Section 16 of the bill amends AS 15.35.090. It eliminates the requirement that the retention election for superior court judges be on a judicial ballot; as suggested earlier, there is still a requirement that the ballot be nonpartisan.

Section 17 of the bill amends AS 15.35.130. It eliminates the requirement that the retention election for district court judges be on a judicial ballot; as suggested earlier, there is still a requirement that the ballot be nonpartisan.

Section 18 of the bill establishes an immediate effective date.

Representative Pat Pourchot
Page 4
February 29, 1988

If I may be of further assistance, please advise.

RAB:gc
WKG2:10

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 29, 1988

SUBJECT: Elections [CSHB 293 (Judiciary)]
TO: Representative Pat Pourchot
FROM: Richard A. Bradley
Legislative Counsel

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or 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 of the bill amends AS 15.07.090(a) to alter the procedure under which a voter whose name is changed (by court order or by marriage) may vote. Existing law requires that the voter notify the division of election 30 days before the election or vote under the old name. Under the amendment, the voter may vote a questioned ballot.

Section 2 of the bill amends AS 15.10.020 by adding a new subsection (b). The section provides that "whenever possible," the director shall send written notice of a change in a precinct boundary or polling place to affected voters not less than 7 nor more than 30 days before the next state election.

Section 3 of the bill amends AS 15.15.030(10). The goal of the amendment was to eliminate the requirement that judicial retention election ballots be printed on a separate ballot. In that connection note that Art. IV, sec. 6 requires that the retention ballot be "nonpartisan"; presumably this means that judges may not appear on the ballot used for the election of the political officers of the state.

Representative Pat Pourchot
Page 2
February 29, 1988

Note in this connection the conforming amendments later in the bill at secs. 14 - 17 of the bill.

Section 4 of the bill amends AS 15.20.071(a). It authorizes a personal representative to assist voters to vote by absentee ballot when the voter is imprisoned or confined to an institution. Under the Alaska Constitution, only those convicted of a felony involving moral turpitude lose the right to vote. With regard to those confined to an institution, only those "who have been judicially determined to be of unsound mind" have lost the right to vote. Art. V, sec. 2.

The same section also permits the application for the absentee voter to apply to a member of the election board; existing language says the application goes to the chairman or his designee. My records do not indicate why the changes were made at page 2, lines 26 - 28; the elimination of the limitation seems to broaden the group of officers from whom absentee ballots may be requested.

Section 5 of the bill amends AS 15.20.071(b). The addition of the requirement of identification conforms to the requirements of existing law. Compare AS 15.07.060. The remainder of the changes seem conforming.

Section 6 of the bill amends AS 15.20.071(c). The changes are intended to conform the law to the reality of the existing process.

Section 7 of the bill amends AS 15.20.071(d). The law relates to absentee voting by personal representative. It amends out the existing requirement that the election official record the "time" that the absentee ballot is provided and returned; it continues the requirement that the date be recorded when the ballot is provided and adds the requirement that the date when the ballot is returned be recorded.

Section 8 of the bill amends AS 15.20.081(b). It substitutes a requirement that an absentee ballot application be "received by the division not less than four days before the election" in place of the former "postmarked not less than ten days before the election".

Section 9 of the bill amends AS 15.20.220(b). The amendment conforms the section to changes made to AS 15.20.081(e) and (h) several years ago regarding the times within which absentee ballots must be received after an election.

Section 10 of the bill amends AS 15.20.480. The section is, I believe, a section that was omitted from an earlier revision of the election recount procedure dates. With the amendment of this section, the general law on the counting of absentee ballots received after an election is now controlled by AS 15.20.081(e) and (h).

Section 11 of the bill amends AS 15.20.730(b). The elimination of the references to "plus signs" is designed to remedy a confusion: The existing law talks about "punches" and "plus signs" and the question has been which controlled.

Section 12 of the bill amends AS 15.25.055. It requires a candidate in the primary election to give notice of a withdrawal from the primary election earlier. The earlier notice is for the better management of the primary election and the preparation of the ballots.

Section 13 of the bill amends AS 15.25.110. It permits a party to name a candidate to fill a vacancy caused by a withdrawal, disqualification, etc., of a candidate nominated at a primary election.

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Section 18 of the bill establishes an immediate effective date.

Representative Pat Pourchot
Page 4
February 29, 1988

If I may be of further assistance, please advise.

RAB:gc
WKG2:10

COMMENTS IN SUPPORT OF
CS FOR HOUSE BILL 293 (Judiciary)

Prepared by
Division of Elections
March 1, 1988

The Division of Elections has reviewed CSHB 293 and supports its provisions in their entirety. Much of this bill is "housekeeping" in nature. The thrust of the bill is to accomplish the following major objectives:

1. Streamline absentee by personal representative voting. The current statutes put an undue burden on the friend or volunteer who offers to provide voting assistance to a handicapped, disabled or institutionalized voter. The bill reduces the number of individual trips required by the representative back and forth between the Division of Elections and the voter from 5 to 2 by allowing application and issuance of ballots to occur simultaneously rather than as two separate parts of the process. The bill would also extend personal representative voting services to all precincts on election day rather than only at selected sites.
2. Reduce the complexity and expense of ballot printing. Under the current statutes, judicial retention candidates must appear on a "separate" ballot. Often there is adequate space on other ballot cards to include the judicial candidates for specific districts. A review of the 1984 and 1986 general election ballots, illustrated that in 1/3 to 1/2 of the districts in the state, all candidates and issues could have been accommodated on 2 ballot cards instead of 3. Reductions in the number of cards which must be printed could result in a savings in paper and printing costs.

Additionally, the bill deletes reference to a "+" sign which appears in the punch boxes in computer type ballots. The "+" sign serves no real purpose but does require us to print two versions of the same ballot in districts where some precincts vote punch cards and some precincts vote hand marked ballots.

3. Remedy the deficiency in the current statutes which tends to disenfranchise voters who change their names just prior to an election. Existing laws require that a voters who change their names must update their registration record 30 days prior to the election in which they seek to vote.

In the Supreme Court action regarding the Fischer/Uehling recount, the Division was directed to count the ballots of voters who voted under their new names but had not updated their registrations as required by law. The amendment proposed in this bill is consistent with the findings of the court.

