

H U R

8



POUCH V
JUNEAU, ALASKA 99811
(907) 465-4990

Alaska State Legislature
HOUSE OF REPRESENTATIVES

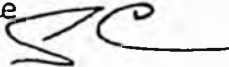
REPRESENTATIVE
CHARLIE BUSSELL
CHAIRMAN


Committee on Judiciary

MEMORANDUM

April 21, 1983

TO: Committee Members, House Judiciary Committee

FROM: Steve Cramer, Legislative Aide 

SUBJECT: 

In anticipation and preparation of today's meeting I am forwarding an advance copy of material relative to your decision making. I had hoped to put before each of you a substantive "committee substitute" for the resolution, but as you will see from the accompanying memo from Dick Bradley in Legal Services an additional preliminary decision has yet to be made by each of you.

The majority vote provision is a complex issue in our State, not so much from a substantive "policy" standpoint as from a procedural one.

I would respectfully ask each of you to review the materials attached before coming to today's meeting. The next step will be to decide on a "runoff" provision either on the primary election or on the general election.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 20, 1983

SUBJECT: Runoffs
(HJR 8)

TO: Representative Charlie Bussell
Chairman, House Judiciary Committee

FROM: Richard A. Bradley **B**
Legislative Counsel

Steve Cramer has discussed with me the response of the Division of Elections to the proposal for a runoff election for the office of governor/lieutenant governor. He reports that the division believes that it could not put together a runoff election until the end of the first week in January.

The premise of that response has to be that no existing mechanisms for the conduct of the general election are changed. It is possible to tighten up the process with the result that the election results are certified in a briefer period than exists under present law. While I did not review the memorandum from the division to you in any detail, I am enclosing an analysis I prepared several years ago for Senator V. Fischer. His focus was different from the goals of HJR 8 but it is useful in its analysis of the election procedures and the identification of mechanisms and procedures that would need to be changed or are available for change if the period between elections is to be shortened.

Steve also discussed a proposal apparently put forward by the division of elections to have a runoff after the primary election but before the general election. Whatever goals this might achieve, it would not seem to guarantee that a candidate in the general election would receive 50 percent of the vote plus one vote. It could not have this result if there are more than two parties competing. If the results of the "primary" include party nominees, it is likely that three or four (or more) candidates may be on the ballot as a result of the recent Vogler decisions. If only the top two

Representative Charlie Bussell

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vote getters appear on the ballot, the result may be a party run-off: if the recent Chicago election were given that treatment, Mr. Epton would not have made it to the runoff: the election would have been between Congressman Washington and Mayor Byrne.

But as Steve and I talked, a proposal evolved that might achieve the goal of a majority vote for candidates at a general election.

The primary election would not look like a "primary;" each candidate nominated on June 1st would be on the ballot: both candidates nominated by a declaration of candidacy [AS 15.25.030] and candidates nominated by petition [AS 15.25.130]. Write-in votes would be counted [AS 15.-25.070 would be repealed]. No party nominations as such would result. Since all candidates will have been put before the voters at that election, it would be possible to provide that a candidate receiving 50 percent of the votes cast plus one vote is elected. If no candidate receives 50 percent of the votes cast plus one vote, the top two candidates would be voted on at the "general election." It seems that a write-in candidate there would not likely be successful and thus probably a candidate will receive the required majority.

I consider this proposal only a concept; I have not, moreover, sought to assess its pluses or its minuses.

If I may be of further assistance, please advise.

RAB:ljb

Enclosure
15/023

MEMORANDUM

January 23, 1981

SUBJECT: Shortening the election period
(Work Order No. 12-0184)

TO: Senator Vic Fischer

FROM: Richard A. Bradley
Legislative Counsel

I have advised you that the director of elections believes that there would be substantial problems with a change in the election code which required that the filing period for candidates for state office occur six weeks before the primary and that the general election occur six weeks after the primary.

I have also promised to provide you with an analysis of the problems that will be incurred in a change to your proposal. This memorandum responds to that promise.

In general terms, Patty Ann Polley believes that the present time frame between the primary and the general election is about as tight as it could be made. Under the law, the primary occurs on the "fourth Tuesday in August" in even numbered years. AS 15.25.020. The general election is held on the "Tuesday after the first Monday in November" in even numbered years. AS 15.15.020. Thus it seems that there are some ten weeks between the primary and the general election.

