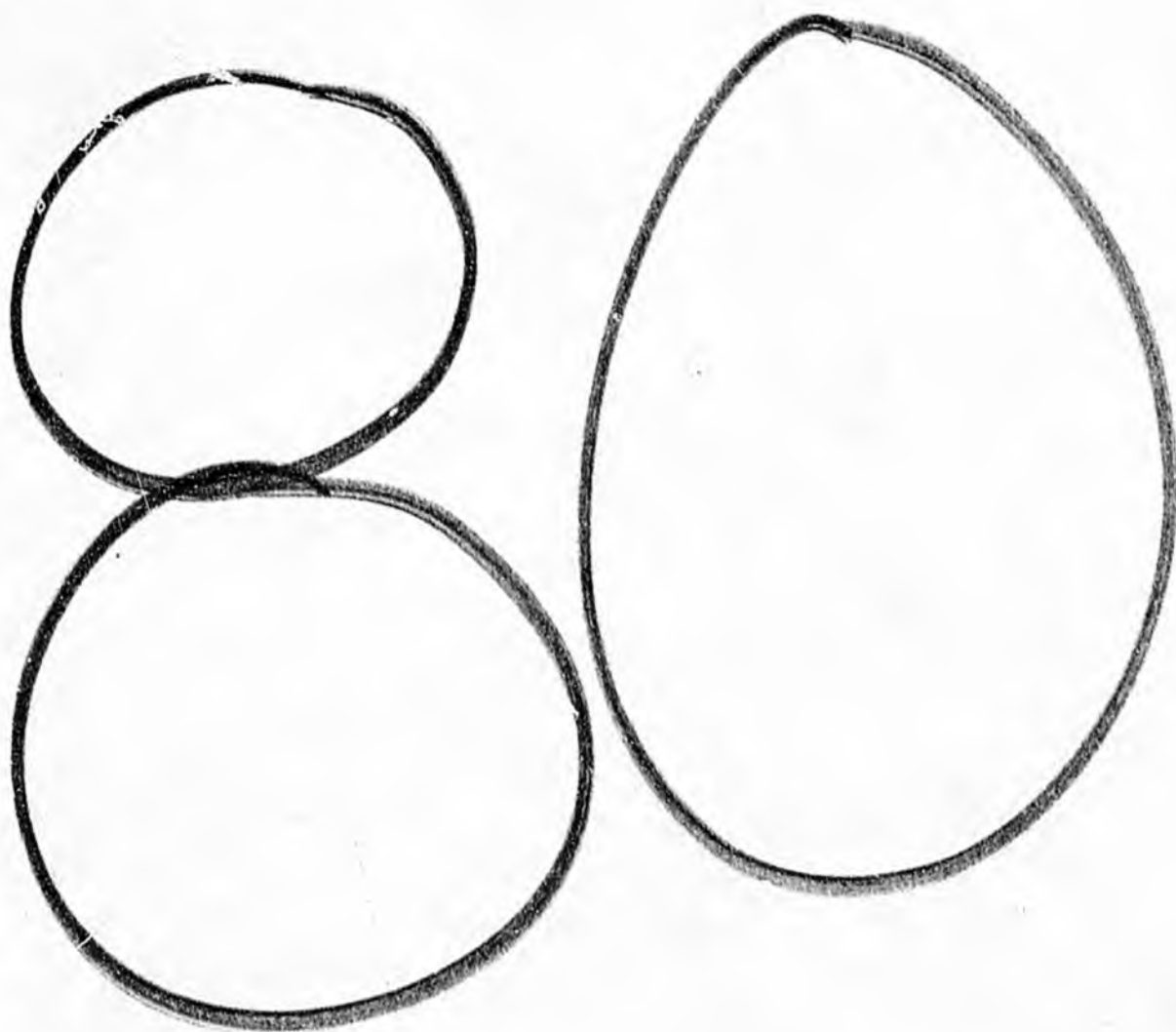


H B



Alaska State Legislature



IN SESSION:
POUCH V
JUNEAU ALASKA 99811
(907) 465-4949

BOX 142
EAGLE RIVER, ALASKA
99577
(907) 684-4499

Representative Randy Phillips
HOUSE DISTRICT 15

TO: REPRESENTATIVE MITCH ABOOD
CHAIRMAN, HOUSE STATE AFFAIRS COMMITTEE

FROM: REPRESENTATIVE RANDY PHILLIPS

DATE: JANUARY 31, 1983

RE: HOUSE BILL 80

On the day of the 1982 general election, the Anchorage area experienced a power outage, caused by person or persons unknown who shot out a power line in the Anchorage area. While power was restored to some of the Anchorage bowl by about 6:00 p.m. that day, power was not restored to outlying areas (including the Chugiak-Eagle River area) until 12:30 a.m. the next morning. Additionally, the normally 45-minute to an hour trip from the downtown Anchorage area to places of residence in Chugiak-Eagle River took approximately two hours because of traffic signal light malfunction and traffic tieups. Many persons in my district have expressed to me that they just assumed the polling places would be closed (for lack of lighting) or that they left town at the normal time, only to arrive home too late to vote because of the traffic problems.

According to an article in the November 3 Anchorage Times, "Stray Bullet Stalls Traffic, Voters, Power," page C-1, Attorney General Wilson Condon stated that after review of the situation and the law, he determined that there was "Absolutely no authority to extend the polling time."

The proposed legislation presently before your committee in the form of House Bill 80 is an attempt to rectify this matter so that if a natural disaster or something on the order of the Anchorage situation occurs in later years, there will be some authority for some action if any action is deemed necessary.

I. REQUEST

Bill/Resolution No. House Bill No. 80 -- "An Act providing for the
Title extension of the time for voting on election day under certain
 Requested by Representative Phillips Date 1/24/83
circumstances.

II: FISCAL DETAIL

Agency Affected Office of the Governor
 Program Category Affected Division of Elections
 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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS
 NONE

FULL TIME						
PART TIME						
TEMPORARY						

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

No additional fiscal impact will be incurred with House Bill No. 80.

IV. DATE 1/24/83

Danith D. Arnoldt
 PREPARED BY Danith D. Arnoldt, Deputy Director
 AGENCY Office of the Governor, Division of
 PHONE 586-6181 Elections

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

Polling Hours for the General Election

	Polls open	Polls close	Notes on Hours
ALABAMA	8 a.m.	6 p.m.	Opening and closing times not mandatory: polls must be open at least 10 consecutive hours
ALASKA	8 a.m.	8 p.m.	
ARIZONA	6 a.m.	7 p.m.	
ARKANSAS	8 a.m.	7:30 p.m.	Polls may open at 7 a.m.
CALIFORNIA	7 a.m.	8 p.m.	Charter cities may set different hours for municipal elections
COLORADO	7 a.m.	7 p.m.	
CONNECTICUT	6 a.m.	8 p.m.	
DELAWARE	7 a.m.	8 p.m.	
FLORIDA	7 a.m.	7 p.m.	
GEORGIA	7 a.m.	7 p.m.	In cities of 100,000 or more, polls remain open until 8 p.m.
HAWAII	7 a.m.	6 p.m.	Voters standing in line at 6 p.m. may vote. No one may join line after 6 p.m.
IDAHO	8 a.m.	6 p.m.	Polls close 8 p.m. or earlier when all registered electors of the precinct have appeared and voted. County clerk has option of opening polls at 7 a.m.
ILLINOIS	6 a.m.	7 p.m.	
INDIANA	6 a.m.	6 p.m.	
IOWA	7 a.m.	9 p.m.	
KANSAS	7 a.m.	7 p.m.	Hours may be changed by election authorities, but polls must be kept open at least 12 consecutive hours between 6 a.m. and 8 p.m.
KENTUCKY	6 a.m.	6 p.m.	Persons in line may vote until 7 p.m.
LOUISIANA	6 a.m.	8 p.m.	Persons in line at 8 p.m. are entitled to vote.
MAINE	Between 6 a.m. & 10 a.m.	Between 8 p.m. & 9 p.m.	Only municipalities using voting machines have the option of staying open until 9 p.m.
MARYLAND	7 a.m.	8 p.m.	
MASSACHUSETTS	May open as early as 5:45 a.m.; must be opened by 10 a.m.	8 p.m.	In cities and towns, the polls shall be kept open at least 10 hours
MICHIGAN	7 a.m.	8 p.m.	
MINNESOTA	7 a.m.	8 p.m.	Municipalities of less than 1,000 may establish hours of 9 a.m. to 8 p.m.
MISSISSIPPI	7 a.m.	6 p.m.	
MISSOURI	6 a.m.	7 p.m.	
MONTANA	8 a.m. 12 p.m.	8 p.m. 8 p.m. or earlier when all have registered in any precinct have voted	In precincts of less than 100 registered voters.