4. Elimination of late ballots from inclusion in recounts. The bill eliminates the provision which allows ballots received after the statutory deadline from being counted in recounts. Concern has been expressed that accepting these very late ballots opens a window for fraudulent use of the absentee program because 1/3 of all mailed ballots have no readable postmark. With more and more voters using the by mail voting program, and greater access to absentee voter lists that indicate whether or not the voter has returned a voted ballot, there is concern a greater opportunity exists to "work" the absentee lists to solicit voters who did not return their ballots, to cast them after election day, where races are very close, potentially impacting the outcome of the recount.
5. Ease the impact of late candidacy withdrawals by changing the deadline from 40 to 54 days prior to an election. The Division of Elections strongly supports these amendments. The current 40 day deadline severely constricts the actual time frame in which ballots must be typeset, proofread, printed and distributed. In addition, the existing deadlines allow only 10 days for preparing camera ready sample ballots for inclusion in the Official Election Pamphlet which by law must be printed and in the mail to voters 30 days prior to the election.
6. Expanded services to voters. The bill provides that voters impacted by polling place or precinct boundary changes will be sent notification of the changes before the election. This notification should be beneficial in assuring that voters know where to vote on election day.

The bill also removes the requirement that applications for absentee ballots be postmarked 10 days prior to the election. Rather, it extends the application period by requiring, simply, that applications be received not later than 4 days prior to the election.

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE,
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT
COMMITTEE



House of Representatives

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JUNEAU
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MEMORANDUM

DATE: May 6, 1987

TO: Members of the House State Affairs Committee
Rep. Fran Ulmer, Chairman
Rep. Lyman Hoffman, Vice-Chairman
Rep. "Red" Boucher
Rep. Cliff Davidson
Rep. Dave Donley
Rep. Terry Martin
Rep. Curt Menard

FROM: Rep. Pat Pourchot *Pat*

SUBJECT: House Bill 293 - Relating to Elections

The bill addresses the issue of voters who change their name due to marriage or divorce; eliminates a statutory requirement that judicial retention candidates be placed on a separate ballot; simplifies the process by which a disabled or otherwise confined person can vote; changed the deadline for withdrawal of a candidate's name from the ballot from 40 days to 54 days before the election; deletes references to the language "designated by a plus sign" when describing ballots.

Finally, this bill would eliminate the provision that allows ballots to be counted in a recount that are received after the statutory deadlines thus reducing the potential for fraud.

A brief summary of House Bill 293 is attached for your information. Thank you for your consideration of this bill.

SUMMARY OF HOUSE BILL 293
"An Act relating to elections"

Section 1. Current statute states that a voter who has changed their name may vote under their previous name, but if the voter desires to vote under their new name they must change their registration 30 days prior to the election.

Questions concerning this section of the statute were raised in the recent Fischer/Uehling recount. The Supreme Court ordered the ballots counted of those voters who voted under their new name but had not updated their registration records as required by statute. In order to clarify this statute, this proposed amendment simply allows the voter to vote under their previous name or vote a questioned ballot if they wish to vote using their new name.

Section 2, 8-11. These sections address the requirement that judicial retention candidates be printed on a separate nonpartisan judicial ballot. Often there is adequate space on the first ballot card to include the judges. The Division of Elections believes they could reduce costs by eliminating the statutory requirement of printing an additional, separate ballot card for retention of judges. Each ballot card costs approximately 16 cents.

Historically it was necessary to print the judicial retention on separate nonpartisan ballot cards when territorial elections involved closed partisan races. The Alaska Court System indicates that the Judicial Branch has no problem with the elimination of this statutory reference.

Section 3. This proposed change allows for a simplified process by which a qualified voter who is physically disabled, imprisoned or confined to an institution may vote by absentee ballot through a personal representative. Currently the process is cumbersome, impractical and leads to discouraging people from voting.

Section 4. Current law allows absentee ballots to be counted during a recount regardless of when the ballots were received. The statute change in this section would disallow the counting of absentee ballots received via the mail after their respective deadlines. In a recount, domestically mailed ballots would be included only when received through the 10th day after the election. Military or Internationally mailed ballots received through the 15th day after the election would be included in a recount.

This change would help limit the possibility of "ballot-stuffing" of unvoted absentees after the day of elections. Alaska currently has the longest time periods in which to receive absentee ballots after election day.

Section 5. This suggested change is "housekeeping" in nature. This section proposes the deletion of the references to the language "designated by a plus sign" when describing the square box in which the voter punches the ballot. The plus sign serves no purpose. Statutory citations regarding handmarked ballots contain no such descriptive language and no other sections of the election law contains any reference to this "plus sign".

Sections 6 and 7. Current statute set the deadline for withdrawal of a candidate's name from the ballot, or replacement of a name on the ballot at 40 days prior to the election. A change in the deadline from 40 to 54 days would significantly improve the Division of Elections ability to meet the other statutory deadlines which are dependent on completion of ballot printing.

Alaska State Legislature

REPRESENTATIVE
PAT FOURCHOT

HOUSE FINANCE COMMITTEE,
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT
COMMITTEE



House of Representatives

MEMORANDUM

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JUNEAU

P.O. BOX 1
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(907) 465-3712

DATE: March 1, 1988

TO: House Finance Committee
Representative Al Adams, Chair
Representative Ron Larson
Representative Mike Davis
Representative Peter Goll
Representative Kay Wallis
Representative C.E. Swackhammer
Representative Kay Brown
Representative Mark Boyer
Representative Steve Frank
Representative Steve Rieger

FROM: Representative Pat Pourchot, Vice Chair, House Finance

SUBJECT: CS HB 293 (Judiciary) - Relating to Elections

Last session I introduced HB 293, relating to elections. The bill makes several technical changes to the statutes in an attempt to clean-up existing ambiguities and simplify certain procedures. The Division of Elections supports CS HB 293 (JUD) and has stated that passage will aid the Division in effectively and efficiently performing its mandated responsibilities.

- 1) Section 1 amends existing statutes to allow a person who has changed his/her name but has not reregistered under the new name to vote a questioned ballot.
- 2) Section 2 adds a new subsection which directs the Division whenever possible to provide written notice of a change in a precinct boundary or polling place to each affected registered voter.
- 3) Section 3 would delete a requirement that judicial retention candidates be printed on a separate judicial ballot. The Alaska Court System has indicated that the Judicial branch has no problem with the elimination of this statutory reference. Sections 14 through 17 are conforming amendments.

- 4) Sections 4, 5 and 6 would simplify the process by which a qualified voter who is physically disabled, imprisoned or confined to an institution may vote by absentee ballot through a personal representative.
- 5) Section 7 would retain the requirement that an election official record the date an absentee ballot is provided and returned to the election official but would delete the requirement to record the time.
- 6) Section 8 would require that an application for an absentee ballot by mail must be received by the Division four days prior to the election rather than postmarked ten days before the election. Mail often lacks a postmark and when there is a postmark it is often unreadable.
- 7) Section 9 amends the statutes relating to the state review board's review and counting of absentee ballots to conform to language in Section 10.
- 8) Section 10 would disallow the counting of absentee ballots not received by the end of the 10th day after the election when mailed within the U.S. and those not received by the end of the 15th day after the election when mailed from outside the U.S. or from a military APO or FPO address.
- 9) Section 11 clarifies existing statutes by removing existing reference to a "plus sign" which has necessitated the printing of two versions of the same ballot where there is both punch card voting and handmark voting in the same district.
- 10) Section 12 changes the deadline for removal of a name from the primary ballot from 40 to 54 days prior to the primary election. The earlier notice is for the better management of the primary election and the preparation of the ballots.
- 11) Section 13 amends the statutes relating to filling vacancies by party petition to conform to the requirements in Section 12.
- 12) Section 18 adds an immediate effective date.