The filing date for candidates is June 1st. AS 15.25.040, 15.25.150. It seems, therefore, that there are some thirteen weeks between the filing date and the date of the primary. Patty Ann tells me that she thinks that the filing date could be moved back to July 1 with no particular loss; the result would be a shortening of the election by some four weeks, to nine weeks.

If your approach were adopted, the last date on which declarations of candidacy could be filed would have been

August 12, 1980; the primary election would have been held on September 23, 1980. By way of comparison, a number of states come close to those dates (the information is for 1978, the most recent year apparently available). Vermont had its filing deadline on August 2nd, Washington on August 4th, Hawaii on August 8th, and Connecticut on August 11th. An even larger number of states have their primary in September: Alabama on September 5th; Delaware on September 9th; Arizona, Colorado, Connecticut, Florida, Maryland, Minnesota, Nevada, New Hampshire, New York, Rhode Island, Utah, Vermont and Wisconsin on September 12th; Louisiana on September 16th and Massachusetts and Washington on September 19th.

And lest I appear to misstate her comments, I hasten to add that the director is not suggesting that the dates cannot be further compressed: only that if there is compression, some existing mechanisms may need to be altered or, perhaps, eliminated.

Accordingly, I have reviewed AS 15 to determine those sections which have statutorily established time frames within which events must occur. The following analysis reflects this research. The statutory events are cast in terms of the 1980 election; in a different year, slight variations in the time frames might occur.

- | | | |
|-------------------|--------------|---|
| 1. April 15, 1980 | AS 15.10.150 | Appointment of nominees for judges and clerks by the political parties (statutory date) |
| 2. June 1, 1980 | AS 15.25.040 | Last date for filing nomination by declaration of candidacy (statutory date) |
| 3. June 1, 1980 | AS 15.25.150 | Last date for filing nomination by petition (statutory date) |
| 4. June 16, 1980 | AS 15.25.040 | Date by which nomination must be complete (statutory date) |

5. June 16, 1980 AS 15.25.150 Date by which nomination must be complete (statutory date)
6. July 12, 1980 AS 15.25.056 Last date for nomination by party petition where unopposed incumbent candidate for reelection dies, is disqualified, or is incapacitated (45 days before primary)
7. July 15, 1980 Six weeks before primary election under present law
8. July 17, 1980 AS 15.07.140 List of registered voters to be displayed in the precinct by director (40 days before election)
9. July 17, 1980 AS 15.10.080 Last date for designating precinct boundary in primary (40 days before election)
10. July 17, 1980 AS 15.25.055 Last date for candidate to remove his name from the primary ballot (40 days before primary)
11. July 27, 1980 AS 15.07.070 Voter registration ends for the primary election (30 days before election)
12. July 27, 1980 AS 15.07.125 Director of elections prepares official registration list (30 days before election)
13. July 27, 1980 AS 15.10.130 Party representatives appointed for state ballot review (30 days before election)

- | | | | |
|-----|-----------------|--------------|--|
| 14. | July 27, 1980 | AS 15.20.190 | District absentee ballot counting boards and district questioned ballot counting boards appointed (30 days before election) |
| 15. | August 1, 1980 | AS 15.15.050 | Director of elections to have election materials in supervisors' offices (25 days before election) |
| 16. | August 2, 1980 | AS 15.30.025 | Last date for qualification of limited political party (presidential years: 90 days before general election) |
| 17. | August 11, 1980 | AS 15.20.048 | Director of elections to have ballots for absentee voting in supervisors' office (15 days before election) |
| 18. | August 11, 1980 | AS 15.20.061 | Absentee voting in person starts (15 days before election) |
| 19. | August 11, 1980 | AS 15.20.071 | Absentee voting by personal representative starts (15 days before election) |
| 20. | August 12, 1980 | | <u>Twelve weeks before the general election; proposed last date on which to file declarations and petitions of candidacy</u> |
| 21. | August 17, 1980 | AS 15.58.030 | Candidates' material for voter pamphlet must be in (75 days before general election) |

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|-----|-------------------|--------------|---|
| 22. | August 17, 1980 | AS 15.58.040 | Parties' material for voter pamphlet must be in (75 days before general election) |
| 23. | August 17, 1980 | AS 15.58.050 | Judicial officer material for voter pamphlet must be in (75 days before general election) |
| 24. | August 19, 1980 | AS 15.20.620 | Computers tested (7 days before election) |
| 25. | August 19, 1980 | AS 15.20.081 | Last date to apply for absentee ballot by mail (7 days before election) |
| 26. | August 19, 1980 | AS 15.20.201 | Review of district absentee ballots starts (7 days before election) |
| 27. | August 26, 1980 | AS 15.25.020 | Date of primary election (4th Tuesday in August) |
| 28. | August 29, 1980 | AS 15.20.205 | Review of district questioned ballots starts (3 days after election) |
| 29. | September 1, 1980 | AS 15.25.200 | Last date name of a candidate not nominated in a primary may be removed from the general election ballot (statutory date) |
| 30. | September 3, 1980 | AS 15.20.205 | Review and counting of district questioned ballots is completed (8 days after election) |

