

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 00/2

9440 HOUSE STATE AFFAIRS

76

jails in the state do not have phone call procedures such as we do. Instead, the prisoners are simply given free access to telephones and can call anyone they choose to. Approval of House Bill No. 245 should give police officers and troopers the ability to advise an arrestee that he or she cannot telephone the victim of the crime they just committed, until authorized to do so by a judge or magistrate.

A handwritten signature in cursive script, appearing to read "Mark Robl". The signature is written in dark ink and is positioned above the typed name.

Lt. Mark Robl

04/24/97

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

08:10:36

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:ANC

TCN:70669

SCHEDULED FOR:04/24/97 08:00 TO 10:00

FOR:ANC

PUBLIC HEARING

HOUSE STATE AFFAIRS

LOCATION: ANCHORAGE

HB 245

BARBARA

BRINK

TESTIFY

FISCAL NOTE

**STATE OF ALASKA
1997 LEGISLATIVE SESSION**

BILL NO. HB 245

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act relating to minimum sentences for assault in the fourth degree that is a crime involving domestic violence..." BRU: All
 Sponsor: Representative Dyson Component: All
 Requester: House State Affairs Committee COMPONENT SERIAL NO. #0694

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Section 3 of this legislation provides for new mandatory minimum sentences for persons convicted of assault in the fourth degree involving domestic violence who have previously been convicted of a crime against a person under AS 11.41.

The Department of Corrections is providing an indeterminate fiscal note since we are unable to provide an accurate estimate from existing data. Data provided from the Department of Law indicates there were 1279 convictions for assault in the fourth degree that involved domestic violence in 1996. This figure does not include municipal cases. The Municipality of Anchorage provided a figure of 1500 cases for 1996 with approximately thirty percent of those having previous convictions of crimes against a person.

To illustrate the impact of incarceration for only 1 day for the 30% with previous convictions:
 834 inmates X 105.25 average daily cost = \$87,778.50

The Department of Corrections believes that Judges are taking into account previous convictions for sentencing. However, it is not clear if they are equal to what is proposed in HB 245. If there is a significant impact resulting from passage of this legislation the Department of Corrections will make a corresponding request for an increase in the next fiscal years budget.

Prepared by: Bruce Richards
 Division: Commissioner's Office Margaret M. Pugh
 Approved by: Commissioner Margaret M. Pugh
 Agency: Department of Corrections

Phone: 465-3307
 Date: 4/23/97
 Date: 4/23/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 245

Revision Date: _____

Department Affected: Administration

Title: "An Act relating to minimum sentences for assault in the fourth degree that is a crime involving domestic violence..."

BRU: Public Defender Agency

Component: Public Defender Agency

Sponsor: Representative Dyson

Requestor: (H) JUD

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	***	***	***	***	***	***
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	***	***	***	***	***	***

CAPITAL EXPENDITURES	***	***	***	***	***	***
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	***	***	***	***	***	***
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	***	***	***	***	***	***
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY 97) cost: \$ -0-

POSITIONS:

FULL-TIME	***	***	***	***	***	***
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached sheet.

Prepared by: Barbara K. Brink, Director
Division: Public Defender Agency

Phone: (907) 264-4414
Date: _____

Approved by Commissioner: Mark Bover
Agency: Department of Administration

Mark Bover
Date: 4/23/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 245

This bill creates mandatory minimum jail sentences for a person convicted of misdemeanor assault when it is "a crime involving domestic violence" and the person has a previous conviction for any crime against a person (30 days if one prior; 60 days if 2 or more).

Mandatory minimum sentences remove the judges' ability to fashion an appropriate punishment given the seriousness of the harm, the rehabilitation potential of the defendant, the deterrent value and reaffirmation of societal norms. Such mandatory minimums create anomalies in the overall criminal sentencing scheme. Under this bill a person may be required to serve more jail time than if they had committed a serious felony crime.

Such sentences discourage people from admitting their conduct due to the harsh and somewhat arbitrary consequences. Fewer people will admit their guilt, and more cases will proceed to (costly) jury trials. Last year, according to Department of Law figures, the state prosecuted 1279 domestic assaults. The Municipality of Anchorage alone prosecuted an additional 1500. The estimates are that a good 30% - 50% of those cases involve repeat offenders, such that an even greater percentage of those would have a prior of any crime against a person. If even a small percentage of those cases which routinely settle go to trial, the financial burden placed upon the Public Defender is enormous. Without the ability to predict those trial numbers, quantification is impossible although impact is certain. This will be in our FY 98 supplemental request.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 245

Revision Date: _____ Dept. Affected: Department of Law
 Title: * relating to minimum sentences for assault BRU: Criminal Division
 in the fourth degree that is a crime involving domestic violence . . . Component: Criminal Division
 Sponsor: Representative Dyson
 Requester: House State Affairs Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HB 245 imposes minimum sentences for assault in the fourth degree that are crimes involving domestic violence if the defendant has a previous conviction(s). The minimum sentences may not be reduced or suspended. HB 245 further prohibits a prisoner from communicating with the alleged victim of the crime that was the basis of the arrest.

The mandatory minimum sentences required by this bill do not appear to be a significant departure from the average sentences that are being imposed under current procedures for crimes involving domestic violence. The bill would serve to equalize these sentencing practices across the state. Because of this, the Department of Law does not anticipate an increase in the number of cases that would go to trial if this bill passes, and so does not anticipate any fiscal impact. If the caseload does increase, contrary to our expectations, we would return to the legislature next year for relief.

Prepared by: Joan M. Kasson
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-5370
 Date: 4/22/97
 Date: 4/22/97

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1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: Domestic Violence Assaults; Prisoner Contacts
 Sponsor: Representative Berkowitz *Difson*
 Requestor: H. State Affairs

Dept. Affected: Public Safety
DPS Statewide Support
 Component: Council on Domestic Violence and Sexual Assault
 COMPONENT SERIAL NO. 0521

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
 No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Jayne Andreen, Executive Director Phone: 465-4356
 Division: Council on Domestic Violence and Sexual Assault Date: 4/22/97
 Approved by Commissioner: *Ronald L. Otte* Date: _____
 Agency: Ronald L. Otte, Dept. of Public Safety

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HB

257

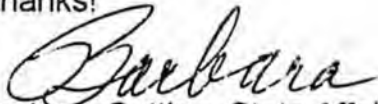
April 23, 1998

Mike -

Please do not schedule HB 257, "Voting and Elections" until the correct final version has been substituted for the one I transmitted to the clerk.

It was one of those confusing things where the bill drafter didn't draft the final from the version the committee passed. Never mind trying to figure it out, please just hold HB 257 until we can substitute final version C in place of final version B. Should be some time tomorrow.

Thanks!



Barbara Cotting, State Affairs Committee Aide

Final Final: Version F -
transmitted to
Hse Finance
Londi by
4/27/98

LEGAL SERVICES

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

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

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 23, 1998

SUBJECT: CSHB 257(STA): Work Order No. 20-GH0095\F

TO: Representative Jeannette James
Attn: Barbara Cotting

FROM: Richard A. Glover - *RAG*
Legislative Counsel

At your direction, the changes made to the \B version of CSHB 257(STA) to produce the referenced final version have not been reviewed for clarity or other legal problems.

I have used the April 7, 1998 draft for AS 15.20.071(g).

RAG:glc
98-267.jdr

Enclosure

AMENDMENT

1

Passed

OFFERED IN THE HOUSE

BY _____

TO: CSHB 257(STA)

Page 1, lines 1-4:

Delete all material and insert:

"An Act relating to voter qualification, disqualification, and registration; relating to voter registration officials and election personnel; relating to election notices; relating to mail elections; relating to certain election procedures; relating to the transportation of ballots; and relating to the official election pamphlet."

Page 4, line 24:

Delete "(a)"

Page 4, line 25:

Insert before "(a)":

"Sec. 15.15.198. Voter not on official registration list."

Page 4, following line 28:

Insert:

(b) A person whose registration is inactive under AS 15.07.130(b) and who votes a special review [QUESTIONED] or absentee ballot shall have the ballot counted if

(1) the person was registered to vote for either of the two most recent general elections;

(2) the person signs a statement to that effect; and

(3) the earlier registration is verified by the director.

Page 15, line 8:

After "accuracy":

Insert "in accordance with the regulations adopted under(a) of this section"

Alaska State Legislature

CHAIR:
REPRESENTATIVE
JEANNETTE JAMES

State Capitol
Room 102
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381



House of Representatives
HOUSE STATE AFFAIRS

MEMBERS:
REPRESENTATIVES
IVAN IVAN
AL VEZEY
FRED DYSON
MARK HODGINS
KIM ELTON
ETHAN BERKOWITZ

PLEASE NOTE:

HB 257 was moved from this committee April 9, 1998.

The bill drafter made some technical changes to the CS that was moved, so the committee needs to approve the attached changes before the bill can be transmitted to the clerk.

AMENDMENT

OFFERED IN THE HOUSE

BY _____

TO: CSHB 257(STA)

Page 1, lines 1-4:

Delete all material and insert:

"An Act relating to voter qualification, disqualification, and registration; relating to voter registration officials and election personnel; relating to election notices; relating to mail elections; relating to certain election procedures; relating to the transportation of ballots; and relating to the official election pamphlet."

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Delete "(a)"

Page 4, line 25:

Insert before "(a)":

"Sec. 15.15.198. Voter not on official registration list."

Page 4, following line 28:

Insert:

(b) A person whose registration is inactive under AS 15.07.130(b) and who votes a special review [QUESTIONED] or absentee ballot shall have the ballot counted if

(1) the person was registered to vote for either of the two most recent general elections;

(2) the person signs a statement to that effect; and

(3) the earlier registration is verified by the director.

Page 15, line 8:

After "accuracy":

Insert "in accordance with the regulations adopted under(a) of this section"

Glover

CS FOR HOUSE BILL NO. 257 (STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY: _____

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to voter qualification, disqualification, and registration; to voter registration**
 2 **officials; to election notices; to mail elections; to certain voting procedures; to the**
 3 **transportation of ballots; to the official election pamphlet; and exempting certain election**
 4 **workers from federal unemployment tax."**

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

6 *** Section 1.** AS 14.08 is amended by adding a new section to read:

7 **Sec. 14.08.082. Elections by mail.** Elections supervised by the lieutenant
 8 governor under AS 14.08.071 and 14.08.081 may be conducted by mail as permitted by
 9 AS 15.20.800.

10 *** Sec. 2.** AS 15.07.010 is amended to read:

11 **Sec. 15.07.010. Registration of voters.** The precinct election judges at any
 12 election shall allow a person to vote whose name is on the official registration list for that
 13 precinct and who is qualified under AS 15.05. A person whose name is not on the official
 14 registration list shall be allowed to vote a special review [QUESTIONED] ballot.

1 * **Sec. 3.** AS 15.07.070(h) is amended to read:

2 (h) The director shall design the form of the voter's certificate appearing on the
3 envelope that is used for voting a special review [QUESTIONED] ballot so that all
4 information required for registration by AS 15.07.060(a) may be obtained from a voter
5 who votes a special review [QUESTIONED] ballot. If the voter voting a special review
6 [QUESTIONED] ballot has completed all information on the voter registration portion
7 of the special review [QUESTIONED] ballot voter's certificate, the director shall place
8 the name of the voter on the official registration list.

9 * **Sec. 4.** AS 15.07.090(a) is amended to read:

10 (a) A voter whose name is changed by marriage or court order may vote under the
11 previous name, but a voter who desires to use a new name shall vote a special review
12 [QUESTIONED] ballot.

13 * **Sec. 5.** AS 15.07.090(c) is amended to read:

14 (c) The director shall transfer the registration of a voter from one precinct to
15 another within an election district when requested by the voter. The request shall be made
16 30 or more days before the election day. The director shall transfer the registration of a
17 voter from one election district to another when requested by the voter. The voter must
18 reside in the new election district for at least 30 days in order to vote for that district's
19 candidates.

20 * **Sec. 6.** AS 15.07.090(d) is amended to read:

21 (d) A person who claims to be a registered voter, but for whom no evidence of
22 registration in the precinct can be found, shall be granted the right to vote in the same
23 manner as that of a [QUESTIONED] voter whose ballot is subject to special review and
24 the ballot shall be treated in the same manner. The ballot shall be considered to be a
25 "special review [QUESTIONED] ballot" and shall be so designated. The director or the
26 director's representative shall determine whether the voter is registered in the election
27 district before counting the ballot. A voter who has failed to obtain a transfer as provided
28 in (c) of this section shall vote a "special review [QUESTIONED] ballot" in the precinct
29 in which the voter resides.

30 * **Sec. 7.** AS 15.07.100 is amended to read:

31 **Sec. 15.07.100. Registration officials.** (a) The director shall appoint one or

1 more persons to serve as registration officials in each precinct. When more than one
2 registration official is appointed to serve in a precinct, each political party shall be
3 represented. However, any precinct containing more than 250 voters must have at least
4 two registration officials, one from each political party. The registration official shall be
5 a qualified state voter and shall take an oath to honestly, faithfully and promptly perform
6 the duties of the office.

7 (b) Training for registration officials appointed under (a) of this section shall
8 be provided by the director. On the completion of training, the director may require that
9 officials demonstrate their competence by a test or other method.