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE,
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT
COMMITTEE



House of Representatives

MEMORANDUM

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JUNEAU

P.O. BOX V
STATE CAPITOL
JUNEAU, AK 99811
(907) 465-3712

DATE: March 1, 1988

TO: House Finance Committee
Representative Al Adams, Chair
Representative Ron Larson
Representative Mike Davis
Representative Peter Goll
Representative Kay Wallis
Representative C.E. Swackhammer
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FROM: Representative Pat Pourchot, Vice Chair, House Finance

SUBJECT: CS HB 293 (Judiciary) - Relating to Elections

Last session I introduced HB 293, relating to elections. The bill makes several technical changes to the statutes in an attempt to clean-up existing ambiguities and simplify certain procedures. The Division of Elections supports CS HB 293 (JUD) and has stated that passage will aid the Division in effectively and efficiently performing its mandated responsibilities.

- 1) Section 1 amends existing statutes to allow a person who has changed his/her name but has not reregistered under the new name to vote a questioned ballot.
- 2) Section 2 adds a new subsection which directs the Division whenever possible to provide written notice of a change in a precinct boundary or polling place to each affected registered voter.
- 3) Section 3 would delete a requirement that judicial retention candidates be printed on a separate judicial ballot. The Alaska Court System has indicated that the Judicial branch has no problem with the elimination of this statutory reference. Sections 14 through 17 are conforming amendments.

- 4) Sections 4, 5 and 6 would simplify the process by which a qualified voter who is physically disabled, imprisoned or confined to an institution may vote by absentee ballot through a personal representative.
- 5) Section 7 would retain the requirement that an election official record the date an absentee ballot is provided and returned to the election official but would delete the requirement to record the time.
- 6) Section 8 would require that an application for an absentee ballot by mail must be received by the Division four days prior to the election rather than postmarked ten days before the election. Mail often lacks a postmark and when there is a postmark it is often unreadable.
- 7) Section 9 amends the statutes relating to the state review board's review and counting of absentee ballots to conform to language in Section 10.
- 8) Section 10 would disallow the counting of absentee ballots not received by the end of the 10th day after the election when mailed within the U.S. and those not received by the end of the 15th day after the election when mailed from outside the U.S. or from a military APO or FPO address.
- 9) Section 11 clarifies existing statutes by removing existing reference to a "plus sign" which has necessitated the printing of two versions of the same ballot where there is both punch card voting and handmark voting in the same district.
- 10) Section 12 changes the deadline for removal of a name from the primary ballot from 40 to 54 days prior to the primary election. The earlier notice is for the better management of the primary election and the preparation of the ballots.
- 11) Section 13 amends the statutes relating to filling vacancies by party petition to conform to the requirements in Section 12.
- 12) Section 18 adds an immediate effective date.

COMMENTS IN SUPPORT OF
HOUSE BILL 293
"An Act relating to elections"

Prepared by
The Division of Elections
April 30, 1987

The Division of Elections has reviewed HB 293 and supports its provisions in their entirety.

Section 1 eliminates the current requirement that voters who change their names may vote under the previous name, but must update their registration record 30 days prior to the election in which they seek to vote, in order to vote under their new names. In the Supreme Court action regarding the Fischer/Uehling recount, the Division was directed to count the ballots of voters who voted under their new names but had not updated their registration as required by statute. While we have not received the formal opinion on which the court based its decision, we believe that the amendment proposed by the sponsor is in keeping with the intent of the court. We believe that this amendment is a step forward in assuring that no otherwise qualified voter is disenfranchised on the basis of an administrative technicality.

Sections 2 and 8 through 11 relate to a requirement that judicial retention candidates be placed on a separate ballot. Often there is adequate space on other ballot cards to include the judicial candidates for a specific district. While several districts consistently require printing of a third card during a general election, we anticipate that in any given election year, 1/3 to 1/2 of the districts in the state could be accommodated with just 2 ballot cards if the requirement for a separate card for judicial candidates were eliminated. Based on a review of the number of districts which would have fallen into this category in the 1986 general election, 14 districts would have required the printing of only 2 ballot cards if the judicial candidates had been printed on the same card as other candidates. This would have resulted in a savings of nearly \$15,000 in ballot printing costs.

Section 5 of this bill calls for a "housekeeping" amendment which would also result in simplification of ballot printing requirements and additional savings in printing costs. No reference is made to the box in which the voter marks his or her vote having "a plus sign", in sections of the statute setting out guidelines for form of the ballot. However, citing the rules by which the director is directed to count or not count the votes on punch card ballots based on the positioning of the punch mark within the square, the

statute includes language "in the square designated by the plus sign". This is the only reference to a plus sign but because of the inference, the Division has been printing two versions of the same ballot in all instances where there is punch card voting and handmark voting in the same district. The plus sign serves no viable purpose, but does complicate the printing, collating, packaging and distribution of ballot preparation. While simplification of the logistics involved outweighs other advantages of this amendment, the state could expect to save an additional \$2,000 dollars in its ballot printing costs.

Section 3 of the bill relates to personal representative voting. The provisions of this section simplify the process by which a disabled or confined individual votes through the assistance of another party. Under the existing statutes, an individual attempting to help a disabled voter vote must make two round trips between the voter and the Division of Elections to complete the process.

1. The personal representative must visit the Division of Elections to pick up an application for the voter. Once the voter has completed the application, the personal representative returns it to the Division.
2. The personal representative then picks up the ballots, goes back to the voter who votes the ballots, and then the personal representative must return the voted ballots back to the Division.

Under this amendment, the personal representative would apply to be a personal representative on behalf of the disabled voter, pick up the application to be completed by the voter, and the voter's ballots all at the same time. The voter's completed application and ballots would be returned in a single trip.

This proposed amendment duplicates language in Senate Bill 252 which successfully passed the Senate and all committees in the House during the 14th Legislature. At that time, it was a companion bill to House Bill 284 which was passed into law. However, SB 252 died in House Rules in the final hours of the session. It is our belief that there was a misunderstanding at the time, that the provisions of SB 252 had already been incorporated into the HB 284 which was passed out.