Polling Hours for the General Election (cont.)

	Polls open	Polls close	Notes on Hours
NEBRASKA	7 a.m. 8 a.m.	7 p.m. 8 p.m.	Mountain Time Zone. Central Time Zone.
NEVADA	7 a.m.	7 p.m.	
NEW HAMPSHIRE	Varies	Varies	Cities: Polls open not less than 4 hours and may be opened not earlier than 6 a.m. nor later than 8 p.m. Small towns: In towns of less than 700 population the polls shall be open not less than 5 consecutive hours. On written request of 7 registered voters the polls shall be kept open until 6 p.m. In towns of less than 100 population, the polls shall close if all on the checklist have voted. Other towns: Polls shall open not later than 10 a.m. and close not earlier than 6 p.m. On written request of 10 registered voters the polls shall be kept open until 7 p.m.
NEW JERSEY	7 a.m.	8 p.m.	
NEW MEXICO	8 a.m.	7 p.m.	
NEW YORK	6 a.m.	9 p.m.	
NORTH CAROLINA	6:30 a.m.	7:30 p.m.	In voting precincts where voting machines are used, county board of elections may permit closing at 8:30 p.m.
NORTH DAKOTA	Between 7 a.m. & 9 a.m.	Between 7 p.m. & 9 p.m.	
OHIO	6:30 a.m.	7:30 p.m.	
OKLAHOMA	7 a.m.	7 p.m.	
OREGON	8 a.m.	8 p.m.	
PENNSYLVANIA	7 a.m.	8 p.m.	
RHODE ISLAND	Between 7 a.m. & 12 noon	9 p.m.	
SOUTH CAROLINA	8 a.m.	7 p.m.	Lancaster County is allowed to keep polls open until 8 p.m.
SOUTH DAKOTA	7 a.m. 8 a.m.	7 p.m. 8 p.m.	Mountain Time Zone. Central Time Zone.
TENNESSEE	Varies	8 p.m. EST 7 p.m. CST	Polls must be open minimum of 10 and maximum of 13 continuous hours
TEXAS	7 a.m.	7 p.m.	In counties of more than one million population the polls may be opened at 6 a.m.
UTAH	7 a.m.	8 p.m.	
VERMONT	Between 6 a.m. & 10 a.m.	Not later than 7 p.m.	Polls must be open at least 9 consecutive hours during the day.
VIRGINIA	6 a.m.	7 p.m.	
WASHINGTON	7 a.m.	8 p.m.	
WEST VIRGINIA	6:30 a.m.	7:30 p.m.	
WISCONSIN	7 a.m. 7 a.m.	8 p.m. 8 p.m.	1st, 2nd and 3rd class cities. 4th class cities, villages and towns. Opening hours extendable by governing body to not earlier than 7 a.m.
WYOMING	8 a.m.	7 p.m.	

