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299

# STATE OF ALASKA

## OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS

JAY S. HAMMOND, GOVERNOR

TERRY MILLER, LT. GOV.

586-4181

POUCH AF—JUNEAU 99811

January 26, 1982

The Honorable Patrick Rodey  
State Senator  
Pouch V  
Juneau, AK 99811

Dear Senator Rodey:

As the Division of Elections seeks to complete the procedural changes for the conduct of the 1982 Primary and General Elections, consideration needs to be given to the remaining clean up of Title 15, the Election Code.

Senate Bill 299 contains sections relating to the questioning of a voter's ballot and procedures for the state ballot counting review. These sections do not currently appear in Title 15 and without enactment of a version of these sections, problems will occur during the elections. Without enactment of the section involving questioning a voter's ballot, an election board, watcher, or other citizen cannot question a voter's ballot. It is, also, vital that the sections regarding the State Ballot Counting Review Board be enacted so procedures can be in effect for the review of the results of the counting of the ballots.

In Senate Bill 299, the most important sections and their titles are:

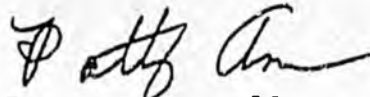
Section 5	AS 15.10.180	Appointment of Party Representatives for State Ballot Counting Review
Section 8	AS 15.15.210	Questioning of Voters of Suspect Qualification
Section 19	AS 15.20.220	Procedures for State Review

The remaining sections of Senate Bill 299 are clarifications of existing law and are not nearly as important as the above three sections.

Because Alaska is under the provisions of the Voting Rights Act, any changes enacted must be submitted to the Department of Justice for review. Without the review and approval by the Department of Justice, the changes cannot be implemented. At a very minimum, 60 days is required for review of proposed election changes by the Department of Justice. Usually 120 to 140 days are necessary for this review process to occur, therefore, I urge you to consider any election law changes at your earliest convenience.

If I may be of any assistance, please call on me.

Sincerely,



Patty Ann Polley  
Director of Elections

5-6-81 Elections

DECLARATIONS OF CANDIDACY BY TELEGRAM

Out of 199 total declarations of candidacy, only 4.5% (9 total) filed by sending a telegram. Only 3.5% of those individuals actually needed to use the telegram method to meet the statutory deadline since 2 people met the physical delivery deadline in addition to submitting the telegram. Eight candidates for the State House and one candidate for the State Senate filed by telegram as follows:

STATE HOUSE

- District 8: Charles Thomas Hutchins  
tel. rec'd 6/2/80  
nominating petition rec'd 6/4  
(Libertarian)
- District 9: R. E. Hardy  
tel. rec'd 6/2/80  
nominating petition rec'd 6/4  
(Libertarian)
- District 9: John L. Phillips  
tel. rec'd 6/2/80  
nominating petition rec'd 6/4  
(Libertarian)
- District 12: Jose Valient  
tel. rec'd 6/2/80  
nominating petition rec'd 6/4  
(Libertarian)
- District 14: Lynn Frank Saupe  
tel. rec'd 5/30/80  
declaration rec'd 6/2/80 (by the deadline)  
later withdrew on 9/2/80  
(Republican)
- District 15: Bonnie Julia Kitchen  
tel. rec'd 6/2/80  
declaration rec'd 6/3/80  
(Democrat)
- District 17: Charles Joseph Guinn  
tel. rec'd 5/30/80  
declaration rec'd 5/31/80 (by the deadline)  
(Democrat)
- District 18: Martin B. Moore  
tel. rec'd 6/2/80  
declaration rec'd 6/6/80  
(Democrat)

STATE SENATE

- District K: Merrill Stephen Sikorski  
tel. rec'd 6/2/80  
(Republican)

AS 15.25.040 is amended to read as follows:

AS 15.25.040. MANNER AND DATE OF FILING DECLARATION. (a) The declaration is filed by either

(1) the actual physical delivery of the declaration in person at or before 5:00 p.m., prevailing time, July 15 (JUNE 1) of the year in which a general election is held for the office, or