We support this provision which has been introduced again, because we believe that the existing statutes put an undue burden on personal representatives, and discourage voting by disabled and institutionalized voters.

Section 4 of the bill eliminates the provision in current statutes which allows ballots that are received after the statutory deadlines from being opened and counted in recounts. Concern has been expressed that the allowance for counting ballots received after the statutory deadline enhances the opportunity for inappropriate use of the system. In a review of 1,800 by mail ballots from the 1984 general election it was determined that approximately 1/3 of mailed ballots had no readable postmark. Recounts are usually called for in very close races. More and more voters are voting by mail, and individuals have greater access to absentee voter lists than ever before. Concern has been expressed that these circumstances combined with inconsistent use of postmarks could result in individuals working the absentee lists to solicit voters who did not return their ballots to cast them after election day, potentially impacting the outcome of the recount.

Sections 6 and 7 suggest conforming amendments to the deadline for withdrawal of a candidate's name from the ballot, or replacement of a name on the ballot prior to the election. The amendments change the deadline from 40 days to 54 days prior to the election. The Division strongly supports this change. The 40 day deadline severely constricts the actual time frame in which ballots must be typeset, proofread, printed and distributed. For example, for general elections, the existing deadline allows only 10 days for preparing camera ready samples of each finalized ballot for inclusion in the Official Election Pamphlet which, by statute, must be printed and in the mail to voters 30 days before the election.

In addition, by mail absentee voters should be mailed their ballots at least three full weeks before election day, and absentee in person voting starts 15 days before each election. That means that even in primary elections, allowing adequate shipping time for rural absentee sites, and adequate preparation for mass mailing of by mail ballots, the Division has at best, three weeks in which to finalize, typeset, proofread, print, receive and sort, and finally distribute ballots across the State. This tight three week period can be further dwindled in situations where lawsuits are filed contesting a candidate's eligibility, such as occurred in the 1986 gubernatorial race which affected the printing of every candidate card statewide.

May 1, 1984
Date

Sandra Stout
Sandra Stout
Director

RECOMMENDED CONFORMING AMENDMENT
FOR SPONSOR OR COMMITTEE SUBSTITUTE
HB 293

Division of Elections
May 4, 1987

The following amendment to be inserted after line 22 is recommended to assure that paragraphs (b) and (c) of AS 15.20.071 conform with the intent prescribed by the amendment to paragraph (a). As it stands, paragraph (b) requires that the personal representative be issued ballots for the voter if the written application has already been signed by the voter. It is the intent of this bill to reduce the number of separate trips the personal representative must make in order to assist the disabled or confined voter in voting. In addition, it is recommended that paragraph (b) be further amended to eliminate language regarding a signed statement from a physician or two qualified voters stating that the voter is unable to vote at the polling place because of physical disability. The requirement is prohibited under federal law.

AMENDMENT:

(b) Upon receipt of a written application by the personal representative, the election official authorized to issue the absentee ballot shall provide the ballot and other absentee voting material, including an application for absentee ballot to be completed by the voter, to the personal representative [IF THE WRITTEN APPLICATION IS SIGNED BY THE APPLICANT AND IS ACCOMPANIED BY A LETTER FROM A LICENSED PHYSICIAN OR A STATEMENT SIGNED BY TWO QUALIFIED VOTERS STATING THAT THE APPLICANT WILL BE UNABLE TO GO TO THE POLLING PLACE BECAUSE OF PHYSICAL DISABILITY].

(c) The personal representative shall deliver the voter's application for an absentee ballot and the ballot to

the voter as soon as practicable. Upon receipt of the application and an absentee ballot through a personal representative, the voter shall proceed to complete and sign the application and to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the envelope in the presence of the personal representative who shall witness and date the signature of the voter. The voter must mark the ballot and sign the voter's certificate and application not later than election day. The voter shall then return the application and the absentee ballot to the personal representative who shall deliver the ballot to the election official who provided the ballot. The absentee ballot must be returned to the election official not later than 8:00 p.m. on election day.

SUMMARY OF CS HB 293 (JUDICIARY)
"An Act Relating to Elections"

Section 1. Current statute states that a voter who has changed one's name but wishes to vote under the new name must reregister 30 days prior to the election.

Questions concerning this section of the statute were raised in the 1986 Fischer/Uehling recount. The Supreme Court ordered the ballots counted of those voters who voted under their new name but had not updated their registration records as required by statute.

In order to clarify this statute, the proposed amendment allows a voter to vote under one's previous name OR to vote a questioned ballot if the voter wishes to use his/her new name.

Section 2. This is a new subsection which directs the director of elections, whenever possible, to send written notice of any change in a precinct boundary or polling place to each affected registered voter in the precinct no less than 7 nor more than 30 days before the next state election.

This amendment attempts to mitigate any inconvenience caused a voter because of a change in polling place.

Sections 3, and 14 through 17. These sections address the requirement that judicial retention candidates be printed on a separate nonpartisan judicial ballot.

In territorial days when elections involved closed partisan races, it was necessary to print the judicial retention candidates on separate nonpartisan ballot cards. Because we now include candidates of all parties on the same card - the card is essentially nonpartisan. The Court System has no problem with the proposed amendment.

Based on a review of the 1986 general election, 14 districts would have required the printing of only 2 ballot cards if the judicial candidates had been printed on the same card as other candidates. This would have resulted in a savings of nearly \$15,000 in ballot printing costs.

Sections 4, 5 and 6. Changes proposed in these sections would simplify the voting process for persons who are physically unable to go to a polling place. The amendments are intended to encourage more disabled and institutionalized persons to participate in the voting process.

Besides the physically disabled, the amendment in section 4 would include prisoners and persons confined to an institution as persons eligible for assistance from a personal representative in voting an absentee ballot. Section 4 also allows the personal representative to apply to any member of the election board (previously only the chairman or his designee) for an absentee ballot.

Section 5 and 6 reduce the number of trips a personal representative has to make to the Election office by allowing the representative to apply for, pick up the application, and the voter's ballots all at the same time. Under current statute a personal representative must make two round trips between the voter and the Elections office to complete the process: 1) to pick up and return the completed application and 2) to pick up and return the ballot.

Section 7. Current statute requires that an election official record the date and time and absentee ballot is provided and received. This amendment eliminates the requirement to record the time - which serves no useful purpose.

Section 8. Current statute requires that an application for an absentee ballot must be postmarked ten days prior to the election. Because mail often lacks a postmark or the postmark is unreadable, the amendment would delete the reference to a postmark and would require that the application be received four days prior to the election.

Section 9: Conforming amendment so that language relating to state review board's review and counting of absentee ballots conforms to language in Section 10 relating to procedure for recount.