10 (c) A registration official appointed under (a) of this section serves at the
11 pleasure of the director. Each such registration official shall be periodically evaluated by
12 the director based on the completeness of the registration forms, timely filing of
13 registration forms, and the voter registration activity attributed to the registration official.

14 (d) A registration official appointed under (a) of this section shall transmit
15 completed voter registration forms to the election supervisor within five days following
16 completion by the voter.

17 * Sec. 8. AS 15.07.100 is amended by adding a new subsection to read:

18 (e) In addition to registration officials appointed under (a) of this section, election
19 board judges and clerks appointed under AS 15.10.120 - 15.10.150 serve as registration
20 officials at the polls on election day.

21 * Sec. 9. AS 15.07.130(d) is amended to read:

22 (d) The notice described in (b) of this section must include a postage prepaid and
23 pre-addressed return card on which the voter may state the voter's current address. The
24 notice must indicate

25 (1) that the voter should return the card not later than 30 days before the
26 next primary election if the voter did not change residence;

27 (2) that the voter may vote only a special review [QUESTIONED] or
28 absentee ballot if the voter does not return the card at least 30 days before the next
29 primary election;

30 (3) that the voter's registration will be canceled if the voter does not vote
31 or appear to vote in an election held during the period beginning on the date of the notice

1 and ending on the day after the last day of the fourth calendar year that occurs after the
2 date of notice; and

3 (4) how the voter can continue to be eligible to vote if the voter has
4 changed residence.

5 * Sec. 10. AS 15.15.030 is amended by adding a new paragraph to read:

6 (14) Notwithstanding any other provision of this title, the director may
7 provide for voting by use of optically scanned ballots where optical scanning equipment
8 is available.

9 * Sec. 11. AS 15.15.070(b) is amended to read

10 (b) The notice shall be given by publication at least twice in one or more
11 newspapers of general circulation in each of the four **judicial** [MAJOR ELECTION]
12 districts. The printed notice shall specifically include [BUT IS NOT LIMITED TO] the
13 date of election, the hours between which the polling places will be open, the offices to
14 which candidates are to be nominated or elected, and the subject of the propositions and
15 questions **that** [WHICH] are to be voted on.

16 * Sec. 12. AS 15.15.070(h) is amended to read:

17 (h) An abbreviated form of the notice published under (b) of this section shall be
18 broadcast on one or more radio or television stations in each of the four judicial districts.
19 The broadcast notice must include at a minimum the date of the election, the hours
20 between which the polling places will be open, ~~and the address, and phone number of~~
21 the election supervisor or supervisors for the judicial district in which the notice is
22 broadcast [THE NAMES OF THE NEWSPAPERS IN WHICH THE NOTICE IS
23 PUBLISHED, AND THE DATES OF PUBLICATION IN THE NEWSPAPERS].

*and
email
address*

24 * Sec. 13. AS 15.15.198(a) is amended to read:

25 (a) If a voter's name does not appear on the official registration list in the precinct
26 in which the voter seeks to vote, the election judge shall affirmatively advise the voter
27 that the voter may cast a **special review** [QUESTIONED] ballot, and the voter shall be
28 allowed to vote a **special review** [QUESTIONED] ballot.

29 * Sec. 14. AS 15.15.215(a) is amended to read:

30 (a) A voter who casts a **special review** [QUESTIONED] ballot shall vote the
31 ballot in the same manner as prescribed for other voters. The voter shall insert the ballot

1 into a secrecy sleeve, the election judge shall remove the numbered stub from the ballot,
2 and the voter shall put the secrecy sleeve into an envelope on which the statement the
3 voter previously signed is located. The envelope shall be sealed and deposited in the
4 ballot box. When the ballot box is opened, the envelopes shall be segregated, counted,
5 compared to the voting list, and delivered to the official or body supervising the election.
6 The merits of the question shall be determined by this official or body in accordance with
7 the procedure prescribed for special review [QUESTIONED] votes in AS 15.20.207.

8 * **Sec. 15.** AS 15.15.225(c) is amended to read:

9 (c) A voter who cannot exhibit a required form of identification shall be allowed
10 to vote a special review [QUESTIONED] ballot.

11 * **Sec. 16.** AS 15.15.350(a) is amended to read:

12 (a) The director may adopt regulations prescribing the manner in which the
13 precinct ballot count is accomplished so as to assure accuracy in the count and to expedite
14 the process. The election board shall account for all ballots by completing a ballot
15 statement containing (1) the number of official ballots received; (2) the number of official
16 ballots voted; (3) the number of official ballots spoiled; (4) the number of official ballots
17 unused and destroyed. The board shall count the number of special review
18 [QUESTIONED] ballots and shall compare that number to the number of
19 [QUESTIONED] voters whose ballots are subject to special review in the register.
20 Discrepancies shall be noted and the numbers included in the certificate prescribed by
21 AS 15.15.370. The election board shall count the ballots in a manner that allows watchers
22 to see the ballots when opened and read. A [NO] person handling the ballot after it has
23 been taken from the ballot box and before it is placed in the envelope for mailing may not
24 have a marking device in hand or remove a ballot from the immediate vicinity of the
25 polls.

26 * **Sec. 17.** AS 15.15.380 is amended to read:

27 **Sec. 15.15.380. Payment of election board members.** The director shall pay
28 each election board member for time spent at election duties, including the receiving of
29 instructions. Election board chairs [CHAIRMEN] and the chair [CHAIRMAN] and
30 members of the absentee ballot, special review [QUESTIONED] ballot and state ballot
31 counting review boards shall be paid for time spent at their election duties. The director

1 shall set the compensation to be paid under this section by regulation.

2 * **Sec. 18.** AS 15.15.430(a) is amended to read:

3 (a) The review of ballot counting by the director shall include only

4 (1) a review and comparison of the tallies of hand-marked ballots in the
5 election poll books with the precinct election certificates to correct any mathematical error
6 in the count of hand-marked ballots;

7 (2) a review of the tallies of write-in votes and a review of election
8 certificates as provided by law from precincts using punch-card ballots;

9 (3) a review of absentee and special review [QUESTIONED] ballots as
10 prescribed by law.

11 * **Sec. 19.** AS 15.20.015 is amended to read:

12 **Sec. 15.20.015. Moving from election district just before election.** A person
13 who meets all voter qualifications except that listed in AS 15.05.010(4) is qualified to
14 vote by absentee ballot in the election district in which the person formerly resided if the
15 person lived in that election district for at least 30 days immediately before changing
16 residence; however, the person's ballot shall be counted as provided in AS
17 15.20.211(a).

18 * **Sec. 20.** AS 15.20.071 is repealed and reenacted to read:

19 **Sec. 15.20.071. Absentee voting by personal representative.** (a) A qualified
20 voter with a disability who, because of that disability, is unable to go to a polling place
21 to vote, may vote an absentee ballot through a personal representative.

22 (b) The voter must apply in writing to the following election officials, at the times
23 specified, for an absentee ballot:

24 (1) to an absentee voting official on or after the 15th day before an
25 election up to and including the day of the election;

26 (2) to an election supervisor

27 (A) after a date announced by the director under AS 15.20.048(b);

28 and

29 (B) on or after the 15th day before an election up to and including
30 the day of the election;

31 (3) to an absentee voting official at an absentee voting station designated

1 under AS 15.20.045(b) at a time when the absentee voting station is in operation; or
2 (4) to a member of the precinct election board on election day.

3 (c) The voter's application must include the following:

4 (1) the name and full residence address of the voter;

5 (2) a form of identification for the voter that meets the requirements
6 established by the director for absentee voting by mail under AS 15.20.081(f);

7 (3) the full name of the personal representative; and

8 (4) the voter's signature or mark.

9 (d) The election official shall issue the ballot and voter's certificate, which
10 includes the date and location from which the ballot was issued, upon

11 (1) receipt of the written application of the voter that meets the
12 requirements of (c) of this section;

13 (2) presentation of identification by the personal representative; and

14 (3) completion by the personal representative of a certification that
15 includes the personal representative's name, residence and mailing address, type and
16 number of identification, and signature and the name of the voter on whose behalf the
17 ballot is requested.

18 (e) The personal representative shall deliver the absentee ballot and other absentee
19 voting materials to the voter as soon as practicable. The voter shall proceed to mark the
20 ballot in secret, to place the ballot in the secrecy sleeve, and to place the secrecy sleeve
21 in the envelope provided. On the voter's certificate portion of the envelope, the voter shall
22 state the name of the personal representative who delivered the absentee ballot, shall state
23 that because of a disability the voter is unable to go to a polling place to vote, and shall
24 sign the voter's certificate in the presence of the personal representative. The personal
25 representative shall witness and date the signature of the voter. The voter shall return the
26 absentee ballot to the personal representative by a time reasonably calculated to be
27 necessary for the personal representative to deliver the material to an election official
28 before 8:00 p.m. on election day. The personal representative shall

29 (1) deliver the ballot and voter's certificate to an election official not later
30 than 8:00 p.m. on election day; and

31 (2) certify, on the form required under (d)(3) of this section, the date and

1 time that the voter's absentee ballot and voter's certificate were delivered to the election
2 official.

3 (f) Notwithstanding (e) of this section, if a qualified voter's disability precludes
4 the voter from performing any of the requirements of (e) of this section, the personal
5 representative may perform those requirements on the voter's behalf, except the voting
6 decision.

7 (g) The voter's employer, an agent of the voter's employer, or an officer or agent
8 of the voter's union may not act as a personal representative for the voter. A candidate
9 for office at an election may not act as a personal representative for a voter in the election.

10 * Sec. 21. AS 15.20.081(b) is amended to read:

11 (b) An application requesting delivery of an absentee ballot to the applicant by
12 mail must be received by the division of elections not less than seven days before the
13 election for which the absentee ballot is sought. An application for an absentee ballot for
14 a state election from a qualified voter requesting delivery of an absentee ballot to the
15 applicant by electronic transmission must be received by the division of elections not
16 later than 5:00 p.m. Alaska time on the day [LESS THAN FOUR DAYS] before the
17 election for which the absentee ballot is sought. An absentee ballot application submitted
18 by mail under this section must permit the person to register to vote under AS 15.07.070
19 and to request an absentee ballot for each state election held within that calendar year for
20 which the voter is eligible to vote. An absentee ballot application submitted by electronic
21 transmission under this section may not include a provision that permits a person to
22 register to vote under AS 15.07.070.

23 * Sec. 22. AS 15.20.190 is amended to read:

24 **Sec. 15.20.190. Appointment, duties, and compensation of district counting**
25 **boards.** (a) Thirty days before the date of an election, the election supervisors shall
26 appoint, in the same manner provided for the appointment of election judges prescribed
27 in AS 15.10.150, district absentee ballot counting boards and district special review
28 [QUESTIONED] ballot counting boards, each composed of at least four members. At
29 least one member of each board must be a member of the same political party of which
30 the governor is a member, and at least one member of each board must be a member of
31 the political party whose candidate for governor received the second largest number of

1 votes in the preceding gubernatorial election. The district boards shall assist the election
2 supervisors in counting the absentee and special review [QUESTIONED] ballots and
3 shall receive the same compensation paid election judges under AS 15.15.380.

4 (b) The election supervisor shall appoint a counting team or teams to aid the
5 district absentee ballot counting board in counting absentee ballots and the district special
6 review [QUESTIONED] ballot counting board in counting special review
7 [QUESTIONED] ballots. There shall be four counters on each counting team, no more
8 than two of whom may be members of the same political party.

9 * Sec. 23. AS 15.20.205 is amended to read:

10 Sec. 15.20.205. District examination of special review ballots [TIME OF
11 DISTRICT QUESTIONED BALLOT COUNTING REVIEW]. (a) On the second day
12 following the day of the election, the election supervisor or the supervisor's designee, in
13 the presence and with the assistance of the district special review [QUESTIONED] ballot
14 counting board, shall examine [REVIEW] all voter certificates of special review
15 [QUESTIONED] ballots received by that date. The examination [REVIEW] of the
16 special review [QUESTIONED] ballots shall continue at times designated by the election
17 supervisor until completed.

18 (b) Counting of special review [QUESTIONED] ballots that [WHICH] have
19 been examined [REVIEWED] shall begin on the third day following the day of the
20 election and shall continue at times designated by the election supervisor until all special
21 review [QUESTIONED] ballots examined [REVIEWED] and eligible for counting have
22 been counted. The counting teams shall report the count to the district special review
23 [QUESTIONED] ballot counting board.

24 (c) The district special review [QUESTIONED] ballot counting board shall
25 certify the special review [QUESTIONED] ballot totals as soon as the count is completed
26 but no later than the 10th day following the election.

27 (d) Special review [QUESTIONED] ballots received after certification of the
28 count shall be forwarded immediately to the director by the most expeditious service.

29 * Sec. 24. AS 15.20.207 is amended to read:

30 Sec. 15.20.207. Procedure for district special review [QUESTIONED] ballot
31 examination [REVIEW]. (a) The district special review [QUESTIONED] ballot

1 counting board shall examine each special review [QUESTIONED] ballot envelope and
2 shall determine whether the [QUESTIONED] voter whose ballot is subject to special
3 review is qualified to vote at the election and whether the special review
4 [QUESTIONED] ballot has been properly cast.

5 (b) A special review [QUESTIONED] ballot may not be counted if

6 (1) the voter has failed to properly execute the certificate; or

7 (2) an official or the witness authorized by law to attest the voter's
8 certificate fail to execute the certificate.