31. September 4, 1980 AS 15.20.203 Certification of district absentee ballot counting (within 9 days after election)
32. September 4, 1980 AS 15.20.207 Certification of district questioned ballot counting (within 9 days after election)
33. September 5, 1980 AS 15.15.440 State ballot counting review begins (8 days after election and is completed no later than 15 days after election)
34. September 10, 1980 AS 15.20.430 Recount requested (5 days after state review is completed; to be completed itself within 10 days)
35. September 23, 1980 Six weeks before the general election under present law; date of proposed primary
36. September 26, 1980 AS 15.07.140 Director of election to display list of registered voters in precinct (40 days before election)
37. September 26, 1980 AS 15.10.080 Last date to make precinct boundary changes for general election (40 days before election)
38. September 26, 1980 AS 15.25.110 Last date for party petition to fill vacancies created by disqualification, incapacity, or death of party nominee (40 days before election)

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|-----|------------------|--------------|---|
| 39. | October 5, 1980 | AS 15.07.070 | Voter registration closes for general election (30 days before election) |
| 40. | October 5, 1980 | AS 15.07.125 | Director prepares official list of registered voters (30 days before election) |
| 41. | October 5, 1980 | AS 15.10.180 | Appointment of part representatives for state canvass [review] (30 days before election) |
| 42. | October 5, 1980 | AS 15.20.190 | District absentee ballot counting boards appointed (30 days before election) |
| 43. | October 5, 1980 | AS 15.58.080 | Distribution of voter pamphlet (30 days before election) |
| 44. | October 10, 1980 | AS 15.15.050 | Director of election to have election materials in supervisors' offices (25 days before election) |
| 45. | October 20, 1980 | AS 15.20.048 | Absentee balloting starts in election supervisors' offices (15 days before election) |
| 46. | October 20, 1980 | AS 15.20.061 | Absentee voting in person starts (15 days before election) |
| 47. | October 20, 1980 | AS 15.20.071 | Absentee voting by personal representation starts (15 days before election) |

48. October 29, 1980 AS 15.20.620 Computer testing starts (7 days before election)
49. October 29, 1980 AS 15.20.201 Review of district absentee ballots starts (7 days before election)
50. October 29, 1980 AS 15.20.031 Last date to apply for absentee ballot by mail (7 days before election)

It had been my initial goal to identify sections creating problems and then to solve those problems. Because that might have put me ahead of you on this proposal, it seems adequate to identify those sections of the law which unarguably will need amendment because they fall essentially outside the framework of your proposal.

Under present law [Items 4,5], a candidate may file a partial-declaration of candidacy by telegram and then complete it within 15 days. It seems that the director may need to know earlier who is going to be on the primary ballot and I suggest that this grace period be eliminated.

Under present law [Item 6], when an unopposed incumbent candidate for renomination dies, is disqualified, etc., 45 or more days before the primary, the party may replace his name on the ballot. Since the 45-day period is outside of the deadline for filing declarations of candidacy [only 42 days occur between the last date for the declarations and the date of the primary], it will be necessary either to eliminate the option or to shorten the time within which the name must be submitted. The director will need to consider what the minimum time for the printing and distribution of the ballots is; this becomes the deadline for such a party petition.

Similarly, under present law [Item 10], a candidate may remove his name from the ballot up to 40 days before the primary; this period becomes meaningless when the declarations are due 42 days before the primary. The privilege can be eliminated or the period shortened.

Senator Vic Fischer
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January 23, 1981

Under present law [Items 15, 44], the director is required to have the election materials, including ballots, in the election supervisors' offices 25 days before the particular election. Absentee balloting starts no later than 15 days before the particular election. [Items 17, 18, 19, 45, 46, 47]. Thus, it seems that there is a ten-day grace period which under the 1980 amendments becomes available for absentee voting. See, AS 15.20.048(b). Readjustments in this area may become necessary.