Section 10: This amendment would eliminate the provision in current statute which allows ballots that are received after statutory deadlines from being opened and counted in recounts.

In a recount, domestically mailed ballots would be included only when received through the 10th day after the election. Military or internationally mailed ballots received through the 15th day after the election would be included in a recount. Alaska currently has the longest time periods in which to receive absentee ballots after election day.

Current statutes provide the opportunity for an individual to work the absentee voter list to solicit voters (who did not return their ballots) to cast them after election day. This amendment eliminates a very real potential for fraud.

Section 11: This amendment is "housekeeping" in nature. The section proposes the deletion of references to language "designated by a plus sign" when describing the square box in which the voter punches the ballot. The plus sign serves no purpose. Statutory citations regarding handmarked ballots contain no such descriptive language and no other sections of the election law contain any reference to this "plus sign."

This amendment will eliminate the necessity for printing two versions of the same ballot where there is both punch card voting and handmark voting in the same district and will result in a savings of \$2,000 in ballot printing costs.

Section 12 and 13: Current statutes set the deadline for withdrawal of a candidate's name from the ballot or the replacement of a name on the ballot 40 days prior to the election.

This severely constricts to, at best, three weeks the time in which to prepare, print and distribute ballots across the state. In cases where a lawsuit is filed contesting a candidate's eligibility (the 1986 gubernatorial race, for example) the time frame can be further reduced.

A change in the deadline from 40 to 54 days would significantly improve the Division of Elections' ability to meet their statutory deadlines which are dependent on completion of ballot printing.

Original sponsors: Pourchot, Ulmer
and Boucher

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 293 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to elections; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 15.07.090(a) is amended to read:

10 (a) A voter whose name is changed by marriage or court order may
11 vote under the previous name, but a [IF THE] voter who desires to use
12 a [THE] new name shall vote a questioned ballot [, HE OR SHE SHALL
13 NOTIFY THE DIRECTOR NOT LATER THAN 30 DAYS PRECEDING AN ELECTION SO
14 THAT THE REGISTRATION MAY BE AMENDED TO REFLECT THE CHANGE].

15 * Sec. 2. AS 15.10.020 is amended by adding a new subsection to read:

16 (b) Whenever possible, the director shall send written notice of
17 any change in a precinct boundary or polling place to each affected
18 registered voter in the precinct not less than 7 nor more than 30 days
19 before the next state election.

20 * Sec. 3. AS 15.15.030(10) is amended to read:

21 (10) A [SEPARATE] nonpartisan [JUDICIAL] ballot shall be
22 designed for each judicial district in which a justice or judge is
23 seeking retention in office [TO SUCCEED HIMSELF]. The ballot shall be
24 divided into four parts and each part shall bear a heading indicating
25 the court to which the candidate is seeking approval. Within each
26 part the question of whether the justice or judge shall be approved or
27 rejected shall be set out in substantially the following manner: (A)
28 "Shall be retained as justice of the supreme court for
29 10 years?"; (B) "Shall be retained as judge of the

1 court of appeals for eight years?"; (C) "Shall be re-
2 tained as judge of the superior court for six years?"; or (D) "Shall .
3 be retained as judge of the district court for four
4 years?" Provision shall be made for marking each question "Yes" or
5 "No."

6 * Sec. 4. AS 15.20.071(a) is amended to read:

7 (a) A qualified voter who is physically disabled, imprisoned, or
8 confined to an institution may vote by [APPLY FOR AN] absentee ballot
9 through a personal representative. A personal representative may
10 apply for absentee ballots on behalf of physical disabled voters or
11 voters imprisoned or confined to an institution to the following
12 election officials at the times specified:

13 (1) to an absentee voting official in the election district
14 in which the voter resides on or after the 15th day before an election
15 up to and including the day of the election;

16 (2) to an election supervisor

17 (A) after a date announced by the director under
18 AS 15.20.048(b); and

19 (B) on or after the 15th day before an election up to
20 and including the date of the election;

21 (3) to an absentee voting official at an absentee voting
22 station designated under AS 15.20.045(b) at a time when the absentee
23 voting station is operating;

24 (4) to a member of the election board [CHAIRMAN OR HIS
25 DESIGNEE] on election day in the precinct in which the voter is enti-
26 tled to vote [EXCEPT THAT THE VOTER MAY NOT APPLY TO THE ELECTION
27 BOARD CHAIRMAN IN AN AREA IN WHICH ABSENTEE VOTING OFFICIALS HAVE BEEN
28 DESIGNATED].

29 * Sec. 5. AS 15.20.071(b) is amended to read:

1 (b) Upon receipt of a written application and proof of identi-
2 fication from a [BY] personal representative, the election official
3 authorized to issue the absentee ballots under (a) of this section
4 [BALLOT] shall provide the ballots [BALLOT] and other absentee voting
5 material to the personal representative [IF THE WRITTEN APPLICATION IS
6 SIGNED BY THE APPLICANT AND IS ACCOMPANIED BY A LETTER FROM A LICENSED
7 PHYSICIAN OR A STATEMENT SIGNED BY TWO QUALIFIED VOTERS STATING THAT
8 THE APPLICANT WILL BE UNABLE TO GO TO THE POLLING PLACE BECAUSE OF
9 PHYSICAL DISABILITY].

10 * Sec. 6. AS 15.20.071(c) is amended to read:

11 (c) The personal representative shall deliver the application
12 for an absentee ballot to the voter as soon as practicable. On the
13 completion and receipt of the application for an absentee ballot, the
14 personal representative shall deliver an absentee ballot to the voter.
15 The [UPON RECEIPT OF AN ABSENTEE BALLOT THROUGH A PERSONAL REPRESENTA-
16 TIVE, THE] voter shall proceed to mark the ballot in secret, to place
17 the ballot in the small envelope, to place the small envelope in the
18 larger envelope, and to sign the voter's certificate on the envelope
19 in the presence of the personal representative who shall witness and
20 date the signature of the voter. The voter must complete the applica-
21 tion for the absentee ballot, mark the ballot, and sign the voter's
22 certification not later than election day. The voter shall then
23 return the application and the absentee ballot to the personal rep-
24 resentative who shall deliver the ballot to the election official who
25 provided the ballot. The application and the absentee ballot must be
26 returned to the election official not later than 8:00 p.m. on election
27 day.

28 * Sec. 7. AS 15.20.071(d) is amended to read:

29 (d) Each election official shall keep a record of the name and

1 signature of each personal representative requesting an absentee
2 ballot and the name of the person on whose behalf the ballot is re-
3 quested. The election official shall record the date [AND TIME] the
4 absentee ballot is provided and the date [TIME] the ballot is returned
5 to the election official.