9 (c) Any person present at the district special review [QUESTIONED] ballot
10 examination [REVIEW] may challenge the name of a [QUESTIONED] voter whose
11 ballot is subject to special review when read from the voter's certificate on the envelope
12 if the person has good reason to suspect that the [QUESTIONED] voter whose ballot is
13 subject to special review is not qualified to vote, is disqualified, or has voted at the same
14 election. The person making the challenge shall specify the basis of the challenge in
15 writing. The district special review [QUESTIONED] ballot counting board by majority
16 vote may refuse to accept and count the special review [QUESTIONED] ballot of a
17 person properly challenged under grounds listed in (b) of this section.

18 (d) The election supervisor shall place all rejected special review
19 [QUESTIONED] ballots in a separate envelope with statements of challenge. The
20 envelope shall be labeled "rejected special review [QUESTIONED] ballots" and shall be
21 forwarded to the director with the election certificates and other returns.

22 (e) If a special review [QUESTIONED] ballot is not rejected, the envelope shall
23 be opened and the secrecy sleeve containing the special review [QUESTIONED] ballot
24 shall be placed in a container and mixed with other secrecy sleeves containing special
25 review [QUESTIONED] ballots.

26 (f) The secrecy sleeves shall be drawn from the container, the special review
27 [QUESTIONED] ballots shall be removed from the secrecy sleeves, and the special
28 review [QUESTIONED] ballots counted at the times specified in AS 15.20.205 and
29 according to the rules for determining properly marked ballots in AS 15.15.360.

30 (g) Upon completion of the special review [QUESTIONED] ballot examination
31 [REVIEW], the election supervisor shall prepare an election certificate for execution by

1 the district special review [QUESTIONED] ballot counting board, and shall forward the
2 original certificate and returns to the director as soon as the count is completed but no
3 later than the 11th day following the election.

4 (h) The director shall prepare and mail to each [QUESTIONED] voter whose
5 special review [QUESTIONED] ballot was rejected under this section a summary of the
6 reason that the challenge to the special review [QUESTIONED] ballot was upheld and
7 the special review [QUESTIONED] ballot was rejected.

8 (i) The director shall mail the materials described in (h) of this section to the voter
9 not later than

10 (1) 10 days after completion of the review of ballots by the state review
11 board for a primary election;

12 (2) 60 days after certification of the results of a general or special election.

13 (j) In addition to mailing the materials under (i)(1) of this section, for a
14 [QUESTIONED] voter whose special review [QUESTIONED] primary election ballot
15 was rejected, not later than the deadline set out in (i)(1) of this section, the director shall

16 (1) determine whether, from the information obtained under
17 AS 15.07.070(h), the voter's name may be entered on the voter registration list;

18 (2) if the voter is eligible, register the voter in accordance with the
19 information submitted by the voter under AS 15.07.070(h); and

20 (3) confirm or deny the registration under this subsection by written
21 notice mailed to the voter.

22 * Sec. 25. AS 15.20.211(a) is amended to read:

23 (a) If a qualified voter of the state votes a ballot for an election district other than
24 the election district in which the voter is registered, the votes cast for statewide
25 candidates, and for statewide ballot propositions and statewide questions shall be
26 counted. If the qualified voter voted for a candidate for the state senate from the senate
27 district in which the voter is a resident, the vote shall be counted. **If the qualified voter**
28 **voted on a judicial retention question in the judicial district in which the voter is a**
29 **resident, the vote shall be counted.** The votes cast for candidates or ballot propositions
30 or questions not appearing on the ballot of the district in which the voter is a resident may
31 not be counted.

1 * **Sec. 26.** AS 15.20.211(e) is amended to read:

2 (e) In addition to mailing the materials under (d)(1) of this section, for a
3 [QUESTIONED] voter whose special review [QUESTIONED] primary election ballot
4 was partially counted, not later than the deadline set out in (d)(1) of this section, the
5 director shall

6 (1) determine whether, from the information obtained under
7 AS 15.07.070(h), the voter's name may be entered on the voter registration list;

8 (2) if the voter is eligible, register the voter in accordance with the
9 information submitted by the voter under AS 15.07.070(h); and

10 (3) confirm or deny the registration under this subsection by written
11 notice mailed to the voter.

12 * **Sec. 27.** AS 15.20.220 is amended to read:

13 **Sec. 15.20.220. Procedure for state review.** (a) When the director and
14 appointed party representatives have completed the review of ballots cast at the voting
15 precincts, they shall proceed to review the absentee and special review [QUESTIONED]
16 ballot votes certified by the district counting boards. The review of the absentee and
17 special review [QUESTIONED] ballot vote certified by the district counting boards shall
18 be accomplished by reviewing the tallies of the recorded vote to check for mathematical
19 error and by comparing the totals with the election certificate of results.

20 (b) The state review board shall review and count absentee ballots under
21 AS 15.20.081(e) and (h) and special review [QUESTIONED] ballots that have been
22 forwarded to the director and that have not been reviewed or counted by a district
23 counting board.

24 * **Sec. 28.** AS 15.20.480 is amended to read:

25 **Sec. 15.20.480. Procedure for recount.** In conducting the recount, the director
26 shall review all ballots whether the ballots were counted at the precinct or by computer
27 or by the district absentee counting board or the special review [QUESTIONED] ballot
28 counting board to determine which ballots, or part of ballots, were properly marked and
29 which ballots are to be counted in the recount, and shall check the accuracy of the original
30 count, the precinct certificate and the review. The director shall check the number of
31 ballots and special review [QUESTIONED] ballots cast in a precinct against the registers

1 and shall check absentee ballots voted against absentee ballots distributed. The director
2 shall count absentee ballots received before the completion of the recount. For
3 administrative purposes, the director may join and include two or more applications in a
4 single review and count of votes. The rules in AS 15.15.360 governing the counting of
5 hand-marked ballots and the rules in AS 15.20.730 governing the counting of punch-card
6 ballots shall be followed in the recount. The ballots and other election material must
7 remain in the custody of the director during the recount and the highest degree of care
8 shall be exercised to protect the ballots against alteration or mutilation. The recount shall
9 be completed within 10 days. The director may employ additional personnel necessary
10 to assist in the recount.

11 * Sec. 29. AS 15.20.620(b) is amended to read:

12 (b) In addition to the test specified in (a) of this section, other tests shall be made
13 to ensure that the system is functioning properly

14 (1) at least one day before the election at a time specified by the data
15 processing review board presiding officer;

16 (2) on the day of the election one hour before the polls close;

17 (3) immediately after the final vote tabulation is complete;

18 (4) approximately one hour before the processing of the special review
19 [QUESTIONED] and absentee ballots; and

20 (5) immediately after the final vote tabulation of special review
21 [QUESTIONED] and absentee ballots is complete.

22 * Sec. 30. AS 15.20.640(c) is amended to read:

23 (c) The ballots containing write-in votes shall be banded together and placed
24 behind the other undamaged ballot cards which have been voted. The envelope
25 containing special review [QUESTIONED] ballots shall be banded to the computer-ready
26 ballots, and the bundle placed in a special container and sealed, with the seal signed by
27 the election board members.

28 * Sec. 31. AS 15.20.670 is amended to read:

29 **Sec. 15.20.670. Receipts of ballots by control board.** The control board shall

30 (1) cut the seal and remove all ballots and envelopes from the special
31 container;

1 (2) place [INSERT] the [PROPER] header card at the top of the ballot
2 bundle and the end card at the end of the ballot bundle [CARDS INTO THE
3 BALLOTS];

4 (3) place the ballot bundles and unprocessable ballots envelope in a tray
5 for delivery to the computer room; and

6 (4) give the envelopes [ENVELOPE] containing special review
7 [QUESTIONED] ballots to the election supervisor.

8 * Sec. 32. AS 15.20.700(a) is amended to read:

9 (a) The ballots that [WHICH] have been counted in the computer room shall be
10 sealed by the data processing review board or the designated counting team. The sealed
11 ballots shall then be transported to a designated place of security. The special review
12 [QUESTIONED] ballots shall be sealed and given to the election supervisor for tallying.

13 * Sec. 33. AS 15.20.740 is amended to read:

14 **Sec. 15.20.740. Special review [QUESTIONED] punch-card ballots.** The
15 procedure for examining [REVIEWING] and counting special review [QUESTIONED]
16 punch-card ballots is the same procedure established in AS 15.20.205 and 15.20.207 for
17 hand-marked ballots except that special review [QUESTIONED] punch-card ballots may
18 be processed by the computer from the third through the 10th day following the election.
19 The data processing review board shall supervise the count and shall follow the procedure
20 established in AS 15.20.680 and 15.20.685.

21 * Sec. 34. AS 15.20.800(a) is amended to read:

22 (a) The director may conduct an election by mail if it is held at a time other than
23 when the general, [PARTY] primary, or municipal election is held.

24 * Sec. 35. AS 15.20 is amended by adding a new section to read:

25 **Article 6. Optically Scanned Voting.**

26 **Sec. 15.20.900. Optically scanned ballot tabulation.** (a) Notwithstanding any
27 other provision of AS 15, the director may adopt regulations that provide procedures for
28 the tabulation of optically scanned ballots, including procedures for

29 (1) tests of the counting programs developed for each precinct tabulator
30 to ensure that the system is functioning properly;

31 (2) security for the voting and tabulation of ballots;

- 1 (3) the transmission and accumulation of vote totals to assure the integrity
2 of the vote counting process;
3 (4) observation by the public of the counting process in the regional
4 offices; and
5 (5) the disposition of ballots.

6 (b) The state ballot counting review board established under AS 15.10.180 shall
7 test the counting programs for the tabulation of optically scanned ballots and certify their
8 accuracy.

9 * Sec. 36. AS 15.58.020 is amended by adding a new paragraph to read:

10 (11) under AS 37.13.170, the Alaska permanent fund annual income
11 statement and balance sheet for the two fiscal years preceding the publication of the
12 election pamphlet.

13 * Sec. 37. AS 15.58.030(a) is amended to read:

14 (a) No later than August 30 [JULY 15] of a presidential election year, candidates
15 for the offices of the United States President and Vice-President may file with the
16 lieutenant governor photographs and statements advocating their candidacy.

17 * Sec. 38. AS 15.58.030(d) is amended to read:

18 (d) Pages on which candidates' photographs or statements appear must be clearly
19 identified with the words "provided and paid for by the candidate."

20 * Sec. 39. AS 15.58.030(f) is amended to read:

21 (f) A candidate's photograph must be five by seven inches in size and must have
22 been [A 5" x 7" BLACK AND WHITE GLOSSY PRINT] taken within the past five
23 years. The photograph must be limited to the head, neck, and shoulders of the candidate.

24 * Sec. 40. AS 23.20.526(d) is amended to read:

25 (d) For the purposes of AS 23.20.525(a)(4)- (6) and (14), the term "employment"
26 does not apply to service performed

27 (1) by a duly ordained, commissioned, or licensed minister of a church in
28 the exercise of the person's ministry or by a member of a religious order in the exercise
29 of duties required by the order;

30 (2) in a facility conducted for the purpose of carrying out a program of
31 rehabilitation for individuals whose earning capacity is impaired by age or physical or

1 mental deficiency or injury or providing remunerative work for individuals who, because
2 of their impaired physical or mental capacity, cannot be readily absorbed in the
3 competitive labor market by an individual receiving the rehabilitation or remunerative
4 work;

5 (3) as part of an unemployment work-relief or work-training program
6 assisted or financed in whole or in part by any federal agency or any agency of a state or
7 political subdivision of the state, by an individual receiving work relief or work training;

8 (4) for a state hospital by an inmate of a prison or correctional institution;

9 (5) in the employ of a school, college, or university, if the service is
10 performed by a student who is enrolled and is regularly attending classes at the school,
11 college, or university;

12 (6) by an individual under the age of 22 who is enrolled at a nonprofit or
13 public educational institution which normally maintains a regular faculty and curriculum
14 and normally has a regularly organized body of students in attendance at the place where
15 its educational activities are carried on as a student in a full-time program, taken for credit
16 at the institution, which combines academic instruction with work experience, if the
17 service is an integral part of the program, and the institution has so certified to the
18 employer, except that this paragraph does not apply to service performed in a program
19 established for or on behalf of an employer or group of employers;

20 (7) in the employ of a hospital, if the service is performed by a patient of
21 the hospital, as defined in AS 23.20.520;

22 (8) in the employ of the state or a political subdivision of the state if the
23 service is performed by an individual in the exercise of duties

24 (A) as a "public official" as defined in AS 39.50.200(a), any other
25 elected official, the fiscal analyst of the legislative finance division, the legislative
26 auditor of the legislative audit division, the executive director of the Legislative
27 Affairs Agency, and the directors of the divisions within the Legislative Affairs
28 Agency;

29 (B) as a member of the Alaska Army National Guard or Alaska
30 Air National Guard or Alaska Naval Militia; [OR]

31 (C) as an employee serving on only a temporary basis in case of

1 fire, storm, snow, earthquake, flood, or similar emergency; **or**
2 **(D) as an election official or election worker if the amount of**
3 **remuneration received by the individual during the calendar year for**
4 **services as an election official or election worker is less than \$1,000;**

5 (9) in the employ of

6 (A) a church or a convention or association of churches; or

7 (B) an organization which is operated primarily for religious
8 purposes and which is operated, supervised, controlled, or principally supported
9 by a church or a convention or association of churches.