And finally, Item 38 permits a party to fill a vacancy created by the death, disqualification, or incapacity of a party nominee no later than 40 days before the general election. This prerogative needs to be foreshortened or eliminated.

It is altogether possible that the director will have additional suggestions for amendments; those identified here seem unarguable.

I regret the delay in the preparation of the analysis. I suggest that you may wish to raise these issues with Patty Ann Polley before I proceed to draft a bill; in any case, I am available to discuss this matter at your convenience.

I am also enclosing an analysis of the state elections held in 1978.

RAB:jdn

Enclosure

BILL ANALYSIS

CS HJR 9 " Proposing an amendment to the Constitution of
(HJR P) the State of Alaska relating to elections for
candidates for Governor and Lieutenant Governor
and for members of the legislature."

COMMENTS: From research of materials published by the
National Clearinghouse of Election
Administration, published in August, 1978
and entitled BALLOT ACCESS.

The determination of elected officials by a majority vote
(50% + 1) of the votes cast in an election, is practiced in
only one state, Louisiana. Like Alaska and Washington,
Louisiana is a blanket primary state, allowing any qualified
voter to vote on any public office in either the primary or
general elections without regard to voter or candidate party
affiliation.

Only if a candidate receives a majority vote in the
Louisiana primary, running without regard to party
affiliation, is that candidate elected to office as a result
of the primary vote totals.

If no candidate receives a majority vote, the two candidates
receiving the most votes are entered on the general election
ballot, and the candidate receiving the majority wins the
elective office. Importantly, no minor or new political
parties may nominate candidates solely for the general
election, as in Alaska and Washington states.

Most importantly, no state has a majority-vote runoff
election provision for the general election, that is, after
the November election date. Rather, the process of
nomination by majority vote is accomplished by subsequent
runoff primaries in only 9 states. These runoff primary
elections are held within 30 days after the initial party
preferential primary. (See attached calendar) These runoff
primaries are also along party lines, and can include or
exclude major and minor party ballots, according to the
state party rules.

For example: Major parties (20% of the entire vote cast) in
Alabama may decline to run in the primary election, while in
Arkansas, major parties must conduct a primary to place on
the general election ballot. The conclusion is that this
method of selection has a long history to attribute to this
involvement of closed party primaries.

The other states with primary runoff elections based on majority vote are Florida, Georgia, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas. These states all have preferential party and runoff primaries that follow.

CONCLUSION: If Alaska is to remain a blanket primary state, based on the premise that 54% of our registered voters are designated, (by choice) as non-partisan voters, then closed party preferential primaries as held in the South would be inappropriate to adopt as a method of implementing majority voting.

The Louisiana example could apply here however, if all Alaska candidates run together in the primary without regard to party affiliation, but simply list their party preference after their name. This could allow the election of officials, should any candidate win a majority vote, after the sole primary; or selection of the top two vote getters to run in the general election should a majority vote not be achieved.

OPTION 2

Since no other state has a majority voting provision in the general election, with the exception of Louisiana by consequence of not achieving this in the primary, it is difficult to gauge the values or conflicts of such a proposed system.

An obvious conflict is the time schedule for taking office in Alaska; any election held subsequent to the first week on November runs into the gamut of holidays, the defined term of the Governor and Lieutenant Governor and the Start of the Legislature.

By the same token, a runoff primary after late August will interfere with the municipal and RFAA school board elections in early October.

Another avenue is to set Alaska's initial primary for early July with all the candidates running for their party nominations as now. If a majority vote was received by any candidate, declare him the party nominee; otherwise have a runoff primary between the top two vote getters of each recognized political party. These winners, along with any that file the proper petition of voters, would appear on the general election in November, with the plurality voting method as the determinate.

This suggested scenario would approach Alaska's:

- 1) current blanket primary voting patterns;
- 2) time schedule for holding office after November, paper ballot delays;
- 3) desire for open, blanket voting among some party description in the primary;
- 4) desire to consider all candidates and party description in the primary;
- 5) the conflict with REAA elections and municipal elections in October should the runoff be held after the late August primary.

MAJORITY VOTE DETERMINATIONS FOR CANDIDATES FOR STATE OFFICE

EXAMPLE 1 : PRIMARY AUGUST 28, 1984 GENERAL November 6, 1984

all candidates for each office run on same ballot without regard to party affiliation, just reference

any candidate that receives 50% + 1 is declared winner

otherwise, top two votegetters run in November general, allowing a majority vote winner in each race.