6 * Sec. 8. AS 15.20.081(b) is amended to read:

7 (b) An application for an absentee ballot by mail must be re-
8 ceived by the division of elections [POSTMARKED] not less than four
9 [TEN] days before the election for which the absentee ballot is
10 sought. The absentee ballot application shall permit the person to
11 register to vote under AS 15.07.070 and to request an absentee ballot
12 for each state election held within that calendar year for which the
13 voter is eligible to vote.

14 * Sec. 9. AS 15.20.220(b) is amended to read:

15 (b) The state review board shall review and count absentee
16 ballots under AS 15.20.081(e) and (h) and questioned ballots that have
17 been forwarded to the director and that have not been reviewed or
18 counted by a district counting board. [ABSENTEE AND QUESTIONED BALLOTS
19 NOT RECEIVED IN THE OFFICE OF THE DIRECTOR BY 4:00 P.M. ON THE 15TH
20 DAY FOLLOWING THE ELECTION MAY NOT BE COUNTED IN THE REVIEW.]

21 * Sec. 10. AS 15.20.480 is amended to read:

22 Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the re-
23 count, the director shall review all ballots whether the ballots were
24 counted at the precinct or by computer or by the district absentee
25 counting board or the questioned ballot counting board to determine
26 which ballots, or part of ballots, were properly marked and which
27 ballots are to be counted in the recount, and shall check the accuracy
28 of the original count, the precinct certificate and the review. The
29 director shall check the number of ballots and questioned ballots cast

1 in a precinct against the registers and shall check absentee ballots
2 voted against absentee ballots distributed. [THE DIRECTOR SHALL COUNT
3 ABSENTEE BALLOTS RECEIVED AFTER CLOSE OF BUSINESS ON THE 15TH DAY
4 FOLLOWING THE ELECTION AND BEFORE THE COMPLETION OF THE RECOUNT.] For
5 administrative purposes, the director may join and include two or more
6 applications in a single review and count of votes. The rules in
7 AS 15.15.360 governing the counting of hand- marked ballots and the
8 rules in AS 15.20.730 governing the counting of punch-card ballots
9 shall be followed in the recount. The ballots and other election
10 material shall remain in the custody of the director during the re-
11 count and the highest degree of care shall be exercised to protect the
12 ballots against alteration or mutilation. The recount shall be com-
13 pleted within 10 days. The director may employ additional personnel
14 necessary to assist in the recount.

15 * Sec. 11. AS 15.20.730(b) is amended to read:

16 (b) The computer shall be programmed to count ballots as fol-
17 lows:

18 (1) a vote may be counted only if the punch is clearly
19 spaced in the square [DESIGNATED BY A PLUS SIGN] following the name of
20 the candidate the voter desires to select;

21 (2) if there is only one [PLUS-MARKED] square marked for a
22 team whose names are on separate lines, such as president and vice-
23 president or governor and lieutenant governor, a punch in the square
24 or elsewhere in the rectangle following the names shall be counted for
25 that team;

26 (3) a failure to properly punch a ballot card as to one or
27 more candidates does not itself invalidate the entire ballot;

28 (4) if a voter punches fewer names than there are persons
29 to be elected to the office, a vote shall be counted for each

1 candidate properly marked;

2 (5) if a voter punches more names than there are persons to
3 be elected to the office, the votes for candidates to that office
4 shall not be counted;

5 (6) improper marks on the ballots shall not be counted and
6 shall not invalidate punches for candidates properly made;

7 (7) an erasure or correction invalidates only that section
8 of the ballot in which it appears;

9 (8) a vote marked for the candidate for President of the
10 United States is considered and counted as a vote for the election of
11 presidential electors.

12 * Sec. 12. AS 15.25.055 is amended to read:

13 Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candi-
14 date's name will appear on the primary election ballot unless notice
15 of the [HIS] withdrawal from the primary is received by the director
16 at least 54 [40] days before the date of the primary election.

17 * Sec. 13. AS 15.25.110 is amended to read:

18 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a
19 candidate nominated at the primary election dies, withdraws, resigns,
20 becomes disqualified from holding the office for which the candidate
21 [HE] is nominated, or is certified as being incapacitated in the
22 manner prescribed by this section after the primary election and 54
23 [40] days or more before the general election, the vacancy may be
24 filled by party petition. The central committee of any political
25 party or any party district committee may certify as being incapaci-
26 tated any candidate nominated by their respective party by presenting
27 to the director a sworn statement made by a panel of three licensed
28 physicians, not more than two of whom may [SHALL] be of the same
29 political party, that the candidate is physically or mentally

1 incapacitated to an extent that would [IN HIS JUDGMENT] prevent the
2 candidate from active service during the term of office if elected.
3 The director shall place the name of the person nominated by party
4 petition on the general election ballot. The name of a candidate
5 disqualified under this section may [SHALL] not appear on the general
6 election ballot.

7 * Sec. 14. AS 15.35.050 is amended to read:

8 Sec. 15.35.050. PLACING NAME OF SUPREME COURT JUSTICE ON BALLOT.
9 The director shall place the name of a supreme court justice who has
10 properly filed a declaration of candidacy for retention on the [JUDI-
11 CIAL] ballot in each judicial district of the state for the general
12 election at which approval is sought.

13 * Sec. 15. AS 15.35.059 is amended to read:

14 Sec. 15.35.059. PLACING NAME OF JUDGE OF THE COURT OF APPEALS ON
15 BALLOT. The director shall place the name of a judge of the court of
16 appeals who has properly filed a declaration of candidacy for reten-
17 tion on the [JUDICIAL] ballot in each judicial district of the state
18 for the general election at which approval is sought.

19 * Sec. 16. AS 15.35.090 is amended to read:

20 Sec. 15.35.090. PLACING NAME OF SUPERIOR COURT JUDGE ON BALLOT.
21 The director shall place the name of a superior court judge who has
22 properly filed a declaration of candidacy for retention on the [JUDI-
23 CIAL] ballot in the judicial district designated in the [HIS] declara-
24 tion of candidacy for the general election at which approval is
25 sought.

26 * Sec. 17. AS 15.35.130 is amended to read:

27 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The
28 director shall place the name of a district judge who has properly
29 filed a declaration of candidacy for retention on the [JUDICIAL]

1 ballot in the judicial district designated in the [HIS] declaration of
2 candidacy for the general election at which approval is sought.

3 * Sec. 18. This Act takes effect immediately under AS 01.10.070(c).