10 * **Sec. 41.** AS 36.30.850(b)(7) is amended to read:

11 (7) contracts for the preparation **and transportation** of ballots under
12 **AS 15** [AS 15.15.030];

13 * **Sec. 42.** AS 46.40.150 is amended to read:

14 **Sec. 46.40.150. Elections in coastal resource service areas.** Organization
15 elections under AS 46.40.130 and other elections, including recall elections conducted
16 under AS 46.40.140, shall be administered by the lieutenant governor in the general
17 manner provided in AS 15 (Election Code). In addition, the lieutenant governor may
18 adopt regulations necessary to the conduct of coastal resource service area board
19 elections. The state shall pay all elections costs. **Elections supervised by the lieutenant**
20 **governor under AS 46.40.110 - 46.40.180 may be conducted by mail as permitted by**
21 **AS 15.20.800.**

LEGAL SERVICES

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MEMORANDUM

April 14, 1998

SUBJECT: Elections (CSHB 257(STA))

TO: Representative Jeannette James
Attn: Barbara Cotting

FROM: Richard A. Glover - *RAG*
Legislative Counsel

Enclosed is the requested CS. As this is the first opportunity we have had to review this governor's bill, I have a few comments for your consideration:

Sec. 12 of the bill requires specific content of an abbreviated form of notice of an election. The change to the section requires broadcast of certain contact information for the election supervisor(s), but makes no provision for what to do if the supervisor(s) do not have an address, telephone number or e-mail address. Is the intent to require them to acquire these items as well, and have the expense included as a cost of giving notice under AS 15.15.390?

Sec. 13 of the bill replaces the term "questioned" with "special review," but AS 15.15.198(b) also contains a reference to a "questioned" ballot. For consistency, this subsection should be altered to conform to the changes made throughout AS 15.15.

Sec. 35 of the bill adds the provisions for Optically Scanned Voting (sic), but it is unclear in AS 15.20.900(b) if the review board is to certify the accuracy of the ballots or the counting programs. I assume the latter is some type of software, but it might be prudent to clarify this as well, since a program can be a process as well.

Sec. 40 of the bill exempts certain individuals from federal unemployment tax. The change to AS 23.20.526(d) is problematical, in that subparagraph (8)(D) specifies a limit of \$1000, but it is unclear if the specified activities are not to be considered employment only to the extent that the payments exceeds \$1000, or that once the payments exceed \$1000 in a year, that all the activities are considered employment. Also, it is unclear how a payor of these wages will know if the payee has received payments from other payors for purposes of determining the \$1000. The language needs clarification, but if the activity is to be considered employment after \$1000 is reached, the logistical problem of collecting taxes on payments already disbursed is significant. Are the payees to remit the taxes on the previous wages once the threshold \$1000 is reached? Alteration to AS 23.20 Article 3 will be required for conformance.

*Gave copy to
Neil 4/14/98*

Representative Jeannette James

April 14, 1998

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In the same subparagraph, the term "election official or election worker" is used, but not defined, and there are several possible plain meanings. Do we mean the individuals identified in AS 15.10-110 - 15.10-180? If so, we should probably say so, or if we mean other individuals, we should specify who is to be included. In either case, we should be sure to define which elections are covered, since AS 15.10.105 refers only to "municipal elections that the state is required to conduct." It is also not clear that these provisions as they relate to "election workers" were disclosed in the title, as only "voter registration officials" were identified in the title. Accordingly, I have made a minor title change.

If I may be of further assistance, please advise.

RAG:glc:jr

98-221.glc

0-GH0095VE

Glover

4/14/98

CS FOR HOUSE BILL NO. 257(STA)**IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTIETH LEGISLATURE - SECOND SESSION****BY THE HOUSE STATE AFFAIRS COMMITTEE****Offered:****Referred:****Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to voter qualification, disqualification, and registration; relating
2 to voter registration officials and election personnel; relating to election notices;
3 relating to mail elections; relating to certain election procedures; relating to the
4 transportation of ballots; and relating to the official election pamphlet."

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

6 * Section 1. AS 14.08 is amended by adding a new section to read:

7 **Sec. 14.08.082. Elections by mail.** Elections supervised by the lieutenant
8 governor under AS 14.08.071 and 14.08.081 may be conducted by mail as permitted
9 by AS 15.20.800.

10 * Sec. 2. AS 15.07.010 is amended to read:

11 **Sec. 15.07.010. Registration of voters.** The precinct election judges at any
12 election shall allow a person to vote whose name is on the official registration list for
13 that precinct and who is qualified under AS 15.05. A person whose name is not on
14 the official registration list shall be allowed to vote a special review [QUESTIONED]

1 ballot.

2 * Sec. 3. AS 15.07.070(h) is amended to read:

3 (h) The director shall design the form of the voter's certificate appearing on
4 the envelope that is used for voting a special review [QUESTIONED] ballot so that
5 all information required for registration by AS 15.07.060(a) may be obtained from a
6 voter who votes a special review [QUESTIONED] ballot. If the voter voting a special
7 review [QUESTIONED] ballot has completed all information on the voter registration
8 portion of the special review [QUESTIONED] ballot voter's certificate, the director
9 shall place the name of the voter on the official registration list.

10 * Sec. 4. AS 15.07.090(a) is amended to read:

11 (a) A voter whose name is changed by marriage or court order may vote under
12 the previous name, but a voter who desires to use a new name shall vote a special
13 review [QUESTIONED] ballot.

14 * Sec. 5. AS 15.07.090(c) is amended to read:

15 (c) The director shall transfer the registration of a voter from one precinct to
16 another within an election district when requested by the voter. The request shall be
17 made 30 or more days before the election day. The director shall transfer the
18 registration of a voter from one election district to another when requested by the
19 voter. The voter must reside in the new election district for at least 30 days in order
20 to vote for that district's candidates.

21 * Sec. 6. AS 15.07.090(d) is amended to read:

22 (d) A person who claims to be a registered voter, but for whom no evidence
23 of registration in the precinct can be found, shall be granted the right to vote in the
24 same manner as that of a [QUESTIONED] voter whose ballot is subject to special
25 review, and the ballot shall be treated in the same manner. The ballot shall be
26 considered to be a "special review [QUESTIONED] ballot" and shall be so designated.
27 The director or the director's representative shall determine whether the voter is
28 registered in the election district before counting the ballot. A voter who has failed
29 to obtain a transfer as provided in (c) of this section shall vote a "special review
30 [QUESTIONED] ballot" in the precinct in which the voter resides.

31 * Sec. 7. AS 15.07.100 is amended to read:

1 **Sec. 15.07.100. Registration officials.** (a) The director shall appoint one or
2 more persons to serve as registration officials in each precinct. When more than one
3 registration official is appointed to serve in a precinct, each political party shall be
4 represented. However, any precinct containing more than 250 voters must have at least
5 two registration officials, one from each political party. The registration official shall
6 be a qualified state voter and shall take an oath to honestly, faithfully, and promptly
7 perform the duties of the office.

8 (b) Training for registration officials appointed under (a) of this section shall
9 be provided by the director. On the completion of training, the director may require
10 that officials demonstrate their competence by a test or other method.

11 (c) A registration official appointed under (a) of this section serves at the
12 pleasure of the director. Each such registration official shall be periodically evaluated
13 by the director based on the completeness of the registration forms, timely filing of
14 registration forms, and the voter registration activity attributed to the registration
15 official.

16 (d) A registration official appointed under (a) of this section shall transmit
17 completed voter registration forms to the election supervisor within five days following
18 completion by the voter.

19 * **Sec. 8.** AS 15.07.100 is amended by adding a new subsection to read:

20 (e) In addition to registration officials appointed under (a) of this section,
21 election board judges and clerks appointed under AS 15.10.120 - 15.10.150 serve as
22 registration officials at the polls on election day.

23 * **Sec. 9.** AS 15.07.130(d) is amended to read:

24 (d) The notice described in (b) of this section must include a postage prepaid
25 and pre-addressed return card on which the voter may state the voter's current address.
26 The notice must indicate

27 (1) that the voter should return the card not later than 30 days before
28 the next primary election if the voter did not change residence;

29 (2) that the voter may vote only a special review [QUESTIONED] or
30 absentee ballot if the voter does not return the card at least 30 days before the next
31 primary election;

1 (3) that the voter's registration will be cancelled if the voter does not
2 vote or appear to vote in an election held during the period beginning on the date of
3 the notice and ending on the day after the last day of the fourth calendar year that
4 occurs after the date of notice; and

5 (4) how the voter can continue to be eligible to vote if the voter has
6 changed residence.

7 * Sec. 10. AS 15.15.030 is amended by adding a new paragraph to read:

8 (14) Notwithstanding any other provision of this title, the director may
9 provide for voting by use of optically scanned ballots where optical scanning
10 equipment is available.

11 * Sec. 11. AS 15.15.070(b) is amended to read

12 (b) The notice shall be given by publication at least twice in one or more
13 newspapers of general circulation in each of the four judicial [MAJOR ELECTION]
14 districts. The printed notice must [SHALL] specifically include [BUT IS NOT
15 LIMITED TO] the date of election, the hours between which the polling places will
16 be open, the offices to which candidates are to be nominated or elected, and the
17 subject of the propositions and questions that [WHICH] are to be voted on.

18 * Sec. 12. AS 15.15.070(h) is amended to read:

19 (h) An abbreviated form of the notice published under (b) of this section shall
20 be broadcast on one or more radio or television stations in each of the four judicial
21 districts. The broadcast notice must include at a minimum the date of the election, the
22 hours between which the polling places will be open, and the address, phone
23 number, and e-mail address of the election supervisor or supervisors for the
24 judicial district [THE NAMES OF THE NEWSPAPERS] in which the notice is
25 broadcast [PUBLISHED, AND THE DATES OF PUBLICATION IN THE
26 NEWSPAPERS].

27 * Sec. 13. AS 15.15.198(a) is amended to read:

28 (a) If a voter's name does not appear on the official registration list in the
29 precinct in which the voter seeks to vote, the election judge shall affirmatively advise
30 the voter that the voter may cast a special review [QUESTIONED] ballot and the
31 voter shall be allowed to vote a special review [QUESTIONED] ballot.

1 * **Sec. 14.** AS 15.15.215(a) is amended to read:

2 (a) A voter who casts a special review [QUESTIONED] ballot shall vote the
3 ballot in the same manner as prescribed for other voters. The voter shall insert the
4 ballot into a secrecy sleeve, the election judge shall remove the numbered stub from
5 the ballot, and the voter shall put the secrecy sleeve into an envelope on which the
6 statement the voter previously signed is located. The envelope shall be sealed and
7 deposited in the ballot box. When the ballot box is opened, the envelopes shall be
8 segregated, counted, compared to the voting list, and delivered to the official or body
9 supervising the election. The merits of the question shall be determined by this
10 official or body in accordance with the procedure prescribed for special review
11 [QUESTIONED] votes in AS 15.20.207.

12 * **Sec. 15.** AS 15.15.225(c) is amended to read:

13 (c) A voter who cannot exhibit a required form of identification shall be
14 allowed to vote a special review [QUESTIONED] ballot.

15 * **Sec. 16.** AS 15.15.350(a) is amended to read:

16 (a) The director may adopt regulations prescribing the manner in which the
17 precinct ballot count is accomplished so as to assure accuracy in the count and to
18 expedite the process. The election board shall account for all ballots by completing
19 a ballot statement containing (1) the number of official ballots received; (2) the number
20 of official ballots voted; (3) the number of official ballots spoiled; (4) the number of
21 official ballots unused and destroyed. The board shall count the number of special
22 review [QUESTIONED] ballots and shall compare that number to the number of
23 [QUESTIONED] voters whose ballots are subject to special review in the register.
24 Discrepancies shall be noted and the numbers included in the certificate prescribed by
25 AS 15.15.370. The election board shall count the ballots in a manner that allows
26 watchers to see the ballots when opened and read. A [NO] person handling the ballot
27 after it has been taken from the ballot box and before it is placed in the envelope for
28 mailing may not have a marking device in hand or remove a ballot from the
29 immediate vicinity of the polls.

30 * **Sec. 17.** AS 15.15.380 is amended to read:

31 **Sec. 15.15.380. Payment of election board members.** The director shall pay

1 each election board member for time spent at election duties, including the receiving
2 of instructions. Election board chair [CHAIRMEN] and the chair [CHAIRMAN] and
3 members of the absentee ballot, special review [QUESTIONED] ballot, and state
4 ballot counting review boards shall be paid for time spent at their election duties. The
5 director shall set the compensation to be paid under this section by regulation.

6 * Sec. 18. AS 15.15.430(a) is amended to read:

7 (a) The review of ballot counting by the director shall include only a review

8 (1) [A REVIEW] and comparison of the tallies of hand-marked ballots
9 in the election poll books with the precinct election certificates to correct any
10 mathematical error in the count of hand-marked ballots;

11 (2) [A REVIEW] of the tallies of write-in votes and a review of
12 election certificates as provided by law from precincts using punch-card ballots;

13 (3) [A REVIEW] of absentee and special review [QUESTIONED]
14 ballots as prescribed by law.