EXAMPLE 2 : NOMINATING PRIMARY JULY 10, 1984 RUNOFF August 28

all candidates for party nomination file, run and are voted for as occurs now in Alaska's primary.

any candidate that receives 50% + 1 of that party's votes proceeds directly to general election as nominee.

otherwise, top two votegetters of each party race run in statewide runoff primary on August 28, 1984. The party winners are the general election candidates.

Since more than one party will be on general ballot, general election is decided by plurality vote.

EXAMPLE 3 : PRIMARY August 28 GENERAL Nov. 6 RUNOFF Jan. 8, 1985

all candidates file, run and are nominated as now occurs in Alaska's primary election system.

candidates for general election are joined by others who gain ballot access by petition, write-in. Those who receive majority vote are declared winners.

all other races where no majority is achieved, a runoff election is scheduled after recounts, contests, and receipt of all ballots between top two votegetters of each race yet undecided.

* statute governing term of governor, lt. gov conflicts.

VOTING INFORMATION-1982

APPENDIX B (PRIMARY ELECTIONS)



This chart lists primary election dates scheduled by States, Territories, and the District of Columbia; primary runoff dates to be held (if required); and Federal and State officials to be nominated in the primaries who will run in the general election November 2, 1982. NOTE: This election information is subject to change. Voting officers and counselors should be contacted to determine whether changes have been made after date of publication. Not all officials to be nominated will necessarily appear on each state's primary ballot.