(2) (THE ACTUAL PHYSICAL DELIVERY BY TELEGRAM OF A COPY IN SUBSTANCE OF THE STATEMENTS MADE IN THE DECLARATION AT OR BEFORE 5:00 P.M., PREVAILING TIME, JUNE 1 OF THE YEAR IN WHICH A GENERAL ELECTION IS HELD FOR THE OFFICE AND ALSO) the actual physical delivery of the declaration by registered or certified mail return receipt requested which is received at or before 5:00 p.m., prevailing time, July 15 (JUNE 1) of the year in which a general election is held for the office (AND RECEIVED NOT MORE THAN 15 DAYS AFTER THAT TIME).

(b) (IF THE POSTMARK IS ILLEGIBLE, A DATED RECEIPT FROM THE POST OFFICE WHERE DISPATCHED SHALL BE ACCEPTABLE AS EVIDENCE OF MAILING.) If July 15 (JUNE 1) is a Sunday or holiday, the deadline for (POSTMARKING AND) receipt of the declaration shall be extended 24 hours (IN EACH INSTANCE).

(c) A candidate for a statewide office or a candidate for a district-wide office shall file either with the director or an election supervisor. If the candidate files his declaration with an election supervisor, the election supervisor shall immediately forward the declaration to the director.

((d) IF THE DECLARATION FILED UNDER (A) OF THIS SECTION IS NOT RECEIVED WITHIN SEVEN CALENDAR DAYS, THE CANDIDATE SHALL BE NOTIFIED OF NONRECEIPT. THE CANDIDATE SHALL HAVE THE OPPORTUNITY TO REFILE HIS DECLARATION WITH PROOF THAT HIS PREVIOUS DECLARATION HAS BEEN FILED IN A TIMELY MANNER AND IN ACCORDANCE WITH LAW.)

AS 15.25.056 is repealed and re-enacted to read as follows:

AS 15.25.056. NOMINATION BY PARTY PETITION WHERE INCUMBENT DIES OR IS DISQUALIFIED OR INCAPACITATED. The death, disqualification or certification of incapacity of an unopposed incumbent candidate following the closing of the period for nomination and on or before the primary election date does not affect the counting and review of the ballots. If the results of the counting and review discloses that the candidate, if he had lived, would have been nominated, the candidate shall be declared nominated. The vacancy may be filled by party petition as provided in AS 15.25.110-15.25.130.

AS 15.25.150 is amended to read as follows:

AS 15.25.150. DATE OF FILING PETITION. The petition is filed with the director by actual physical delivery in person at or before 5:00 p.m., prevailing time, July 15 (JUNE 1) in the year in which a general election is held for the office, or by actual physical delivery to the director by registered or certified mail return receipt requested which is received (POSTMARKED) at or before 5:00 p.m., prevailing time, July 15 (JUNE 1) in the year in which a general election is held for the office. (, AND RECEIVED NOT MORE THAN 15 DAYS AFTER THAT TIME. IF THE POSTMARK IS ILLEGIBLE, A DATED RECEIPT FROM THE POST OFFICE WHERE DISPATCHED SHALL BE ACCEPTABLE AS EVIDENCE OF MAILING.) If July 15 (JUNE 1) is a Sunday or holiday, the deadline for (POSTMARKING AND) receipt of the petition shall be extended 24 hours.

# STATE OF ALASKA

## OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTIONS

JAY S. HAMMOND, GOVERNOR

TERRY MILLER, LT. Gov.

POUCH AF—JUNEAU 99811

April 28, 1981

The Honorable Vic Fischer  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Fischer:

The proposal to move the filing deadline to July 15 and to change the Primary Election to the first week in September presents difficulties in preparation for the elections. Other alternatives that might be considered before changing the date of the filing deadline and the Primary Election date include:

1. establishment of a beginning date for the filing of declarations of candidacy and petitions. If the length of time that campaigns occur is to be shortened, the beginning date for filing for office would shorten this period.
2. establishment of a beginning time for campaign purposes. A deadline can be set for the beginning of campaigns.