15 * Sec. 19. AS 15.20.015 is amended to read:

16 **Sec. 15.20.015. Moving from election district just before election.** A person
17 who meets all voter qualifications except that listed in AS 15.05.010(4) is qualified to
18 vote by absentee ballot in the election district in which the person formerly resided if
19 the person lived in that election district for at least 30 days immediately before
20 changing residence; however, the person's ballot shall be counted under
21 AS 15.20.211(a).

22 * Sec. 20. AS 15.20.071 is repealed and reenacted to read:

23 **Sec. 15.20.071. Absentee voting by personal representative.** (a) A qualified
24 voter with a disability who, because of that disability, is unable to go to a polling place
25 to vote may vote an absentee ballot through a personal representative.

26 (b) The voter must apply in writing to the following election officials, at the
27 times specified, for an absentee ballot:

28 (1) to an absentee voting official on or after the 15th day before an
29 election, up to and including the day of the election;

30 (2) to an election supervisor

31 (A) after a date announced by the director under

1 AS 15.20.048(b); and

2 (B) on or after the 15th day before an election up to and
3 including the day of the election;

4 (3) to an absentee voting official at an absentee voting station
5 designated under AS 15.20.045(b) at a time when the absentee voting station is in
6 operation; or

7 (4) to a member of the precinct election board on election day.

8 (c) The voter's application must include the following:

9 (1) the name and full residence address of the voter;

10 (2) a form of identification for the voter that meets the requirements
11 established by the director for absentee voting by mail under AS 15.20.081(f);

12 (3) the full name of the personal representative; and

13 (4) the voter's signature or mark.

14 (d) The election official shall issue the ballot and voter's certificate, which
15 includes the date and location from which the ballot was issued, upon

16 (1) receipt of the written application of the voter that meets the
17 requirements of (c) of this section;

18 (2) presentation of identification by the personal representative; and

19 (3) completion by the personal representative of a certification that
20 includes the personal representative's name, residence and mailing addresses, type and
21 number of identification, and signature and the name of the voter on whose behalf the
22 ballot is requested.

23 (e) The personal representative shall deliver the absentee ballot and other
24 absentee voting materials to the voter as soon as practicable. The voter shall proceed
25 to mark the ballot in secret, to place the ballot in the secrecy sleeve, and to place the
26 secrecy sleeve in the envelope provided. On the voter's certificate portion of the
27 envelope, the voter shall state the name of the personal representative who delivered
28 the absentee ballot, shall state that, because of a disability, the voter is unable to go
29 to a polling place to vote, and shall sign the voter's certificate in the presence of the
30 personal representative. The personal representative shall witness and date the
31 signature of the voter. The voter shall mark the ballot, and complete and sign the

1 voter's certificate, not later than election day. The voter shall return the absentee
2 ballot to the personal representative who shall deliver the ballot to an election official
3 not later than 8:00 p.m. on election day.

4 (f) Notwithstanding (e) of this section, if a qualified voter's disability
5 precludes the voter from performing any of the requirements of (e) of this section, the
6 personal representative may perform those requirements on the voter's behalf, except
7 the voting decision.

8 (g) The voter's employer, an agent of the voter's employer, or an officer or
9 agent of the voter's union may not act as a personal representative for the voter.

10 * Sec. 21. AS 15.20.081(b) is amended to read:

11 (b) An application requesting delivery of an absentee ballot to the applicant
12 by mail must be received by the division of elections not less than seven days before
13 the election for which the absentee ballot is sought. An application for an absentee
14 ballot for a state election from a qualified voter requesting delivery of an absentee
15 ballot to the applicant by electronic transmission must be received by the division of
16 elections not later than 5:00 p.m. the last weekday [LESS THAN FOUR DAYS]
17 before the election for which the absentee ballot is sought. An absentee ballot
18 application submitted by mail under this section must permit the person to register to
19 vote under AS 15.07.070 and to request an absentee ballot for each state election held
20 within that calendar year for which the voter is eligible to vote. An absentee ballot
21 application submitted by electronic transmission under this section may not include a
22 provision that permits a person to register to vote under AS 15.07.070.

23 * Sec. 22. AS 15.20.190 is amended to read:

24 **Sec. 15.20.190. Appointment, duties, and compensation of district counting**
25 **boards.** (a) Thirty days before the date of an election, the election supervisors shall
26 appoint, in the same manner provided for the appointment of election judges prescribed
27 in AS 15.10.150, district absentee ballot counting boards and district special review
28 [QUESTIONED] ballot counting boards, each composed of at least four members. At
29 least one member of each board must be a member of the same political party of
30 which the governor is a member, and at least one member of each board must be a
31 member of the political party whose candidate for governor received the second largest

1 number of votes in the preceding gubernatorial election. The district boards shall
2 assist the election supervisors in counting the absentee and special review
3 [QUESTIONED] ballots and shall receive the same compensation paid election judges
4 under AS 15.15.380.

5 (b) The election supervisor shall appoint a counting team or teams to aid the
6 district absentee ballot counting board in counting absentee ballots and the district
7 special review [QUESTIONED] ballot counting board in counting special review
8 [QUESTIONED] ballots. There shall be four counters on each counting team, no more
9 than two of whom may be members of the same political party.

10 * Sec. 23. AS 15.20.205 is amended to read:

11 **Sec. 15.20.205. District examination of special review ballots [TIME OF**
12 **DISTRICT QUESTIONED BALLOT COUNTING REVIEW].** (a) On the second
13 day following the day of the election, the election supervisor or the supervisor's
14 designee, in the presence and with the assistance of the district special review
15 [QUESTIONED] ballot counting board, shall examine [REVIEW] all voter certificates
16 of special review [QUESTIONED] ballots received by that date. The examination
17 [REVIEW] of the special review [QUESTIONED] ballots shall continue at times
18 designated by the election supervisor until completed.

19 (b) Counting of special review [QUESTIONED] ballots that [WHICH] have
20 been examined [REVIEWED] shall begin on the third day following the day of the
21 election and shall continue at times designated by the election supervisor until all
22 special review [QUESTIONED] ballots examined [REVIEWED] and eligible for
23 counting have been counted. The counting teams shall report the count to the district
24 special review [QUESTIONED] ballot counting board.

25 (c) The district special review [QUESTIONED] ballot counting board shall
26 certify the special review [QUESTIONED] ballot totals as soon as the count is
27 completed but no later than the 10th day following the election.

28 (d) Special review [QUESTIONED] ballots received after certification of the
29 count shall be forwarded immediately to the director by the most expeditious service.

30 * Sec. 24. AS 15.20.207 is amended to read:

31 **Sec. 15.20.207. Procedure for district special review [QUESTIONED]**

1 ballot examination [REVIEW]. (a) The district special review [QUESTIONED]
2 ballot counting board shall examine each special review [QUESTIONED] ballot
3 envelope and shall determine whether the [QUESTIONED] voter whose ballot is
4 subject to special review is qualified to vote at the election and whether the special
5 review [QUESTIONED] ballot has been properly cast.

6 * Sec. 25. AS 15.20.207(b) is amended to read:

7 (b) A special review [QUESTIONED] ballot may not be counted if
8 (1) the voter has failed to properly execute the certificate; or
9 (2) an official or the witnesses authorized by law to attest the voter's
10 certificate fail to execute the certificate.

11 * Sec. 26. AS 15.20.207(c) is amended to read:

12 (c) Any person present at the district special review [QUESTIONED] ballot
13 examination [REVIEW] may challenge the name of a [QUESTIONED] voter whose
14 ballot is subject to special review when read from the voter's certificate on the
15 envelope if the person has good reason to suspect that the [QUESTIONED] voter
16 whose ballot is subject to special review is not qualified to vote, is disqualified, or
17 has voted at the same election. The person making the challenge shall specify the
18 basis of the challenge in writing. The district special review [QUESTIONED] ballot
19 counting board by majority vote may refuse to accept and count the special review
20 [QUESTIONED] ballot of a person properly challenged under grounds listed in (b) of
21 this section.

22 * Sec. 27. AS 15.20.207(d) is amended to read:

23 (d) The election supervisor shall place all rejected special review
24 [QUESTIONED] ballots in a separate envelope with statements of challenge. The
25 envelope shall be labeled "rejected special review [QUESTIONED] ballots" and shall
26 be forwarded to the director with the election certificates and other returns.

27 * Sec. 28. AS 15.20.207(e) is amended to read:

28 (e) If a special review [QUESTIONED] ballot is not rejected, the envelope
29 shall be opened and the secrecy sleeve containing the special review [QUESTIONED]
30 ballot shall be placed in a container and mixed with other secrecy sleeves containing
31 special review [QUESTIONED] ballots.

1 * **Sec. 29.** AS 15.20.207(f) is amended to read:

2 (f) The secrecy sleeves shall be drawn from the container, the special review
3 [QUESTIONED] ballots shall be removed from the secrecy sleeves, and the special
4 review [QUESTIONED] ballots counted at the times specified in AS 15.20.205 and
5 according to the rules for determining properly marked ballots in AS 15.15.360.

6 * **Sec. 30.** AS 15.20.207(g) is amended to read:

7 (g) Upon completion of the special review [QUESTIONED] ballot examination
8 [REVIEW], the election supervisor shall prepare an election certificate for execution by the
9 district special review [QUESTIONED] ballot counting board [,] and shall forward the
10 original certificate and returns to the director as soon as the count is completed but no later
11 than the 11th day following the election.

12 * **Sec. 31.** AS 15.20.207(h) is amended to read:

13 (h) The director shall prepare and mail to each [QUESTIONED] voter whose
14 special review [QUESTIONED] ballot was rejected under this section a summary of
15 the reason that the challenge to the special review [QUESTIONED] ballot was upheld
16 and the special review [QUESTIONED] ballot was rejected.

17 * **Sec. 32.** AS 15.20.207(j) is amended to read:

18 (j) In addition to mailing the materials under (i)(1) of this section, for a
19 [QUESTIONED] voter whose special review [QUESTIONED] primary election ballot
20 was rejected, not later than the deadline set out in (i)(1) of this section, the director
21 shall

22 (1) determine whether, from the information obtained under
23 AS 15.07.070(h), the voter's name may be entered on the voter registration list;

24 (2) if the voter is eligible, register the voter in accordance with the
25 information submitted by the voter under AS 15.07.070(h); and

26 (3) confirm or deny the registration under this subsection by written
27 notice mailed to the voter.

28 * **Sec. 33.** AS 15.20.211(a) is amended to read:

29 (a) If a qualified voter of the state votes a ballot for an election district other
30 than the election district in which the voter is registered, the votes cast for statewide
31 candidates and for statewide ballot propositions and statewide questions shall be

1 counted. If the qualified voter voted for a candidate for the state senate from the
2 senate district in which the voter is a resident, the vote shall be counted. If the
3 qualified voter voted on a judicial retention question in the judicial district in
4 which the voter is a resident, the vote shall be counted. The votes cast for
5 candidates or ballot propositions or questions not appearing on the ballot of the district
6 in which the voter is a resident may not be counted.

7 * Sec. 34. AS 15.20.211(e) is amended to read:

8 (e) In addition to mailing the materials under (d)(1) of this section, for a
9 [QUESTIONED] voter whose special review [QUESTIONED] primary election ballot
10 was partially counted, not later than the deadline set out in (d)(1) of this section, the
11 director shall

12 (1) determine whether, from the information obtained under
13 AS 15.07.070(h), the voter's name may be entered on the voter registration list;

14 (2) if the voter is eligible, register the voter in accordance with the
15 information submitted by the voter under AS 15.07.070(h); and

16 (3) confirm or deny the registration under this subsection by written
17 notice mailed to the voter.

18 * Sec. 35. AS 15.20.220 is amended to read:

19 Sec. 15.20.220. Procedure for state review. (a) When the director and
20 appointed party representatives have completed the review of ballots cast at the voting
21 precincts, they shall proceed to review the absentee and special review
22 [QUESTIONED] ballot votes certified by the district counting boards. The review of
23 the absentee and special review [QUESTIONED] ballot vote certified by the district
24 counting boards shall be accomplished by reviewing the tallies of the recorded vote to
25 check for mathematical error and by comparing the totals with the election certificate
26 of results.

27 (b) The state review board shall review and count absentee ballots under
28 AS 15.20.081(e) and (h) and special review [QUESTIONED] ballots that have been
29 forwarded to the director and that have not been reviewed or counted by a district
30 counting board.

31 * Sec. 36. AS 15.20.480 is amended to read:

1 **Sec. 15.20.480. Procedure for recount.** In conducting the recount, the
2 director shall review all ballots whether the ballots were counted at the precinct or by
3 computer or by the district absentee counting board or the special review
4 [QUESTIONED] ballot counting board to determine which ballots, or part of ballots,
5 were properly marked and which ballots are to be counted in the recount, and shall
6 check the accuracy of the original count, the precinct certificate and the review. The
7 director shall check the number of ballots and special review [QUESTIONED] ballots
8 cast in a precinct against the registers and shall check absentee ballots voted against
9 absentee ballots distributed. The director shall count absentee ballots received before
10 the completion of the recount. For administrative purposes, the director may join and
11 include two or more applications in a single review and count of votes. The rules in
12 AS 15.15.360 governing the counting of hand-marked ballots and the rules in
13 AS 15.20.730 governing the counting of punch-card ballots shall be followed in the
14 recount. The ballots and other election material must remain in the custody of the
15 director during the recount, and the highest degree of care shall be exercised to protect
16 the ballots against alteration or mutilation. The recount shall be completed within 10
17 days. The director may employ additional personnel necessary to assist in the recount.