STATE	PRIMARY DATE	RUNOFF PRIMARY	OFFICIALS TO BE NOMINATED FOR THE GENERAL ELECTION				STATE
			FEDERAL		STATE (SEE KEY)		
			U.S. Senator	U.S. Representative	Governor	Other	
Alabama	Sept. 7, 1982	Sept. 28, 1982	--	7	Yes	JCCA-SIN SR-SR-LEG-AG-SS-T-PSG-SSC-CJ-CCA-AU-CA	Alabama
Alaska	August 24, 1982	--	--	1	Yes	LG-SIN SR	Alaska
Arizona	Sept. 7, 1982	--	Yes	6	Yes	SCJ-SS-CRC-JAC-AG-T-SP-SIN SR	Arizona
Arkansas	May 23, 1982	June 8, 1982	--	6	Yes	LG-SS-AG-SCJ-T-AU-C-SIN SR	Arkansas
California	June 8, 1982	--	Yes	46	Yes	LG-SS-AG-SC-T-SP-SIN SR	California
Colorado	Sept. 14, 1982	--	--	6	Yes	LG-T-SS-AG-AUC-SR-SIN SR	Colorado
Connecticut	Sept. 7, 1982	--	Yes	6	Yes	LG-SS-T-COMP-AG-SIN SR	Connecticut
Delaware	Sept. 11, 1982	--	Yes	1	--	AU-AG-T-SIN SR CD	Delaware
District of Columbia	Sept. 14, 1982	--	--	1	--	MAYOR-CHAIRMAN CITY COUNCIL-CITY COUNCIL MEMBERS	District of Columbia
Florida	Sept. 7, 1982	Oct. 18, 1982	Yes	19	Yes	SS-AG-CA-CJ-COMP-T-SIN SR	Florida
Georgia	August 10, 1982	At. Oct. 21, 1982	Yes	10	Yes	LG-SS-AG-CA COMP-SS-SIN SR-SCJ-DCA-JSC-DA-CL-PSG	Georgia
Guam	Sept. 4, 1982	--	--	1	Yes	LG-JSC-LEGISLATIVE DIST. STATE SCHOOL BOARD DIST. SEATS	Guam
Hawaii	Sept. 18, 1982	--	Yes	2	Yes	LG-SIN SR	Hawaii
Idaho	May 25, 1982	--	--	2	Yes	LG-SS-AG-AU-T-SP-NCJ	Idaho
Illinois	March 18, 1982	--	--	22	Yes	LG-SS-COMP-T-SIN SR-SCJ-JAC-CC-LOGA	Illinois
Indiana	May 4, 1982	--	Yes	10	--	SIN SR-T-AU-GO-SR	Indiana
Iowa	June 8, 1982	--	--	6	Yes	LG-SS-AU-T-AG-SR SAQ	Iowa
Kansas	August 2, 1982	--	--	1	Yes	LG-SP-T-CD SR	Kansas
Kentucky	May 23, 1982	--	--	7	--	NO STATEWIDE ELECTIONS FOR STATE OFFICIALS	Kentucky
Louisiana	Sept. 11, 1982	--	--	11	--	DISTRICT SEATS 14	Louisiana
Massachusetts	June 8, 1982	--	Yes	2	Yes	SR-SIN SR	Massachusetts
Maryland	Sept. 14, 1982	--	Yes	0	Yes	LG-COMP-AG-SIN SR-DC-JCC-CD-HD	Maryland
Massachusetts	Sept. 14, 1982	--	Yes	11	Yes	LG-SS-AG-T-AU-SIN SR	Massachusetts
Michigan	August 3, 1982	--	Yes	16	Yes	LG-SS-AG-SIN SR-RUM-1MSU-GWSC-SR-SSC	Michigan
Minnesota	Sept. 14, 1982	--	Yes	6	Yes	LG-SS-AU-T-AD-SIN SR-CJ-SSC-DC-CDC	Minnesota
Mississippi	Sept. 14, 1982	--	Yes	6	Yes	LG-SS-AU-T-AG-SIN SR-CJ-SSC-DC-CDC	Mississippi
Missouri	June 1, 1982	June 22, 1982	Yes	5	--	NO STATEWIDE ELECTIONS FOR STATE OFFICIALS	Missouri
Montana	August 2, 1982	--	Yes	0	--	AU	Montana
Nebraska	June 8, 1982	--	Yes	2	--	PSG-JS-GO-DC-SIN SR	Nebraska
Nevada	May 11, 1982	--	Yes	3	Yes	LG-AG-SS-AU-T-PRC-SR-AL	Nevada
Nevada	Sept. 14, 1982	--	Yes	2	Yes	LG-SS-AG-COMP-T-SIN SR-CJ-SAB	Nevada
New Hampshire	Sept. 14, 1982	--	--	2	Yes	SIN SR-CD-GO	New Hampshire
New Jersey	June 8, 1982	--	Yes	14	--	NO STATEWIDE ELECTIONS FOR STATE OFFICIALS	New Jersey
New Mexico	June 1, 1982	--	Yes	3	Yes	LG-SS-AU-T-AG-PL-CRC	New Mexico
New York	Sept. 14, 1982	--	Yes	24	Yes	LG-COMP-AG-SIN SR-CJ-SAB	New York
North Carolina	May 4, 1982	June 1, 1982	Yes	11	--	JSC-SCJ-DCA-EJ-DA-CD-SR-JSH	North Carolina
North Dakota	June 8, 1982	--	Yes	1	--	CL-PSG-SCJ	North Dakota
Ohio	June 8, 1982	--	Yes	21	Yes	LG-SS-AG-AU-T-SSC	Ohio
Oklahoma	August 24, 1982	Sept. 21, 1982	--	6	Yes	LG-T-CRC-AG-AU-SS-CD-SR-SIN DCA	Oklahoma
Oregon	May 18, 1982	--	--	5	Yes	CL-SP-SCJ-DCA-DC-JCC-DA-SIN SR	Oregon
Pennsylvania	May 18, 1982	--	Yes	23	Yes	LG-SIN SR	Pennsylvania
Puerto Rico	None	--	--	--	--	NO COMMUNAL AUTHORITY ELECTIONS IN 1982	Puerto Rico
Rhode Island	Sept. 14, 1982	--	Yes	2	Yes	LG-SS-AG-T-SIN SR	Rhode Island
South Carolina	June 8, 1982	June 28, 1982	--	6	Yes	SR STATE LEGISLATURE	South Carolina
South Dakota	June 1, 1982	--	--	1	Yes	LG-SS-AG-AU-T-CR/PL-PLC-SIN SR	South Dakota
Tennessee	August 8, 1982	--	Yes	9	Yes	SR-SIN-DAG-CD-JS	Tennessee
Texas	May 1, 1982	June 8, 1982	Yes	27	Yes	LG-SIN SR-GO-CD	Texas
Utah	Sept. 14, 1982	--	Yes	3	--	NO STATEWIDE ELECTIONS FOR STATE OFFICIALS	Utah
Vermont	Sept. 14, 1982	--	Yes	1	Yes	LG-SS-T-AC-AG-JP-SA-SIN SR-PCD-GO	Vermont
Virginia	June 8, 1982	--	Yes	10	--	ND	Virginia
Virgin Islands	Sept. 14, 1982	--	--	1	Yes	SR-BIL-SIN	Virgin Islands
Washington	Sept. 14, 1982	--	Yes	8	--	SR-SIN SR-CJ	Washington
West Virginia	June 1, 1982	--	Yes	6	--	SIN SR	West Virginia
Wisconsin	Sept. 14, 1982	--	Yes	9	--	SIN SR-SAB-JCCA	Wisconsin
Wyoming	Sept. 14, 1982	--	Yes	1	Yes	SS-AU-T-SP-SR-SIN SR-CJ-DC	Wyoming