Original sponsors: Pourchot and Ulmer

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 293 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act relating to elections."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 15.07.090(a) is amended to read:

9 (a) A voter whose name is changed by marriage or court order may
10 vote under the previous name, but a [IF THE] voter who desires to use
11 a [THE] new name shall vote a questioned ballot [, HE OR SHE SHALL
12 NOTIFY THE DIRECTOR NOT LATER THAN 30 DAYS PRECEDING AN ELECTION SO
13 THAT THE REGISTRATION MAY BE AMENDED TO REFLECT THE CHANGE].

14 * Sec. 2. AS 15.15.030(10) is amended to read:

15 (10) A [SEPARATE] nonpartisan [JUDICIAL] ballot shall be
16 designed for each judicial district in which a justice or judge is
17 seeking retention in office [TO SUCCEED HIMSELF]. The ballot shall be
18 divided into four parts and each part shall bear a heading indicating
19 the court to which the candidate is seeking approval. Within each
20 part the question of whether the justice or judge shall be approved or
21 rejected shall be set out in substantially the following manner: (A)
22 "Shall be retained as justice of the supreme court for
23 10 years?"; (B) "Shall be retained as judge of the
24 court of appeals for eight years?"; (C) "Shall be re-
25 tained as judge of the superior court for six years?"; or (D) "Shall .
26 be retained as judge of the district court for four
27 years?" Provision shall be made for marking each question "Yes" or
28 "No."

29 * Sec. 3. AS 15.20.071(a) is amended to read:

1 (a) A qualified voter who is physically disabled, imprisoned, or
2 confined to an institution may vote by [APPLY FOR AN] absentee ballot
3 through a personal representative. A personal representative may
4 apply for absentee ballots on behalf of physically disabled voters or
5 voters imprisoned or confined to an institution to the following
6 election officials at the times specified:

7 (1) to an absentee voting official in the election district
8 in which the voter resides on or after the 15th day before an election
9 up to and including the day of the election;

10 (2) to an election supervisor

11 (A) after a date announced by the director under
12 AS 15.20.048(b); and

13 (B) on or after the 15th day before an election up to
14 and including the date of the election;

15 (3) to an absentee voting official at an absentee voting
16 station designated under AS 15.20.045(b) at a time when the absentee
17 voting station is operating;

18 (4) to a member of the election board [CHAIRMAN OR HIS
19 DESIGNEE] on election day in the precinct in which the voter is enti-
20 tled to vote [EXCEPT THAT THE VOTER MAY NOT APPLY TO THE ELECTION
21 BOARD CHAIRMAN IN AN AREA IN WHICH ABSENTEE VOTING OFFICIALS HAVE BEEN
22 DESIGNATED].

23 * Sec. 4. AS 15.20.071(b) is amended to read:

24 (b) Upon receipt of a written application and proof of identi-
25 fication from a [BY] personal representative, the election official
26 authorized to issue the absentee ballots under (a) of this section
27 [BALLOT] shall provide the ballots [BALLOT] and other absentee voting
28 material to the personal representative [IF THE WRITTEN APPLICATION IS
29 SIGNED BY THE APPLICANT AND IS ACCOMPANIED BY A LETTER FROM A LICENSED

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2 THE APPLICANT WILL BE UNABLE TO GO TO THE POLLING PLACE BECAUSE OF
3 PHYSICAL DISABILITY].

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5 (c) The personal representative shall deliver the application
6 for an absentee ballot to the voter as soon as practicable. On the
7 completion and receipt of the application for an absentee ballot, the
8 personal representative shall deliver an absentee ballot to the voter.
9 The [UPON RECEIPT OF AN ABSENTEE BALLOT THROUGH A PERSONAL REPRESENTA-
10 TIVE, THE] voter shall proceed to mark the ballot in secret, to place
11 the ballot in the small envelope, to place the small envelope in the
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13 in the presence of the personal representative who shall witness and
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15 tion for the absentee ballot, mark the ballot, and sign the voter's
16 certification not later than election day. The voter shall then
17 return the application and the absentee ballot to the personal rep-
18 resentative who shall deliver the ballot to the election official who
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20 returned to the election official not later than 8:00 p.m. on election
21 day.

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24 count, the director shall review all ballots whether the ballots were
25 counted at the precinct or by computer or by the district absentee
26 counting board or the questioned ballot counting board to determine
27 which ballots, or part of ballots, were properly marked and which
28 ballots are to be counted in the recount, and shall check the accuracy
29 of the original count, the precinct certificate and the review. The

1 director shall check the number of ballots and questioned ballots cast
2 in a precinct against the registers and shall check absentee ballots
3 voted against absentee ballots distributed. [THE DIRECTOR SHALL COUNT
4 ABSENTEE BALLOTS RECEIVED AFTER CLOSE OF BUSINESS ON THE 15TH DAY
5 FOLLOWING THE ELECTION AND BEFORE THE COMPLETION OF THE RECOUNT.] For
6 administrative purposes, the director may join and include two or more
7 applications in a single review and count of votes. The rules in
8 AS 15.15.360 governing the counting of hand- marked ballots and the
9 rules in AS 15.20.730 governing the counting of punch-card ballots
10 shall be followed in the recount. The ballots and other election
11 material shall remain in the custody of the director during the re-
12 count and the highest degree of care shall be exercised to protect the
13 ballots against alteration or mutilation. The recount shall be com-
14 pleted within 10 days. The director may employ additional personnel
15 necessary to assist in the recount.

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17 (b) The computer shall be programmed to count ballots as fol-
18 lows:

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20 spaced in the square [DESIGNATED BY A PLUS SIGN] following the name of
21 the candidate the voter desires to select;

22 (2) if there is only one [PLUS-MARKED] square marked for a
23 team whose names are on separate lines, such as president and vice-
24 president or governor and lieutenant governor, a punch in the square
25 or elsewhere in the rectangle following the names shall be counted for
26 that team;

27 (3) a failure to properly punch a ballot card as to one or
28 more candidates does not itself invalidate the entire ballot;

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1 to be elected to the office, a vote shall be counted for each candi-
2 date properly marked;

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4 be elected to the office, the votes for candidates to that office
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9 of the ballot in which it appears;

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14 Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candi-
15 date's name will appear on the primary election ballot unless notice
16 of the [HIS] withdrawal from the primary is received by the director
17 at least 54 [40] days before the date of the primary election.

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19 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a
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21 becomes disqualified from holding the office for which the candidate
22 [HE] is nominated, or is certified as being incapacitated in the
23 manner prescribed by this section after the primary election and 54
24 [40] days or more before the general election, the vacancy may be
25 filled by party petition. The central committee of any political
26 party or any party district committee may certify as being incapaci-
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28 to the director a sworn statement made by a panel of three licensed
29 physicians, not more than two of whom may [SHALL] be of the same

1 political party, that the candidate is physically or mentally in-
2 capacitated to an extent that would [IN HIS JUDGMENT] prevent the
3 candidate from active service during the term of office if elected.
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10 The director shall place the name of a supreme court justice who has
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13 election at which approval is sought.