18 * **Sec. 37.** AS 15.20.620(b) is amended to read:

19 (b) In addition to the test specified in (a) of this section, other tests shall be
20 made to ensure that the system is functioning properly

21 (1) at least one day before the election at a time specified by the data
22 processing review board presiding officer;

23 (2) on the day of the election one hour before the polls close;

24 (3) immediately after the final vote tabulation is complete;

25 (4) approximately one hour before the processing of the special review
26 [QUESTIONED] and absentee ballots; and

27 (5) immediately after the final vote tabulation of special review
28 [QUESTIONED] and absentee ballots is complete.

29 * **Sec. 38.** AS 15.20.640(c) is amended to read:

30 (c) The ballots containing write-in votes shall be banded together and placed
31 behind the other undamaged ballot cards that [WHICH] have been voted. The

1 envelope containing special review [QUESTIONED] ballots shall be banded to the
2 computer-ready ballots, and the bundle placed in a special container and sealed, with
3 the seal signed by the election board members.

4 * Sec. 39. AS 15.20.670 is amended to read:

5 **Sec. 15.20.670. Receipt of ballots by control board.** The control board shall

6 (1) cut the seal and remove all ballots and envelopes from the special
7 container;

8 (2) insert the proper header and end cards [INTO THE BALLOTS];

9 (3) place the ballot bundles and unprocessable ballots envelope in a tray
10 for delivery to the computer room; and

11 (4) give the envelopes [ENVELOPE] containing special review
12 [QUESTIONED] ballots to the election supervisor.

13 * Sec. 40. AS 15.20.700(a) is amended to read:

14 (a) The ballots that [WHICH] have been counted in the computer room shall
15 be sealed by the data processing review board or the designated counting team. The
16 sealed ballots shall then be transported to a designated place of security. The special
17 review [QUESTIONED] ballots shall be sealed and given to the election supervisor
18 for tallying.

19 * Sec. 41. AS 15.20.740 is amended to read:

20 **Sec. 15.20.740. Special review [QUESTIONED] punch-card ballots.** The
21 procedure for examining [REVIEWING] and counting special review
22 [QUESTIONED] punch-card ballots is the same procedure established in AS 15.20.205
23 and 15.20.207 for hand-marked ballots except that special review [QUESTIONED]
24 punch-card ballots may be processed by the computer from the third through the 10th
25 day following the election. The data processing review board shall supervise the count
26 and shall follow the procedure established in AS 15.20.680 and 15.20.685.

27 * Sec. 42. AS 15.20.800(a) is amended to read:

28 (a) The director may conduct an election by mail if it is held at a time other
29 than when the general, [PARTY] primary, or municipal election is held.

30 * Sec. 43. AS 15.20 is amended by adding a new section to read:

31 **Article 6. Optically Scanned Voting.**

1 **Sec. 15.20.900. Optically scanned ballot tabulation.** (a) Notwithstanding
2 any other provisions of this title, the director may adopt regulations that provide
3 procedures for the tabulation of optically scanned ballots, including procedures for

4 (1) tests of the counting programs developed for each precinct tabulator
5 to ensure that the system is functioning properly;

6 (2) security for the voting and tabulation of ballots;

7 (3) the transmission and accumulation of vote totals to assure the
8 integrity of the vote counting process;

9 (4) observation by the public of the counting process in the regional
10 offices; and

11 (5) the disposition of ballots.

12 (b) The state ballot counting review board established under AS 15.10.180
13 shall test the counting programs for the tabulation of optically scanned ballots and
14 certify their accuracy.

15 * **Sec. 44.** AS 15.58.020 is amended to read:

16 **Sec. 15.58.020. Contents of pamphlet.** Each election pamphlet must
17 [SHALL] contain

18 (1) photographs and campaign statements submitted by eligible
19 candidates for elective office in the region;

20 (2) information and recommendations filed under AS 15.58.050 on
21 judicial officers subject to a retention election in the region;

22 (3) a map of the election district or districts of the region;

23 (4) sample ballots for election districts of the region;

24 (5) an absentee ballot application;

25 (6) for each ballot proposition submitted to the voters by initiative or
26 referendum petition or by the legislature,

27 (A) the full text of the proposition specifying constitutional or
28 statutory provisions proposed to be affected;

29 (B) the ballot title and the summary of the proposition prepared
30 by the director or by the lieutenant governor;

31 (C) a neutral summary of the proposition prepared by the

1 Legislative Affairs Agency;

2 (D) statements submitted which advocate voter approval or
3 rejection of the proposition not to exceed 500 words;

4 (7) for each bond question, a statement of the scope of each project as
5 it appears in the bond authorization;

6 (8) a maximum of two pages of material submitted by each political
7 party;

8 (9) additional information on voting procedures that the lieutenant
9 governor considers necessary;

10 (10) for the question whether a constitutional convention shall be
11 called,

12 (A) a full statement of the question placed on the ballot;

13 (B) statements not to exceed 500 words that advocate voter
14 approval or rejection of the question;

15 (11) under AS 37.13.170, the Alaska permanent fund annual income
16 statement and balance sheet for the two fiscal years preceding the publication of
17 the election pamphlet.

18 * Sec. 45. AS 15.58.030(a) is amended to read:

19 (a) No later than August 30 [JULY 15] of a presidential election year,
20 candidates for the offices of the United States President and Vice-President may file
21 with the lieutenant governor photographs and statements advocating their candidacy.

22 * Sec. 46. AS 15.58.030(d) is amended to read:

23 (d) Pages on which candidates' photographs or statements appear must be
24 clearly identified with the words "provided and paid for by the candidate."

25 * Sec. 47. AS 15.58.030(f) is amended to read:

26 (f) A candidate's photograph must be [A] 5" x 7" in size and must have been
27 [BLACK AND WHITE GLOSSY PRINT] taken within the past five years. The
28 photograph must be limited to the head, neck, and shoulders of the candidate.

29 * Sec. 48. AS 23.20.526(d) is amended to read:

30 (d) For the purposes of AS 23.20.525(a)(4) - (6) and (14), the term
31 "employment" does not apply to service performed

1 (1) by a duly ordained, commissioned, or licensed minister of a church
2 in the exercise of the person's ministry or by a member of a religious order in the
3 exercise of duties required by the order;

4 (2) in a facility conducted for the purpose of carrying out a program
5 of rehabilitation for individuals whose earning capacity is impaired by age or physical
6 or mental deficiency or injury or providing remunerative work for individuals who,
7 because of their impaired physical or mental capacity, cannot be readily absorbed in
8 the competitive labor market by an individual receiving the rehabilitation or
9 remunerative work;

10 (3) as part of an unemployment work-relief or work-training program
11 assisted or financed in whole or in part by any federal agency or any agency of a state
12 or political subdivision of the state, by an individual receiving work relief or work
13 training;

14 (4) for a state hospital by an inmate of a prison or correctional
15 institution;

16 (5) in the employ of a school, college, or university [,] if the service
17 is performed by a student who is enrolled and is regularly attending classes at the
18 school, college, or university;

19 (6) by an individual under the age of 22 who is enrolled at a nonprofit
20 or public educational institution that [WHICH] normally maintains a regular faculty
21 and curriculum and normally has a regularly organized body of students in attendance
22 at the place where its educational activities are carried on as a student in a full-time
23 program, taken for credit at the institution, which combines academic instruction with
24 work experience [,] if the service is an integral part of the program [,] and the
25 institution has so certified to the employer, except that this paragraph does not apply
26 to service performed in a program established for or on behalf of an employer or group
27 of employers;

28 (7) in the employ of a hospital [,] if the service is performed by a
29 patient of the hospital, as defined in AS 23.20.520;

30 (8) in the employ of the state or a political subdivision of the state if
31 the service is performed by an individual in the exercise of duties

1 (A) as a "public official" as defined in AS 39.50.200(a), any
2 other elected official, the fiscal analyst of the legislative finance division, the
3 legislative auditor of the legislative audit division, the executive director of the
4 Legislative Affairs Agency, and the directors of the divisions within the
5 Legislative Affairs Agency;

6 (B) as a member of the Alaska Army National Guard or Alaska
7 Air National Guard or Alaska Naval Militia; [OR]

8 (C) as an employee serving on only a temporary basis in case
9 of fire, storm, snow, earthquake, flood, or similar emergency; or

10 (D) as an election official or election worker if the amount
11 of remuneration received by the individual during the calendar year for
12 services as an election official or election worker is less than \$1,000;

13 (9) in the employ of

14 (A) a church or a convention or association of churches; or

15 (B) an organization which is operated primarily for religious
16 purposes and which is operated, supervised, controlled, or principally supported
17 by a church or a convention or association of churches.

18 * Sec. 49. AS 36.30.850(b)(7) is amended to read:

19 (7) contracts for the preparation and transportation of ballots under
20 AS 15 [AS 15.15.030];

21 * Sec. 50. AS 46.40.150 is amended to read:

22 **Sec. 46.40.150. Elections in coastal resource service areas.** Organization
23 elections under AS 46.40.130 and other elections, including recall elections conducted
24 under AS 46.40.140, shall be administered by the lieutenant governor in the general
25 manner provided in AS 15 (Election Code). In addition, the lieutenant governor may
26 adopt regulations necessary to the conduct of coastal resource service area board
27 elections. The state shall pay all election costs. Elections supervised by the
28 lieutenant governor under AS 46.40.110 - 46.40.180 may be conducted by mail as
29 permitted by AS 15.20.800.

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: April 22, 1997

FURTHER REFERRALS:

Finance

Date of Committee Action: 4/9/98

The STATE AFFAIRS Committee considered:

HB 257

HOUSE BILL NO. 257

VOTING & ELECTIONS

"An Act relating to voter qualification, disqualification, and registration; to voter registration officials; to election notices; to mail elections; to certain voting procedures; to the transportation of ballots; and to the official election pamphlet and certain immunity from liability regarding claims arising from publication of the official election pamphlet."

recommends it be replaced with the following committee substitute CSHB 257 (STA) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) GOV

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jeannette James</i>	<input checked="" type="checkbox"/>			
<i>CS - (SOB)</i>	<input checked="" type="checkbox"/>			
<i>W. H. Burt</i>			<input checked="" type="checkbox"/>	
<i>Joe Lynn</i>			<input checked="" type="checkbox"/>	
<i>Mark Hoag</i>			<input checked="" type="checkbox"/>	

CHAIR'S SIGNATURE *Jeannette James*

Changes in 4/7/98 DRAFT of HB257 from original version

Prepared by the Division of Elections, 4/8/98

- Section 10 (Page 4, line 5) **New** – gives division authority to conduct an election using optical scanning ballot tabulation technology
- Section 19 (Page 6, line 11) **Reworded** – This alternative wording makes this section consistent with the counting rules found in AS 15.20.211(a)
- Section 20 (Page 7, lines 26-27) **Reworded** – added "at a time reasonably calculated to be necessary"

Added lines 29-31 on page 7 and lines 1-2 on page 8 to more clearly outline the duties of the personal representative after the voted ballot is given to them by the voter.

Added at the end of subsection (g) on page 8, lines 8-9, "A candidate for office at an election may not act as a personal representative for a voter in the election." (This provision was inadvertently dropped in editing. It is found presently in AS 15.20.071(e).)

- Section 21 (Page 8, line 16) **added** "Alaska" to clarify that the deadline is Alaska time
- Section 25 (Page 11, line 22) **New** – adds judicial retention in the rules for counting cross district voting. (See former section 18.)
- Section 35 (Page 14, line 24) **New** – gives authority to the division to conduct elections using optical scanning ballot tabulation equipment
- Section 40 (Page 15, line 24) **New** – a result of the Balanced Budget Act of 1997. Provides an unemployment tax exemption for election workers who make less than \$1000 in a calendar year.

Section 37 of the original bill, dealing with immunity from suit as a result of what is published in the official election pamphlet, has been removed. The limits on the division's (and the state treasury's) liability with respect to the official election pamphlet (OEP) need clarified. However, there is not a consensus about how best to accomplish it. Because there are a number of important matters in HB257 which should be addressed this election year, it seemed best to eliminate the section from consideration at present and focus on those matters.

League of Women Voters of Alaska

1542 East 27th Avenue, Anchorage, AK 99508

Phone (907) 272-0366 -- Fax (907) 272-0366

February 10, 1998

Honorable Jeannette James, Chair
House State Affairs Committee
Alaska State Legislature
State Capitol (MS 2100)
Juneau, Alaska 99801-1182

Dear Representative James:

It has come to the attention of the League of Women Voters of Alaska that HB-257, An Act relating to voter qualification, disqualification, and registration; etc., was introduced during the 1997 legislative session and referred to the House State Affairs Committee, which you chair.

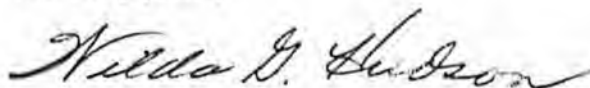
The League of Women Voters of Alaska respectfully request that a hearing on HB-257 be scheduled before the House State Affairs Committee and that such hearing be held by teleconference.