SOURCE: *The Book of the States 1982-83*, (Lexington, Kentucky: The Council of State Governments, 1982) p. 106-7.

MEMORANDUM

State of Alaska

TO: Wilson L. Condon
Attorney General
Juneau - AGO

Mrs Minor

DATE: November 13, 1982

FILE NO:

TELEPHONE NO:

FROM: Elizabeth Page Kennedy
Assistant Attorney General
and
Gayle W. Savage, Investigator
Anchorage - AGO

SUBJECT: Effect of Power
Outage on Voting
Procedures

As a result of the power outage in the Anchorage area on November 2, 1982, an investigation was initiated at the request of the Attorney General to determine whether or not election procedures at the polls were adversely affected and whether or not the voters in those areas were deprived of their right to vote.

The investigation included interviews with officials of Chugach Electric, Municipal Light & Power, the Anchorage Police Department, the Federal Bureau of Investigation, officials of the Division of Elections, and members of the election boards from the election precincts directly affected by the power outage.*

I. Extent of Power Outage

According to Robert H. Day, an engineer for Municipal Light and Power, there were two power outages in Anchorage on

* A list of election board members interviewed follows this report.

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DIRECTOR OF ELECTIONS

Election Day, November 2, 1982. The first occurred at approximately 7:00 a.m. and power was restored at about 7:45 a.m. The second power outage in Anchorage occurred at about 4:00 p.m. and was caused by an apparent act of vandalism** which caused a power line belonging to Chugach Electric to fall across a power line belonging to Municipal Light and Power. The resulting overload and power surge caused power to go out throughout much of Anchorage. Power in Anchorage west of Muldoon Road was restored by approximately 6:15 p.m. Power east of Muldoon to Eagle River was not restored until as late as 1:00 a.m. the following morning.

According to officials in the Division of Elections, the following 28 polling places reported power outages:

1. District 10, Precinct 84 (Stellar School, 2508 Blueberry, Anchorage)
2. District 10, Precinct 86 (Rogers Park Elementary School, 1400 East Northern Lights Blvd., Anchorage)
3. District 10, Precinct 88 (North Star Elementary School, 605 W. Fireweed, Anchorage)
4. District 10, Precinct 89 (West High School, 1700 Hillcrest Dr., Anchorage)
5. District 11, Precinct 104 (Enstar, 3000 Spenard Road, Anchorage)
6. District 11, Precinct 111 (West High School, 1700 W. Hillcrest Dr., Anchorage)
7. District 12, Precinct 120 (Inlet View School, 1219 'N' Street, Anchorage)

** The cause of the power outage was not the subject of this investigation but is being investigated by the FBI. Agent Kampher of the FBI indicated that at this point in time, there is no evidence to suggest that the motive for the vandalism, if in fact it was vandalism, was to affect election results.

8. District 12, Precinct 121 (Pioneer Home, 923 West 11th Ave., Anchorage)
9. District 12, Precinct 122 (Denali Elementary School, 148 East 9th Ave., Anchorage)
10. District 12, Precinct 123 (Fairview Elementary School, 1317 Nelchina, Anchorage)
11. District 12, Precinct 124 (Airport Heights Elementary School, 1510 Alder, Anchorage)
12. District 12, Precinct 126 (Alaska Sales & Service, 1300 East Fifth Ave., Anchorage)
13. District 12, Precinct 127 (Chugach Elementary School, 1205 "E" St., Anchorage)
14. District 12, Precinct 128 (Government Hill Elementary School, 525 E. Bluff Road., Anchorage)
15. District 13, Precinct 140 (Lake Otis Elementary School, 3331 Lake Otis Pkwy., Anchorage)
16. District 13, Precinct 141 (College Gate Elementary School, 3104 Sunflower, Anchorage)
17. District 13, Precinct 142 (Baxter Elementary School, 2991 Baxter Road, Anchorage)
18. District 13, Precinct 143 (East High School, Bragaw and Northern Lights Blvd., Anchorage)
19. District 13, Precinct 144 (Russian Jack Elementary School, 4420 East 20th Ave., Anchorage)
20. District 13, Precinct 147 (Clark Jr. High School, 150 S. Bragaw, Anchorage)
21. District 14, Precinct 160 (Baxter Elementary School, 2991 Baxter Road, Anchorage)
22. District 14, Precinct 170 (Bartlett High School, 25500 North Numdoon, Anchorage)