*Key to Identification of "Other Officials"

AC	Attorney General	DCA	Judge, District Courts of Appeal	PLC	Public Utility Commissioner
AG	Attorney General	SJ	Judge, District Courts	PLC	Regents, University of Colorado
AL	Member, Board of Education	SA	Superintendent, General Assembly	PLC	Regents, University of Montana
BE	Member, Board of Education	GO	General Officer	SA	State Assessor
CA	Commissioner of Agriculture	GWSC	Governor, Western State University	SAG	Secretary of Agriculture
CE	Commissioner of Education	HO	House of Delegates	SAJ	State Assessor
CI	Commissioner of Insurance	JAC	Judge, Appellate, Appellate Courts	SBJ	Members, State Board of Education
CL	Chief Justice	JCC	Judge, Circuit Court	SCJ	Supreme Court Justice
CM	Commissioner of Labor	JCA	Judge, Court of Last Appeal	SPH	State Senators
CO	County Officer	JF	Judge of the Peace	SPH	Supervisors of Public Health
COE	County Officer	JG	Judge	SPH	State Inspectors
COE	Judge, County Courts	JSC	Judge, Superior Court	SS	Secretary of State
COMP	Comptroller	LC	Local Commissioner	SSC	Assistant Attorneys at Law, State Supreme Court
CP	Commissioner of Public Lands	LS	Local Supervisor	SSS	State Superintendents of Schools
CPC	Commissioner of Commerce	LD	Local Officer	T	State Treasurer
DA	District Attorney	ML	Member of Legislature	TRU	Treasurer, Michigan State University
DAG	District Attorney General	P	Private Judge		
DC	Judge, District Courts	PLC	Public Utility Commissioner		

SEE YOUR VOTING COUNSELOR OR OFFICER

(NAME)

(LOCATION)

PHONE NO. _____

I. REQUEST

Bill/Resolution No.: CSHJR 8
 Title: Proposing an amendment...
 Sponsor: Judiciary Committee
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Office of the Governor
 Program Category Affected: Div. of Electio
 BRU, Program of Subprogram(s) Affected:
Division of Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Dana C. Coffman - Deputy Director Phone: 586-6181
 Division: Division of Elections Date: April 4, 1983

Approved by Commissioner: _____ Date: _____
 Department: _____

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
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FISCAL ANALYSIS FOR CSHJR 8

"Proposing an amendment to the Constitution of the State of Alaska relating to elections for candidates for governor and lieutenant governor and for members of the legislature."

The amendments proposed by this resolution would appear on the 1984 general election ballot. Because the Division of Elections plans for the inclusion of constitutional amendments this resolution does not have a fiscal impact.

CS HJR 9 "Proposing an amendment to the Constitution of the State of Alaska relating to elections for candidates for Governor and Lieutenant Governor and for members of the legislature."

ANALYSIS : This bill would require that any candidate for state elective office (executive and legislature) receive 50% of the votes cast for the office plus one vote, in the general election. If a candidate for office does not receive this amount, a runoff election shall be held between the top two vote getters.

A review of the 1982 legislative races shows that, if this law were then in effect, one (1) Senate race and eight (8) House races would require runoff elections. It should be noted that in every one of these nine races there were strong Libertarian and Independent candidates.

	<u>Senate #15&16</u>	<u>House #5 A</u>	<u>House #5 B</u>	<u>House #10 B</u>	<u>House #14 B</u>
winner %	41%	45%	49%	48.2%	49%
lack #	-876	-504	-101	-145	-95

	<u>House #16 B</u>	<u>House #18</u>	<u>House #19</u>	<u>House #17</u>
winner %	36%	41%	48.7%	42%
lack #	-1529	-425	-66	-363

Additionally, for point of reference, there were two (2) Senate races won with 50% plus 6 and 12 votes respectively, four (4) Senate race won between 51% and 55%, and four (4) House races won with barely more than 50% (plus 12, 34, 60 and 63 votes respectively)

As was noted previously in comments on the original HJR 9, all gubernatorial races except 1970 would have required a runoff election. Even the decisive 17,000 vote margin of the 1982 race left the winner with 45% of the ballots cast for that race, again due to the strong showing of the Libertarian and Independent candidates.