I have obtained a copy of HB-257 and have given it a quick review. It appears that many or all of the amendments proposed in the bill have merit and are worthy of consideration in a Committee hearing. The LWVAK is especially interested in Section 19 of the bill which repeals and reenacts AS 15.20.071, absentee voting by personal representative. Many League members are poll workers on election days. They feel that the present process for absentee voting by personal representative is confusing, time consuming and cumbersome for the voter, as well as the personal representative and election worker. The proposed changes would make it simpler and less time consuming for all.

Again, the League of Women Voters of Alaska, as well as our local Leagues of Anchorage, Tanana Valley (Fairbanks), Juneau, Kenai and Sitka, would certainly appreciate your scheduling a hearing on HB-257 at your earliest convenience and that it be by teleconference.

Thank you for your consideration.

Sincerely yours,



Wilda G. Hudson, President
League of Women Voters of Alaska



Author: Barbara Cotting at LAA_TRANS
Date: 4/2/98 10:21 AM
Priority: Normal
TO: shari_kochman@gov.state.ak.us at CC2MHS1
Subject: fiscal notes

I have scheduled the following Governor's bills for House State Affairs on Tuesday, April 7, and need 1998 fiscal notes:

HB 330, Extend State Training and Employment Prog
HB 257, Voting and Elections

Labor
Elections

Author: Barbara Cotting at LAA_TRANS
Date: 4/3/98 10:41 AM
Priority: Normal
TO: shari_kochman@gov.state.ak.us at CC2MHS1
Subject: wrong one

I was preparing packets for next week and noticed you sent me the wrong fiscal note yesterday. My request was for HB 257 and you sent me HB 259.

FISCAL NOTE ROUTE SLIP

To: Governor's Legislative Office
 Bill No. HB259

Attached for Distribution:

Legislative Finance (original)
 Legislative Office (copy)
 Division of Budget Review (copy)
 Legislative Requestor (copy):

H(STA)

Legislative Sponsor (copy):

Rules Comm.

(Please attach yellow route slips on each fiscal note identifying the destination, and the date and time of the scheduled committee hearing)

Note:

Hearing 2/12, 8am in H(STA)

By:

Spil 2/11

Date: 2/11/98

Department:

Elections

STATE OF ALASKA
 ROUTE SLIP

A 102

TO: Mail Station	Department	Division
Attention <u>House State</u>		Date <u>2-11-98</u>
<input type="checkbox"/> Approval <u>Affairs</u> <input type="checkbox"/> Note and Return <input type="checkbox"/> Signature <input type="checkbox"/> Initial and Return <input type="checkbox"/> Comment <input type="checkbox"/> Return as Requested <input type="checkbox"/> Contact Me <input type="checkbox"/> Return for Approval <input type="checkbox"/> Prepare Reply <input type="checkbox"/> Necessary Action <input type="checkbox"/> For Your File <input type="checkbox"/> For Your Information		
Remarks: <u>HB259</u> <u>Hearing in H(STA) on</u> <u>2/12/98 at 8am</u> <u>left on desk</u> <u>(C.R.)</u>		
FROM: Mail Station	Dept./Div.	E-Mail
	<u>Elections</u>	
By		Telephone
<u>Spil. Krumholz</u>		

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 259 | _____

Revision Date <u>2/11/98</u>	Dept. Affected <u>Office of the Governor</u>
Title <u>An Act relating to the maintenance of voter lists</u>	BRU <u>Elective Operations</u>
Sponsor <u>Rules Committee</u>	Component <u>Elections</u>
Requester <u>House State Affairs</u>	Component Serial No. <u>#21</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	90.7	22.7	22.7	22.7	22.7	22.7
Travel						
Contractual	396.3	19.1	19.1	19.1	19.1	19.1
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	487.0	41.8	41.8	41.8	41.8	41.8

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	487.0	41.8	41.8	41.8	41.8	41.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	487.0	41.8	41.8	41.8	41.8	41.8

Estimate of any current year (FY99) cost: none

POSITIONS

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time						
Part-time						
Temporary	8					

ANALYSIS: *(Attach a separate page if necessary)*

This fiscal note assumes that all registered voters will be sent an address update/confirmation card the first year after passage. It has been six years since the last list maintenance occurred and a statewide mailing will significantly improve the accuracy of the registration rolls.

The fiscal note shows \$90.7 in personal services, anticipating the need for 8 temporary employees (range 8A) for 5 months. An employee can process 150 registrations a day. Temporary employees will also process 246,000 microfilmed records. The fiscal note shows \$396.3 in contractual costs: \$12.0 in advertising, \$139.1 for the printing of the address update/confirmation cards, the 8d2 notices (required by the NVRA and sent to all voters with mail returned by the USPS) and new voter id cards, \$209.4 in postage costs (NVRA requires that the division pay all postage costs), \$3.3 for increased telephone/fax charges, \$6.5 for microfilming and \$26.0 for VREMS programming changes and increased DIS charges.

Prepared by <u>Dana LaTour</u> <i>[Signature]</i>	Phone <u>465-5347</u>
Division <u>Division of Elections</u>	Date <u>2/11/98</u>
Approved by C <u>Lt. Governor Fran Ulmer</u> <i>[Signature]</i>	Date <u>2/11/98</u>
Agency <u>Office of the Lieutenant Governor</u>	

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TONY KNOWLES
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 257
P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 485-3500
Fax (907) 485-3532

April 18, 1997

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Phillips:

This bill I am transmitting amends the state election code to instill higher voter confidence in the election process and provide greater voter access to ensure maximum turnout at the polls.

This legislation proposes to change the election process in Regional Educational Attendance Areas (REAA) and Coastal Resource Service Areas (CRSA) by conducting elections through the mail. This is expected to increase voter turnout, which has historically been low in these areas. In 1996, average turnout for REAA elections was 35 percent; for CRSA it was 40 percent. Under this bill, the Division of Elections will mail a ballot to all eligible voters in these areas about three weeks prior to the election.

In the 1996 general election, 513 voters participated in the electoral process through absentee voting by personal representative. Fifteen percent of these voters' ballots were rejected. This legislation will make the process less time consuming, less confusing and provide for better accountability.

In an attempt to increase voter participation and voter access, this legislation proposes extending the application deadline for absentee voting by fax to the day before an election. Current law requires the application to be received four days before an election. This change would expand the opportunity to voters who find themselves in extenuating circumstances.

The Honorable Gail Phillips
April 18, 1997
Page 2

The legislation also proposes to change the name of the "questioned ballot" to "special review ballot." Many voters have expressed concern and confusion over the term "questioned." This new name more accurately reflects the true intent of the ballot.

Other sections of the bill make technical changes to the election code regarding the official election pamphlet, public notice of elections, and transportation of ballots. Division of Elections staff will be available during the committee process on this bill to offer its full explanation and analysis.

I urge your prompt consideration and passage of this bill.

Sincerely,



Tony Knowles
Governor

Alaska State Legislature

CHAIR:
REPRESENTATIVE
JEANNETTE JAMES

State Capitol
 Room 102
 Juneau, Alaska
 99801-1182
 (907) 465-3743
 FAX (907) 465-2381

MEMBERS:
REPRESENTATIVES
 IVAN IVAN
 AL VEZEY
 FRED DYSON
 MARK HODGINS
 KIM ELTON
 ETHAN BERKOWITZ

House of Representatives

HOUSE STATE AFFAIRS

To Richard Glover
 From Barbara Collins,
 Committee Aide

2029

RE :

STATE OF ALASKA ROUTE SLIP

TO: Mail Station	Department <i>Legislature</i>	Division												
Attention <i>Rep. James</i>	Date <i>4/15/98</i>													
<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Approval</td> <td><input type="checkbox"/> Note and Return</td> </tr> <tr> <td><input type="checkbox"/> Signature</td> <td><input type="checkbox"/> Initial and Return</td> </tr> <tr> <td><input type="checkbox"/> Comment</td> <td><input type="checkbox"/> Return as Requested</td> </tr> <tr> <td><input type="checkbox"/> Contact Me</td> <td><input type="checkbox"/> Return for Approval</td> </tr> <tr> <td><input type="checkbox"/> Prepare Reply</td> <td><input type="checkbox"/> Necessary Action</td> </tr> <tr> <td><input type="checkbox"/> For Your File</td> <td><input type="checkbox"/> For Your Information</td> </tr> </table>			<input type="checkbox"/> Approval	<input type="checkbox"/> Note and Return	<input type="checkbox"/> Signature	<input type="checkbox"/> Initial and Return	<input type="checkbox"/> Comment	<input type="checkbox"/> Return as Requested	<input type="checkbox"/> Contact Me	<input type="checkbox"/> Return for Approval	<input type="checkbox"/> Prepare Reply	<input type="checkbox"/> Necessary Action	<input type="checkbox"/> For Your File	<input type="checkbox"/> For Your Information
<input type="checkbox"/> Approval	<input type="checkbox"/> Note and Return													
<input type="checkbox"/> Signature	<input type="checkbox"/> Initial and Return													
<input type="checkbox"/> Comment	<input type="checkbox"/> Return as Requested													
<input type="checkbox"/> Contact Me	<input type="checkbox"/> Return for Approval													
<input type="checkbox"/> Prepare Reply	<input type="checkbox"/> Necessary Action													
<input type="checkbox"/> For Your File	<input type="checkbox"/> For Your Information													
Remarks: <i>Response to Richard Glover's 4/14/98 memo Re: CSHBZ57(STA)</i>														
FROM: Mail Station	Dept (Div)	E-Mail												
<i>0105</i>	<i>Elections</i>													
By	Telephone													
<i>Sail Finerman</i>	<i>3935</i>													

See the
 Following

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX 110017
JUNEAU, ALASKA 99811-0017
PHONE: (907)465-4611

April 15, 1998

The Honorable Jeannette James
Chair, House State Affairs Committee
Alaska State Legislature
State Capitol, Room 125
Juneau AK 99801

Dear Representative James:

This letter is in response to the April 14, 1998, memorandum by Richard Glover concerning CSHB 257(STA). I will respond to his comments in the order they were listed in his memorandum.

1. **Section 12.** This should not be a matter of concern. All election supervisors are employees of the State of Alaska and as such, have an address, telephone number, and e-mail address.
2. **Section 13.** This was an omission in drafting. The division is submitting an amendment to accompany the bill to House Finance, changing the term "questioned" to "special review" in AS 15.15.198(b).
3. **Section 43** (not section 35 as stated in Mr. Glover's memo). The board will be verifying and certifying the accuracy of the ballot counting program by testing the program *in advance* of the election, in a process that was meant to be covered by regulation. The division is submitting an amendment to accompany the bill to House Finance, adding to subsection (b) a provision that the certification of the process will be in accordance with the regulations adopted under subsection (a) of the section.
4. **Section 48** (not section 40 as stated in Mr. Glover's memo). Mr. Glover raised this issue in his second review of a draft CS for SB 183. The division asked the Department of Labor for its comments on his concerns. Please refer to the enclosed memorandum from Marty Messick, unemployment security analyst, indicating that there is no reason for concern when the amendment is read in context.

We note that a document denominated a work draft accompanies Mr. Glover's memo. The title of Mr. Glover's work draft is different than the version adopted last week by the committee. We were under the impression that the committee had passed out the bill in the draft version typed up by the Department of Law, and that the bill was ready to be sent to House Finance. If the committee did pass the bill out, then the title must be the one it passed, and the bill should be in the form of a final committee substitute.

Representative Jeannette James

April 15, 1998

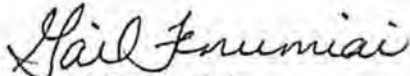
Page 2

However, we certainly have no objection to the title change, and accordingly attach a motion to amend it and sections 13 and 43 as noted above. If we are mistaken as to the status of the bill, please let us know, and we will do whatever we can to speed the process along.

Please note that the page and line numbers in the enclosed amendment refer to the Department of Law's draft, since that is what the committee used and legislative legal services has not yet done a final committee substitute. We can make any adjustments to the line and page numbers after a final committee substitute is prepared.

On behalf of the division of elections, I would like to thank you for scheduling HB 257 so promptly. The division believes this legislation has many positive changes that will improve the election process.

Sincerely,



Gail Fenumiai

Legislative Liaison

Enclosures

cc: Fran Ulmer
Lieutenant Governor

Shari Kochman
Governor's Legislative Office

Kathleen Strasbaugh
Assistant Attorney General

MEMORANDUM
Employment Security Tax

STATE OF ALASKA
DEPARTMENT OF LABOR
Employment Security Division

TO: Gail Fenumiai
Division of Elections

DATE: March 20, 1998

TELEPHONE: 465-5909

FROM: Marty Messick
Employment Security Analyst

SUBJECT: Election Workers

The March 3, 1998, memorandum from Richard A. Glover to Senator Lyda Green raised some points concerning AS23.20.526(d)(8)(D), the proposed new section that adds the exclusion from employment for election officials and election workers that are paid less than \$1,000 in a calendar year. The points raised, however, are not material.

An employee that is paid \$1,000 or more would be reportable for UI Contributions, and *all* the wages paid to that employee would be reportable. Election employment generally occurs within one calendar quarter, and the employer would know whether or not an individual employee will go over the \$1,000 limit. The largest employer to have election officials/workers is the State of Alaska. The State reported approximately 3,000 temporary election workers during the 1996 elections. Of this 3,000 workers, less than 1%, or 28, were paid over \$1,000.