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1 IN THE HOUSE BY POURCHOT AND ULMER
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3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

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18 divided into four parts and each part shall bear a heading indicating
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20 part the question of whether the justice or judge shall be approved or
21 rejected shall be set out in substantially the following manner: (A)
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23 10 years?"; (B) "Shall be retained as judge of the
24 court of appeals for eight years?"; (C) "Shall be re-
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27 years?" Provision shall be made for marking each question "Yes" or
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3 through a personal representative. A personal representative may
4 apply for an absentee ballot on behalf of a physically disabled voter
5 or a voter imprisoned or confined to an institution to the following
6 election officials at the times specified:

7 (1) to an absentee voting official in the election district
8 in which the voter resides on or after the 15th day before an election
9 up to and including the day of the election;

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11 (A) after a date announced by the director under
12 AS 15.20.048(b); and

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15 (3) to an absentee voting official at an absentee voting
16 station designated under AS 15.20.045(b) at a time when the absentee
17 voting station is operating;

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19 DESIGNEE] on election day in the precinct in which the voter is enti-
20 tled to vote [EXCEPT THAT THE VOTER MAY NOT APPLY TO THE ELECTION
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22 DESIGNATED].

23 * Sec. 4. AS 15.20.480 is amended to read:

24 Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the re-
25 count, the director shall review all ballots whether the ballots were
26 counted at the precinct or by computer or by the district absentee
27 counting board or the questioned ballot counting board to determine
28 which ballots, or part of ballots, were properly marked and which
29 ballots are to be counted in the recount, and shall check the accuracy

1 of the original count, the precinct certificate and the review. The
2 director shall check the number of ballots and questioned ballots cast
3 in a precinct against the registers and shall check absentee ballots
4 voted against absentee ballots distributed. The director shall count
5 absentee ballots under AS 15.20.081(e) and (h) [RECEIVED AFTER CLOSE
6 OF BUSINESS ON THE 15TH DAY FOLLOWING THE ELECTION AND BEFORE THE
7 COMPLETION OF THE RECOUNT]. For administrative purposes, the director
8 may join and include two or more applications in a single review and
9 count of votes. The rules in AS 15.15.360 governing the counting of
10 hand- marked ballots and the rules in AS 15.20.730 governing the
11 counting of punch-card ballots shall be followed in the recount. The
12 ballots and other election material shall remain in the custody of the
13 director during the recount and the highest degree of care shall be
14 exercised to protect the ballots against alteration or mutilation.
15 The recount shall be completed within 10 days. The director may
16 employ additional personnel necessary to assist in the recount.

17 * Sec. 5. AS 15.20.730(b) is amended to read:

18 (b) The computer shall be programmed to count ballots as
19 follows:

20 (1) a vote may be counted only if the punch is clearly
21 spaced in the square [DESIGNATED BY A PLUS SIGN] following the name of
22 the candidate the voter desires to select;

23 (2) if there is only one [PLUS-MARKED] square marked for a
24 team whose names are on separate lines, such as president and vice-
25 president or governor and lieutenant governor, a punch in the square
26 or elsewhere in the rectangle following the names shall be counted for
27 that team;

28 (3) a failure to properly punch a ballot card as to one or
29 more candidates does not itself invalidate the entire ballot;

1 (4) if a voter punches fewer names than there are persons
2 to be elected to the office, a vote shall be counted for each candi-
3 date properly marked;

4 (5) if a voter punches more names than there are persons to
5 be elected to the office, the votes for candidates to that office
6 shall not be counted;

7 (6) improper marks on the ballots shall not be counted and
8 shall not invalidate punches for candidates properly made;

9 (7) an erasure or correction invalidates only that section
10 of the ballot in which it appears;

11 (8) a vote marked for the candidate for President of the
12 United States is considered and counted as a vote for the election of
13 presidential electors.

14 * Sec. 6. AS 15.25.055 is amended to read:

15 Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candi-
16 date's name will appear on the primary election ballot unless notice
17 of the [HIS] withdrawal from the primary is received by the director
18 at least 54 [40] days before the date of the primary election.

19 * Sec. 7. AS 15.25.110 is amended to read:

20 Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a
21 candidate nominated at the primary election dies, withdraws, resigns,
22 becomes disqualified from holding the office for which the candidate
23 [HE] is nominated, or is certified as being incapacitated in the
24 manner prescribed by this section after the primary election and 54
25 [40] days or more before the general election, the vacancy may be
26 filled by party petition. The central committee of any political
27 party or any party district committee may certify as being incapaci-
28 tated any candidate nominated by their respective party by presenting
29 to the director a sworn statement made by a panel of three licensed

1 physicians, not more than two of whom may [SHALL] be of the same
2 political party, that the candidate is physically or mentally in-
3 capacitated to an extent that would [IN HIS JUDGMENT] prevent the
4 candidate from active service during the term of office if elected.
5 The director shall place the name of the person nominated by party
6 petition on the general election ballot. The name of a candidate
7 disqualified under this section may [SHALL] not appear on the general
8 election ballot.

9 * Sec. 8. AS 15.35.050 is amended to read:

10 Sec. 15.35.050. PLACING NAME OF SUPREME COURT JUSTICE ON BALLOT.
11 The director shall place the name of a supreme court justice who has
12 properly filed a declaration of candidacy for retention on the [JUDI-
13 CIAL] ballot in each judicial district of the state for the general
14 election at which approval is sought.

15 * Sec. 9. AS 15.35.059 is amended to read:

16 Sec. 15.35.059. PLACING NAME OF JUDGE OF THE COURT OF APPEALS ON
17 BALLOT. The director shall place the name of a judge of the court of
18 appeals who has properly filed a declaration of candidacy for reten-
19 tion on the [JUDICIAL] ballot in each judicial district of the state
20 for the general election at which approval is sought.

21 * Sec. 10. AS 15.35.090 is amended to read:

22 Sec. 15.35.090. PLACING NAME OF SUPERIOR COURT JUDGE ON BALLOT.
23 The director shall place the name of a superior court judge who has
24 properly filed a declaration of candidacy for retention on the [JUDI-
25 CIAL] ballot in the judicial district designated in the [HIS] declara-
26 tion of candidacy for the general election at which approval is
27 sought.

28 * Sec. 11. AS 15.35.130 is amended to read:

29 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The

1 director shall place the name of a district judge who has properly
2 filed a declaration of candidacy for retention on the [JUDICIAL]
3 ballot in the judicial district designated in the [HIS] declaration of
4 candidacy for the general election at which approval is sought.