The filing deadline for the elections can be moved to July 1 without presenting any difficulties in the preparation for the election. The moving of the filing deadline to July 15 presents difficulties in regards to the filing by telegram procedures. Candidates may file certain parts of their declarations of candidacy by telegram and the Division of Elections must await receipt of the declaration until the 15th day following the filing. With the filing by telegram provisions, ballot preparation and other materials requiring names of candidates must await receipt of the declarations before beginning preparation of these materials. Under the July 15 filing provisions, the ballot preparation cannot begin until August 1 - a month before the election.

The shortening of the time between the Primary and General Election presents difficulties for the completion of the Primary Election and preparation for the General Election. The items most threatened by this

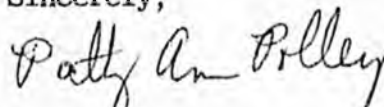
The Honorable Vic Fischer  
April 28, 1981  
Page Two

change involve the preparation and printing of the election pamphlets, the preparation of ballots and tally books which require the names of candidates. The work required for the preparation of ballots, election pamphlets and tally books must occur before voting can begin. The staff currently works 7 days a week, 14 hours or more a day to complete the preparation process. As this work must occur, the voters will be short changed in that the materials and information will not be available and absentee voters will be disenfranchised. Mail service in some areas of this state is slow - 30 days are required to get materials to the villages in the Aleutians, thus, whole villages may not receive ballots or election supplies.

The procedures for conducting an election have changed frequently, however, the deadlines have remained static. The deadlines have not changed because the distances and the frequency of delivery of mail has not changed substantially. The Division of Elections cannot distribute election materials, pamphlets, and supplies in one or two days - it takes 30 days.

In conclusion, the changing of the filing deadline to July 1 will present few problems in the conduct of elections. The changing of the deadline to July 15 will require changes to the filing by telegram procedures. The shortening of the time between the Primary and General Elections by moving the Primary Election to the first week in September will require changes in the election pamphlet statutes, the time for the mailing of ballots and election material, the time for the conduct of recounts, and the availability of absentee ballots.

Sincerely,



Patty Ann Polley  
Director  
Division of Elections



# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chairman • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

Official Business

To:

State Affairs Committee

From: Senator Vic Fischer, Chairman

RE: Shortening state election period

Date: April 22, 1981

Every two years Alaskans experience the endless thrill, boredom and annoyance of state elections. My hope is we can provide relief to the public, as well as reduce the cost of elections. Proposed committee substitute to SB 299 will accomplish this.

With increasing use of television and radio media, the public is subjected to virtually continuous bombardment by politicians from June 1 'til the November election. At times, electioneering reaches such a crescendo that people are just getting sick and tired of the whole democratic process of electing their public officials.

The other side of the coin is the ever escalating price of media for the candidates themselves, with individual state senate races approaching \$100,000 in cost.

While the election process is crucial to assure that the public is given full information on all viable candidates, the extent of current electioneering and political harassment of voters is truly excessive.

One method of reducing public annoyance and, if possible, reducing costs is shortening the active campaigning process. I propose to reduce the process from the current 20 weeks to 14 weeks.

This is accomplished by moving the filing deadline for candidates in state elections from June 1 to July 15, resulting in a reduction of the primary campaign from the present 12 weeks to 7 weeks.

The general election period is cut from 9 weeks to 8 weeks by shifting the primary election date from the last Tuesday in August to the first Tuesday in September, shortening the election period in the State of Alaska from its present exhaustive schedule.

Alaska's election period, when compared to other states in the country, is much too long. Where other states have found ways to shorten the time between declaration of candidacy and actual determination of winner (primary and general elections), Alaska's time period has not changed since statehood. Even with the advent of sophisticated computers, Alaska's election time frame begins on June 1 and ends on the first Tuesday following the first Monday in November.