The issue was raised about an employer not knowing if the election worker had received payments from other employers. This law, as well as our other laws concerning wage payments, apply to each employer individually. They are not cumulative from one employer to the next. If an employee worked in two different elections for two different employers, *each* employer could pay the employee \$999 without needing to report the employee for UI Contributions.

The terms used in the proposed new legislation, *election official or election workers*, are the exact wording that was used in a new addition to the FUTA section of the USC, added by the Balanced Budget Act of 1997. The terms are generic and are meant to cover those workers, with whatever title they may possess, that are hired to assist in whatever manner needed for public elections. It is unnecessary to tie these generic terms to specific statutes.

The memorandum also raised the issue that the proposed statute should define which elections are to be covered. This is also unnecessary, and is already addressed in subparagraph (8) of the statute, which maintains that the service must be performed when employed by the state or a political subdivision of the state. The entire new proposed statute reads as follows:

AS 23.20.526(d) For the purposes of AS 23.20.525(a)(4) - (6) and (14), the term "employment" does not apply to service performed

***(8) in the employ of the state or a political subdivision of the state** if the service is performed by an individual in the exercise of duties:*

(D) as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than \$1,000;

In closing, DOL does not believe that any of the issues raised in the memorandum warrant changes in the proposed new legislation.

cc: Dwight Perkins
Special Assistant

Jim Coate
UI Program Director

Susan Solberg
ES Tax Supervisor

Corine Geldhof
Communications Coordinator

USC Title 26 - Internal Revenue Code
Subtitle C - Employment Taxes
Chapter 23 - Federal Unemployment Tax Act (FUTA)

§ 3309. State law coverage of services performed for nonprofit organizations or governmental entities

- (a) State law requirements. For purposes of section 3304(a)(6) -
- (1) except as otherwise provided in subsections (b) and (c), the services to which this paragraph applies are -
 - (A) service excluded from the term "employment" solely by reason of paragraph (8) of section 3306(c) and
 - (B) service excluded from the term "employment" solely by reason of paragraph (7) of section 3306(c); and
 - (2) the State law shall provide that a governmental entity or any other organization (or group of governmental entities or other organizations) which, but for the requirements of this paragraph, would be liable for contributions with respect to service to which paragraph (1) applies may elect, for such minimum period and at such time as may be provided by State law, to pay (in lieu of such contributions) into the State unemployment fund amounts equal to the amounts of compensation attributable under the State law to such service. The State law may provide safeguards to ensure that governmental entities or other organizations so electing will make the payments required under such elections.
- (b) Section not to apply to certain service. This section shall not apply to service performed -
- (1) in the employ of
 - (A) a church or convention or association of churches,
 - (B) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches, or
 - (C) an elementary or secondary school which is operated primarily for religious purposes, which is described in section 501(c)(3), and which is exempt from tax under section 501(a); *(added w/Balanced Budget Act of 1997, effective August 7, 1997)*
 - (2) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;
 - (3) in the employ of a governmental entity referred to in paragraph (7) of section 3306(c), if such service is performed by an individual in the exercise of his duties -
 - (A) as an elected official;
 - (B) as a member of a legislative body, or a member of the judiciary, of a State or political subdivision thereof;
 - (C) as a member of the State National Guard or Air National Guard;
 - (D) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; or
 - (E) in a position which, under or pursuant to the State law, is designated as (i) a major nontenured policymaking or advisory position, or (ii) a policymaking or advisory position the performance of the duties of which ordinarily does not require more than 8 hours per week;

- (F) as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than \$1,000; (*Added w/Balanced Budget Act of 1997, effective August 7, 1997.*)
- (4) in a facility conducted for the purpose of carrying out a program of -
- (A) rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or
- (B) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work;
- (5) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any Federal agency or an agency of a State or political subdivision thereof, by an individual receiving such work relief or work training; and
- (6) by an inmate of a custodial or penal institution.

(c) Nonprofit organizations must employ 4 or more

This section shall not apply to service performed during any calendar year in the employ of any organization unless on each of some 20 days during such calendar year or the preceding calendar year, each day being in a different calendar week, the total number of individuals who were employed by such organization in employment (determined without regard to section 3306(c)(8) and by excluding service to which this section does not apply by reason of subsection (b)) for some portion of the day (whether or not at the same moment of time) was 4 or more.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB257

Revision Date (4/6/98) Dept. Affected Office of the Governor
 Title An Act relating to voter qualification BRU Elective Operations
 Component Elections
 Sponsor Rules Committee
 Requester House State Affairs Committee Component Serial No. #21

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual	(5.8)					
Supplies	(4.0)					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	(9.8)	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(9.8)					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	(9.8)	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: none

POSITIONS

Full-time						
Part-time						
Temporary	8					

ANALYSIS: (Attach a separate page if necessary)

The cos' savings reflected above are the reduced costs of conducting a portion of the REAA/CRSA elections by mail. The savings consist of fewer election board worker payments, polling place rentals, and precinct supplies. Some of the savings in these areas are offset by an increase in the cost of absentee review boards and counting teams. The next largest expense is the postal fees associated with mailing ballots to voters. The net result of conducting the elections is a savings of \$9.8. The other benefit of by-mail elections is the potential of a higher voter turnout.

Prepared by Dana LaTour *Dana LaTour* Phone 465-5347
 Division Division of Elections Date 4/6/98
 Approved by C. Lt. Governor Fran Ulmer *Fran Ulmer* Date 4/6/98
 Agency Office of the Lieutenant Governor

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FISCAL NOTE

No. 1

Bill Version: HB 257

(H) Publish Date: 4/22/97

**STATE OF ALASKA
1997 LEGISLATIVE SESSION**

Revision Date _____ Dept. Affected Office of the Governor
 Title An Act relating to voter qualification,... BRU Elective Operations
 Component Elections
 Sponsor Rules Committee
 Requester Governor Component Serial No. #21

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services						
Travel						
Contractual	(5.8)					
Supplies	(4.0)					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	(9.8)	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES []						
-------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(9.8)					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	(9.8)	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: none

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The cost savings reflected above are the reduced costs of conducting the REAA/CRSA elections by mail. The savings consist of fewer election board worker payments, polling place rentals, and precinct supplies. Some of the savings in these areas are offset by an increase in the cost of absentee review boards and counting teams. The next largest expense is the postal fees associated with mailing ballots to over 30,000 voters. The net result of conducting the elections by mail is a savings of \$9.8. The other benefit of by-mail elections is the potential of a higher voter turnout.

Prepared by Dana LaTour
 Division Division of Elections
 Approved by Co for Lt. Governor Fran Ulmer
 Agency Office of the Lieutenant Governor

Phone 465-5347
 Date 4/10/97
 Date 4/10/97

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HB

259

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: April 22, 1997

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/12/98

The STATE AFFAIRS Committee considered:

HB 259

HOUSE BILL NO. 259

VOTER LISTS & VOTER REGISTRATION

"An Act relating to the maintenance of voter lists and to the inactivation and cancellation of voter registration; and providing for an effective date."

recommends it be replaced with the following committee substitute _____ [] the same title [] a new title

[] additional referral to _____ Committee
[] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[x] fiscal note(s) ADV

[] fiscal note(s) _____

[] zero fiscal note(s) _____

[] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jeanette James</i>	✓			
<i>[Signature]</i>			✓	
<i>Fred Dean</i>	✓			
<i>[Signature]</i>		✓		
<i>Mark [Signature]</i>	✓			

CHAIR'S SIGNATURE Jeanette James

HB 257

"An Act relating to voter qualification, disqualification, and registration; to voter registration officials; to election notices; to mail elections; to certain voting procedures; to the transportation of ballots; and to the official election pamphlet and certain immunity from liability regarding claims arising from publication of the official election pamphlet."

Prepared by the Division of Elections

**VOTERS WHOSE NAMES DO NOT APPEAR ON THE OFFICIAL
REGISTRATION LIST**

ABSENTEE VOTING BY FAX

TRANSPORTATION OF BALLOTS

VOTERS CHANGING RESIDENCE PRIOR TO AN ELECTION

ELECTIONS BY-MAIL

OFFICIAL ELECTION PAMPHLET

PUBLIC NOTICE OF AN ELECTION

ABSENTEE VOTING BY PERSONAL REPRESENTATIVE

ABSENTEE VOTING BY PERSONAL REPRESENTATIVE (continued)

ABSENTEE VOTING BY PERSONAL REPRESENTATIVE (continued)

ABSENTEE VOTING BY PERSONAL REPRESENTATIVE (continued)

HB 257

"An Act relating to voter qualification, disqualification, and registration; to voter registration officials; to election notices; to mail elections; to certain voting procedures; to the transportation of ballots; and to the official election pamphlet and certain immunity from liability regarding claims arising from publication of the official election pamphlet."

Prepared by the Division of Elections

Sections 2-4. 6. 9. 14-17. 21-31

- Over 16,800 voters cast questioned ballots in the 1996 general election.
- Voters have always expressed concern and/or confusion over the term "questioned." The division would like to change the name of the "questioned" ballot to "special review" ballot. The division believes this name more accurately reflects the true intent of the ballot.

**VOTERS WHOSE NAMES DO NOT APPEAR ON THE OFFICIAL
REGISTRATION LIST**

Section 20

- The division implemented absentee voting by fax for the 1996 general election. Over 490 voters participated in the electoral process using this new method of voting.
- Present law states that a voter must apply to vote absentee by fax four days prior to election day. This legislation would extend the application deadline to 5:00 p.m. the day before election day in order to allow greater opportunity to those voters who find themselves in extenuating circumstances.

ABSENTEE VOTING BY FAX

Section 38

- Statute requires that all ballots be transported to Juneau before the State Review Board starts. The division must assure the security of the ballots during transport.
- The state procurement code requires that the division seek three bids yet the division cannot accurately predict the volume and weight of the shipments.
- The logistics of having the proper security in place at 11 locations throughout the state further complicates the process. Therefore the division is requesting the transportation of ballots be exempted from the state procurement rules. Addendum 1, which is the last page of this guide, outlines the procedure used during the 1996 primary and general elections.

TRANSPORTATION OF BALLOTS

Section 5

- The proposed legislation clarifies that people must be registered in their election district for 30 days in order to vote for the district candidate.

Section 18

- The legislation clarifies that a voter who has moved and did not update their registration is qualified to vote in their prior district if they lived there for at least 30 days before changing residence. The person may vote for only statewide candidates and ballot measures, candidates for state senate if the voter's former and present residence are in the same senate district, and candidates for judicial retention if the former and present residence address are in the same judicial district.

Sections 1. 32 and 39

- Each year the division conducts elections for 19 Regional Educational Attendance Areas (REAs) and 4 Coastal Resource Service Areas (CRSAs).
- Approximately 33,365 voters are eligible to vote in these elections.
- Voter turnout has remained consistently low for these elections. Voter turnout for the 1996 REA election ranged from 11 percent to 54 percent, with an average turnout of 35 percent. Voter turnout for the 1996 CRSA election averaged 40 percent.
- Since 1989, the average turnout for all by-mail elections (local liquor option, dissolution and incorporation) has been 52.7 percent.
- Conducting these elections by mail will have a cost savings of \$9,800 while perhaps increasing voter turnout.

ELECTIONS BY-MAIL

Section 34

- The date for receipt of material from the presidential candidates will be extended until August 30. The present law required the information from the candidates before the national conventions had occurred.

Section 35

- As a result of problems which arose with the 1996 official election pamphlet, the division is requesting a change in the law which will make it clear to the public that all statements are written and paid for by the candidate.

Section 36

- The candidate photograph will not have to be a black and white glossy.

Section 37

- The state will be granted immunity from suit as a result of publishing the official election pamphlet.

Sections 10 and 11

- The division is always looking for better ways to notify the electorate of an election. The present method of publishing notices of elections is not manageable.
- Escalating advertising costs is making the process provided for in present law unreachable and does not increase voter turnout.
- As well as providing for notice of an election in the newspapers of general circulation, **current law** also requires that a notice of an election be broadcast on television or radio. This notice must give the date of the election, the hours the polls are open and the names of the newspapers in which the notice of election is published and the dates of publication in the newspapers. The **proposed law** replaces the requirement of listing the names and dates of newspaper publication with the address and phone number of the election supervisor or supervisors for the judicial district in which the notice is broadcast.
- The division is proposing a method which will allow for greater public outreach.

PUBLIC NOTICE OF AN ELECTION

Section 19

- In the 1996 general election, 513 voters participated in the election through the absentee by personal representative process.
- Fifteen percent of the absentee ballots cast by personal representative were rejected. The majority of the ballots were rejected for insufficient witnessing or because the voter failed to sign the application and/or voter oath.
- The present absentee by personal representative process is time consuming and confusing to both the voter and personal representative. The new proposal, for the first time, will allow the division to know the true identification and address of the personal representative. This will assist in allaying concerns that fraud is a potential by requiring the personal representative to establish identity.
- The division's proposal streamlines the process while providing for additional checks and balances.
- The **current process** consists of the following steps:
 1. Personal representative picks up an application from an election official and delivers it to the voter.
 2. The voter completes section one of the application. Both the voter and personal representative must sign and date section one.

ABSENTEE VOTING BY PERSONAL REPRESENTATIVE