23. District 15, Precinct 184 (Homestead Elementary School, 2901 Baranof Drive, eagle River)
24. District 15, Precinct 185 (Northland Baptist Church, Eagle River Loop Road, Eagle River)
25. District 15, Precinct 186 (First Baptist Church, Old Glenn Highway, Eagle River)
26. District 15, Precinct 187 (Eagle River Elementary School, Old Eagle River Road, Eagle River)
27. District 15, Precinct 188 (Chugiak High School, Birchwood Loop, Chugiak)
28. Statewide Precinct at Anchorage International Airport

Of the above-listed polling places, power was restored to all before or by about 6:15 p.m. except for the five polling places in District 15 (Chugiak, Eagle River) where power was not restored until after midnight.

II. Auxillary Power or Supplemental Lighting

With the exception of precincts 12-121, 12-126, 14-170, 15-185, 15-186, and the statewide polling place at Anchorage International Airport, all of the polling places were equipped with auxillary power sources and those persons working at the polling places were able to move polling booths and punch machines beneath lighted areas so that those voting could see more clearly.

At the precinct polling places which were not equipped with auxillary power, election board members usually were able to move the punch machines and booths near windows until supplemental sources of light such as candles, flashlights and lanterns, could be obtained.

All board members that were interviewed reported that supplemental light was obtained very quickly; many reported that due to the morning power outage, they brought flashlights with them to the polls and were prepared when the power went out in the evening. In addition, precinct workers reported that school principals, custodians, as well as the voters were very cooperative in providing light sources to the poll workers.

III. Ballot Security

All board members interviewed reported that despite the power outage, security of the ballots and the procedures ensuring the integrity of the voting process were not compromised. In most instances, those signing the precinct registers were separated from those waiting to vote and those voting. Reports indicated that at no time did four or five voters have ballots in hand waiting to vote. Many precincts used a card system whereby those who had signed the register received cards and in turn traded the card for a ballot. Other precincts did not give voters ballots until booths and flashlights became available.

All precincts reported that despite less than ideal lighting conditions, visual contact and control were maintained throughout the power outage.

Finally, all precincts reported that throughout the entire election day, including the period of time the power was out, the ballot box was attended by a precinct worker and a source of light was near the ballot box to ensure security.

IV. Poll Closures

All board members interviewed except those in precinct 13-143 indicated that their precincts closed the polls at 8:00 p.m. Precinct 13-143 closed the polls at 8:01 and allowed two people to vote who had come in by way of a back door and were in the building at 8:00 p.m.

Fourteen of the precincts that reported a power outage, also reported that persons arrived at their polling place after closure of the polls and were not allowed to vote. The total number of people denied access to the polls ~~after~~ closure in these 14 precincts was about 30 with precinct 15-185 (Eagle River) reporting about four or five people arriving too late to vote.

Those denied access to the polls in some cases indicated to the precinct workers that they had had a difficult time getting from their work in Anchorage to the polling place due to fog and traffic. Others indicated that they had heard on the radio or television that because of the power outage, polling places might be open late. Many indicated that they simply did not make it to the polls in time and offered no excuse.

According to precinct workers interviewed, the number of people who arrived late at the polls and were not allowed to vote did not differ appreciably from previous elections.

V. Questioned Ballots

Board members interviewed reported a range of 33 to 103 questioned ballots in their precincts. People generally cast questioned ballots because their names were not on the precinct register. Others told precinct workers that due to traffic delays, they would not be able to get to their polling places before the 8:00 p.m. poll closure. Others simply indicated that due to traffic congestion, it was inconvenient to vote at their regular polling places.