Elections

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Listed below are the current and proposed election schedules:

	<u>Existing Time Schedule</u>	<u>Proposed Time Schedule</u>
-Last Filing date	June 1	July 15
-Primary Election	4th Tuesday in August	First Tuesday in Sept.
-General Election	1st Tuesday following 1st Monday in Nov.	1st Tuesday following 1st Monday in Nov.

This schedule deletes six weeks from the beginning of the election period by pushing back the "declaration of candidacy" deadline. This does not affect the schedule of preparing for the primary election.

The primary election is pushed back by one week from the last Tuesday in August to the first Tuesday in September. The following is a comparison of existing and proposed schedules to carry out the different functions that must take place between primary and general elections:

<u>Events</u>	<u>Current Schedule</u>		<u>Proposed Schedule</u>	
	Day 1-8 / # of days	8	Day 1-8 / # of days	8
A. Absentee returns				
B. Canvass Board	" 8-18	" 10	" 8-16	" 8
Certify votes	" 19-20	" 2		
C. Potential recount	" 21-27	" (5-7)	" 17-19	" 3
D. Print ballots	" 21-34	" 14	" 17-27	" 11
Package Ballots	" 34-45	" 11		
E. Distribute Ballots	" 45-60	" 15	" 28-38	" 11

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- A. Eight days are required for receipt and counting of absentee returns.
- B. The Canvass Board can work faster, using more people. Certification could take place within this second eight day period.
- C. Any recount could proceed while ballots are being set for printing.
- D. Under the present system, 25 days are set aside for the printing and packaging of ballots. Through the use of computers and more people, as necessary, this can be done in eleven days.
- E. Eleven days are allowed for distribution of ballots statewide, rather than 15 days at present. Absentee ballots can still be available 15 days before the general election.

The new schedule shortens the primary race by six weeks. The general election period is shortened by one week. The total reduction in the state election period is six weeks, from 20 to 14 weeks. The Division of Elections is only affected by one week--only in the time period between the primary and the general elections.

*Peggy Ann Polley*

Analysis of Senate Bill 299

- Section 1. AS 15.07.070(c) is amended to clarify dating on a completed voter registration card which is mailed to the Elections Offices. The change is to make the date of registration the date as shown on the voter registration card rather than the postmark date which frequently does not appear on the envelope.
- Section 2. AS 15.07.070(f) is amended to clarify the dating as shown on a voter registration card. The controlling date is to be the date of re-execution. not a postmark date which may not appear on the envelope.
- Section 3. AS 15.07.135 is amended so the wording is consistent with that appearing in AS 15.05.030.
- Section 4. AS 15.07.140 is amended to clarify the persons who are to post lists of registered voters 40 days before an election. The change is so any election officials - registrars, or election board members - may post the list. As the statute is currently written, only a registration official can do the posting. In a small precinct a registrar may not be available to post the list but the change will allow for other officials to be assigned the task.
- Section 5. AS 15.10.180 is amended to remove the reference to "canvass". When the election bill, Ch. 100, SLA 1980, was approved, a decision was made to clarify the word "canvass" which had a dual meaning. Inadvertently, the reference for the State Ballot Counting Review was not changed; hence, this amendment makes that change. The word "canvass" was used to refer both to the review of material and to the counting of ballots.
- Section 6. AS 15.15.140(a) is amended to clarify that the materials are to be available so the voters may make their intent known as opposed to the election board or other persons acting on the behalf of voters.
- Section 7. AS 15.15.195 is amended so that the voter's name must appear on the list of registered voters. As this section is written, it seems that the voter may be allowed to vote if he or she stands or sits on the list of registered voters.
- Section 8. AS 15.15.210 is added. During the review following passage of Chapter 100, SLA 1980, it was determined that this section had been both added and deleted. The law as currently written does not allow for persons to be questioned by election boards, watchers or other persons available at the polls. This section specifies procedures for the questioning of a person's vote by the election board, watchers or other persons available at the polls.