Analysis : Present state election law, Title 15, does not contain provisions for runoff elections. However, AS 15.15 and AS 15.20 address absentee ballot counts, questioned ballot counts, the State Ballot Counting Review process, certification of elections and 10 day notice of election.

The following schedule sets out the election calendar for 1984:

November 6, 1984	GENERAL ELECTION	AS 15.50.020
November 14, 1984	District Absentee & Questioned Ballots are counted	AS 15.20.201 AS 15.20.205
November 14, 1984	State Ballot Counting Review begins	AS 15.15.440
November 21, 1984	Last day to receive all ballots and certificates	AS 15.15.440
November 26, 1984	Certify General Election	AS 15.15.450
December 1, 1984	Last day to request recount(s) for any race, precinct, question	AS 15.20.430
December 6, 1984	Last day to set date of recount(s)	AS 15.20.460
December 11, 1984	Last day to hold recount of General Election	AS 15.20.480
December 21, 1984	Last day to complete recount	AS 15.20.480
December 30, 1984	Last day to give notice and issue order for runoff election	AS 15.15.070
January 8, 1985	Preparation of ballots, printing and distribution of absentee ballots Runoff Elections (Tuesday, not a holiday)	

SUMMARY OF VOTER TOTALS, PERCENTAGES OF GOV. ELECTIONS, GENERAL
1962-1982

YEAR	TOTAL VOTES	CANDIDATE #1 / %	CAN. #2 / %	CAN. #3 / %	CAN. #4 / %
1962	60,084 (56,681)*	29,627 49.3% (52.2%)	27,054 45% (47.7%)		
1966	67,361 (66,294)	33,145 49.2% (49.9%)	32,065 47.6% (48.3%)	1084 1.6% (1.6%)	
1970	82,405 (80,779)	42,309 51.3% (52.3%)	37,264 45.2% (46.1%)	1206 1.4% (1.4%)	
1974	98,557 (96,163)	45,840 46.5% (47.6%)	45,553 46.2% (47.3%)	4770 4.8% (4.9%)	
1978	129,705 (126,910)	49,580 38.2% (39.%)	33,555 25.8% (26.4%)	25,656 19.8% (20.2%)	
			<u>CAN. #4 / %</u>	<u>CAN. #5 / %</u>	
			15,656 12. % (13. %)	2,463 1.9% (1.94%)	
1982	199,358 (194,511)	89,918 45.1% (46.2%)	72,291 36.2% (37.1%)	29,067 14.5% (14.9%)	
			<u>CAN. #4 / %</u>		
			3235 1.6% (1.66%)		

* NOTE: These numbers and percentages in ()s are totals excluding votes not cast for one of the candidates listed above; all small write-in votes.

COMMENTS REGARDING HJR 9 "...relating to the elections of candidates
for the offices of Governor and Lt. Governor"

TUESDAY 2/8 House Judiciary Committee

HJR 9 proposes an amendment to the Alaska Constitution which, if approved by the voters, would require that elections of the Gov. and Lt. Gov. be decided by receipt of 50% of the votes plus one in the general election.

If no candidate were to receive 50% plus one vote, then a runoff election would be scheduled at least two weeks after certification, but before the last Tuesday of November.

* NOTE: If this were law, all gubernatorial races except 1970 would have required a runoff election. Even the decisive 17,000 margin of the '82 race left the winner with 45%.

The Division of Elections has the position that the time limits set on the certification and runoff would be difficult to meet.

As the Governor's term of office is defined in Article III Sec. 4, it "shall begin at noon on the first Monday in December following the general election". The Division sees this requirement as the end limit under which an HJR 9 scenario could occur, unless this section is amended or repealed.

One month is not enough time to hold and certify two elections.

Additionally, as weather rapidly deteriorates in Alaska in November, weather may prevent another vote taking place, ballots distributed properly to all areas of the state or a proper count conducted.

Finally, the Division of Elections, after reviewing the margins of victory and percentages of the last 6 Governor races, contends that to achieve a 50% margin in the General Election that no more than two candidates should be on the ballot. Only in this way could runoff elections be avoided. But the Division does not advocate this position, as it would deny access to the ballot by third party and write-in candidates.

I. REQUEST

Bill/Resolution No.: CSHJR 8
 Title: Proposing an amendment...
 Sponsor: Judiciary Committee
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Office of the Governor
 Program Category Affected: Div. of Electio
 BRU, Program of Subprogram(s) Affected:
Division of Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

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FULL-TIME						
PART-TIME						
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