Board members indicated that the number of questioned ballots generally did not differ significantly from previous elections and where significant differences did occur, may have been a result of redistricting as well as problems associated with the power outage.

All those interviewed indicated that when a voter wanted to cast a questioned ballot, they were advised, if time permitted, to vote at their correct precinct so that the voter could vote for the local legislative candidates for their district but in all cases, if the voter wanted to vote a questioned ballot at their precinct, the precinct workers allowed voters to do so.

VI. Complaints by Voters

Nearly all precinct workers interviewed indicated that generally, voters were very cooperative and praised the election workers for an admirable job in light of the conditions. It was reported that some voters complained of long lines, or the inconvenience involved in getting to the polls, or of the poor lighting conditions, but those complaints were few in number. None of those interviewed reported people walking away from the polls without voting because of lines or conditions. Some voters did indicate they would vote later after polls were a bit less crowded and did return. While voters generally were inconvenienced by traffic congestion and, in some cases, insufficient light, board members indicated that the atmosphere was a bit more jovial and voters more cooperative as a result of the power outage.

Generally, board members reported that, subsequent to the election, they had not talked with any people who absolutely had been unable to vote either in their own district or cast a questioned ballot in another district as a result of the power outage.

VII. Conclusions

The power outage in the Anchorage area has raised three primary concerns:

- 1) whether or not security of the ballots and integrity of the voting procedures as practiced by the election boards was compromised;
- 2) whether or not voters were deprived in any way of their right to vote;
- 3) whether or not the turnout by voters was affected by the power outage.

With regard to the security of the ballots and the integrity of the procedures followed by the election boards, it appears that neither were compromised despite less than ideal lighting conditions. Board members seem to have been very careful with regard to the security of the ballots by ensuring that ballot boxes were under constant supervision and under adequate light. Those signing the voter register generally were kept separate from those obtaining ballots. Those receiving ballots were generally limited to a small number of people and various procedures were used to safeguard against non-registered persons obtaining ballots. Finally, while in many instances lighting limitations required that voting booths be abandoned, voters were able to vote in relative privacy and sufficiently lighted areas.

Interviews with board members indicated that the polling places were open until 8:00 p.m. and that voting was not interrupted except in some instances for a very short period of time, a few minutes at most, to enable board members to find supplemental lighting or to move voting booths or punches to lighted areas.

All of the precinct boards allowed voters to cast questioned ballots if voters chose to do so but if time permitted, encouraged voters to vote at the proper polling places

so that voters could vote for candidates in their legislative districts.

Apparently, some people indicated that they heard on the radio or television that the polls might be open later than 8:00 p.m. According to the Division of Elections, no release or statements by the Division were made to the media that polling hours would be extended. This misinformation was apparently a result of conjecture by certain members of the media. In fact, the Division of Elections enlisted the assistance of the Anchorage Police Department and the Alaska State Troopers to notify election boards that the polls would officially close at 8:00 p.m.

Finally, with regard to how the outcome of the elections was affected by the power outage, it is impossible to determine how many voters did not participate in the election as a result of the power outage. There is no question that traffic congestion, as a result of inoperative traffic signals, may have affected the ability of many people to vote in areas that were both directly and indirectly affected by the power outage. Officer Hutchison of the Anchorage Police Department indicated that some traffic arteries were congested as much as 45 minutes to an hour after power was restored. On the other hand, members of election boards reported that while many people were delayed by as much as two hours in getting to the polls, there generally was enough time for most voters to make it to their precincts. In addition, there was nothing prohibiting persons from casting questioned ballots at more convenient locations which many voters in fact did.