- Section 9. AS 15.15.215 is amended to clarify that the district questioned ballot counting board is responsible for determining the merits of a questioned ballot. The law as currently written seems unclear as to whether the responsibility falls to the election supervisor or the board.
- Section 10. AS 15.15.240 is revised to clarify that an election board member or a person of the voter's choice may provide assistance to the voter. The law makes reference to an election judge as the only official who can assist the voter. Other members of the board, such as the clerk, may be better qualified to assist the voter but under current law would be unable to provide assistance.
- Section 11. AS 15.15.260 is amended to allow for any member of the election board to remove the numbered stubs from the ballot and to provide instructions to the voter. Currently, the law only allows an election judge to have this responsibility. It is more realistic that a clerk or other board member may be assigned the duty.
- Section 12. AS 15.15.300 is amended to clarify that a replacement ballot is not to be provided to a voter who improperly exhibits a ballot. The law as previously written provided no procedural instructions to follow if a ballot was unlawfully exhibited by a voter.
- Section 13. AS 15.15.330 is amended to remove the word "immediately" in reference to opening the ballot box and the counting of ballots. The election board has other responsibilities which must be completed before the ballot box is opened. Those other responsibilities include the recording of the numbers from the stubs of the unused ballots, the disposal of the unused ballots and certain other recording duties.
- Section 14. AS 15.15.360(c) is amended to provide for the procedures to be followed in the counting of hand-marked punch-card sample ballots. This would be necessary in the case where an election board or absentee voting official runs out of official punch-card ballots. A sample punch-card ballot would then be provided and would be marked with a pen or pencil. The outline of procedures for counting these ballots is, therefore, outlined in this amendment.
- Section 15. AS 15.15.420 is amended to make clear that the Director and the State Ballot Counting Review Board review the results of the counting of the ballots. As the law is written, the Board and Director must review the counting which occurs in 300 separate locations.
- Section 16. AS 15.15.430(a) is amended to make clear that the review by the State Ballot Counting Review Board and the Director is of the results of the ballot counting, not the observation of ballot counting in several hundred locations.

Section 17. AS 15.20.071(c) is to clarify the procedure and to make it clear that an absentee ballot by personal representation must be returned to the issuing official within three days. If the ballot is not returned within the allowable time, the ballot is not to be counted. The three day time period for the return of the personal representative ballot is firm except all personal representative ballots must be returned no later than election day.

Section 18. AS 15.20.190(a) is amended to make clear that the pay for some election officials may be different than the pay set for election board members who work on election day at the polls.

Section 19. AS 15.20.220 is a new section which was originally included in Chapter 100, SLA 1980, but a numbering problem caused this section to be deleted. The section explains the procedure to be followed in reviewing the questioned and absentee ballot certificates and the provision for the counting of ballots received after the completion of the district review but prior to the completion of the state review.

Section 20. AS 15.60.010(4) is amended to allow for the inclusion of all persons who serve on the election board in the definition of "election board".

Section 21. AS 15.60.010(6) is an expansion of the definition of "election official" to include registration officials and registrars.

Section 22. AS 15.60.010(10) revises the definition of "hand-marked ballot". By the definition the ballot must be designated a hand-marked ballot; but we feel no designation is required. The fact that a ballot is marked by hand with a pen or pencil is sufficient.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 299  
 Title "An Act relating to elections"  
 Requested by Senate State Affairs Date 4-22-81

II. FISCAL DETAIL

Agency Affected Office of the Governor  
 Program Category Affected Legislative and Elective Operations  
 BRU, Program, or Subprogram(s) Affected Division of Elections  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	-0-	-0-				
200 TRAVEL	-0-	-0-				
300 CONTRACTUAL	-0-	-0-				
400 COMMODITIES	-0-	-0-				
500 EQUIPMENT	-0-	-0-				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>				

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No additional fiscal impact for the Division of Elections.

IV. DATE April 22, 1981 PREPARED BY Danith D. Anderson  
 AGENCY Division of Elections  
 Original: Legislative Finance PHONE 586-6181  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)