A look at the percentage of registered voters who cast ballots in the November 2 election (excluding questioned and absentee ballots) shows that the turnout in those precincts directly affected by power outages ranged from 43.4 percent (District 12, Precinct 127, a downtown Anchorage location) to 67.1 percent (District 15, Precinct 187, an Eagle River precinct). The figures cited are not intended to be used to explain voting patterns, only to show that the power outage did not necessarily adversely impact voter turnout in areas where power was out for a period of time.

The conclusion to be drawn then is that while many people may have been inconvenienced and delayed by the power outage in the Anchorage area, a majority of the people registered to vote did vote and while others may not have voted, most had the opportunity to vote either at their proper precincts or to

Wilson L. Condon
Attorney General

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cast questioned ballots in other precincts. In addition, despite less than ideal conditions in those precincts without power, order and control over the security of the ballots and integrity of the voting procedures was maintained by election board members. It does not appear that anyone was deprived of the right to vote nor was that right compromised by improper conduct or negligence on the part of election boards.

ELECTION BOARD MEMBERS INTERVIEWED

1. District 10, Precinct 84: Kathryn Marshall (274-4724) and Holly Brown (337-3897)
2. District 10, Precinct 86: Lela Morgan (272-1882) and Clara Tappley (279-9873)
3. District 10, Precinct 88: Hazel Gallagher (277-7832) and Janet Boylan (694-5387)
4. District 10, Precinct 89: Kay Linton (272-6961) and Marjean Dunaway (277-5356)
5. District 11, Precinct 104: Martha Proudfoot (277-8854) and Lorraine Russo (274-4149)
6. District 11, Precinct 111: Carol Merbs (277-2760) and Suzanne Stefano (279-4338)
7. District 12, Precinct 120: Dorothy Wilcox (277-5906) and Phyllis Kempton (274-8138)
8. District 12, Precinct 121: Grace Nurse (272-1989) and Eileen Hickey (272-1609) and Frieda Plumb (272-2929)
9. District 12, Precinct 122: Cindy Bline (345-1067) and Inez Parko (272-1866)
10. District 12, Precinct 123: Dorothy Seitz (272-4832)
11. District 12, Precinct 124: Gayle Hunter (279-4668), Pat Robar (279-3981) and Peggy Hicklin (279-1001)
12. District 12, Precinct 126: Eileen Rink (272-4155) and Deanna Wieskamp (277-4554)
13. District 12, Precinct 127: Mary McKenzie (277-0448) and Vivian Hearig (272-8177)
14. District 12, Precinct 128: Gloria White (277-0439) and Lorraine Bennett (279-5396)
15. District 13, Precinct 140: Margaret Barr (276-3136) and Dianne Acheson (276-1281)
16. District 13, Precinct 141: Sparky Rumfelt (337-2903) and Marge McLaughlin (333-5485)
17. District 13, Precinct 142: Ruth Deary (333-8003)

Attachment 1
Effect of Power Outage on
Voting Procedures

November 13, 1982
Page 2

18. District 13, Precinct 143: Mary Ann Bartholomew (333-7327) and Donna Luiten (333-7583)
19. District 13, Precinct 144: Shirleen Noble (337-6376) and Paula Lund (337-1978)
20. District 13, Precinct 147: Mary Topolski (272-8291) and Hermine Beuwkamp (337-2057)
21. District 14, Precinct 160: Francis Pitzke (337-7335) and Tammy Townsend (337-5665)
22. District 14, Precinct 170: Anna Campbell (333-7633) and Alpha Brown (333-5677)
23. District 15, Precinct 184: Phyllis Janke (694-2712) and Marty Rourke (694-9153)
24. District 15, Precinct 185: Norma Kindred (694-2283) and Annette LaPage (694-2534)
25. District 15, Precinct 186: Hazel Arndt (694-2310) and Lorraine Pederson (694-9125)
26. District 15, Precinct 187: Mary Whitman (694-5084) and Alma Werre (688-2634)
27. District 15, Precinct 188: Rita Lane (688-2507) and Mickie Delk (688-3347)
28. Statewide Precinct at International Airport: Shirley Looney (428-2937)