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STATE OF ALASKA THE LEGISLATURE

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JUNEAU, ALASKA 99811
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary	4-24-85	1:30 pm
" "	1-23-86	1:30 pm
" "	1-28-86	1:30 pm
" "	1-30-86	1:30 pm
House State Affairs	3-13-85	3:00 pm

COMMITTEE REPORT

HOUSE

7/15
JUDICIARY

(7)

FURTHER: FINANCE

1/25/85

Date: March 13 1985

The Committee on STATE AFFAIRS has had HB 110

"An Act amending the election laws of the state, and providing for an effective date."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

CHAIRMAN

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
JUNEAU, ALASKA 99811-3974

PHCNE (907) 465-4611

MEMORANDUM

January 10, 1985

The Honorable Mike Miller
Chairman
House Judiciary Committee
P. O. Box V
Juneau, AK 99811

Subject: House Bills 110 and 284

Dear Representative Miller:

We appreciate your interest in seeing that House Bills 110 and 284 are calendared in your committee early this session. It is our understanding that consideration has been given to merging these two bills into one in the interest of efficiency and we wholeheartedly support this endeavor. We are confident that doing so will in no way hinder the efforts of the committee in considering their merits.

As you will recall, both bills were scheduled for hearing last session, but only House Bill 284 was actually heard. At that time there were a couple of questions raised, and the bill was tabled. We responded to those questions and sent additional supporting information to you and each member of the committee.

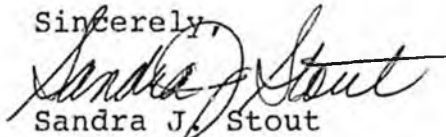
House Bill 110, on the other hand, was not heard. This bill is also very important because it includes provisions for amending the definition of political party, and signature requirements for nominating petitions for limited and no party candidates. The current statutes were ruled unconstitutional by the Alaska Supreme Court.

We have also been asked to bring to your staff's attention any additional changes which should be made. Enclosed are two such changes which deal with relatively simple issues.

The Honorable Mike Miller
January 10, 1986
Page 2

With the 1986 elections coming up faster than we realize, we appreciate your generous consideration of these bills. They are extremely important to us, and will greatly enhance the election process in our State.

Sincerely,



Sandra J. Stout
Director

cc: The Honorable Stephen McAlpine
Lieutenant Governor

SUGGESTED AMENDMENTS

1. AS 15.07.070(b) should be amended by deleting the words:

"..and, in addition, shall provide the certification required by AS 09.65.012".

Note: This section allows a person registering to vote by mail to have the registration form witnessed by an official authorized to administer an oath, or by two persons over the age of 18. The certification current statutes require is a statement that no official was available. This represents an additional certification being attested to by the voter above and beyond that which is required by all voters when registering. We feel that it puts an extra burden on the voter, especially those in rural areas, and provides little benefit to the registration process.

2. AS 15.15.070(c) should be amended by deleting the words:

"...the boundary of the precinct"

Note: This section relates to the information which is to be put on three posters in each precinct giving notice of an election. There are 442 precincts in Alaska resulting in the preparation of 1326 posters. Having legal descriptions preprinted on this many posters is impossible because we would be printing only three of each kind. Therefore, staff must clip and paste each legal description on each poster by hand. Legal descriptions are not easy to understand. In addition, each voter is sent a polling place card before the major elections which tells his/her precinct and where the polling place is. The complete list of polling places for all precincts are also included in the Official Election Pamphlet sent to each voter, and in newspapers across the state prior to the elections.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 22, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the conduct of state elections.

Sections 1 -- 9 propose modifications that correct problems identified by the division of elections in conducting the 1984 state elections. Many of these housekeeping measures remedy procedural difficulties that arise under current law. Sections 1 through 3 of the bill, for example, provide a more workable procedure to assure that persons convicted of a felony involving moral turpitude may not vote before their unconditional discharge. Current law purports to suspend their voting privileges, but in practice the current statutory scheme is exceedingly difficult, if not impossible, to properly implement.

Another procedural revision is set out in sec. 4. It allows the director to appoint more than one four-person team to assist in the state ballot counting review. While preserving the bipartisan quality of the state review, this provision will enable the division of elections to announce final election results in a more timely fashion.

Of a more substantive nature, sec. 6 eliminates the requirement that, in order for a questioned ballot to be counted, the voter's certificate must be attested by an election official. This requirement needlessly prevents an otherwise valid ballot from being counted where the voter has complied with all procedures but a harried election worker fails to countersign the voter's certificate.

Sections 9 -- 19 contain amendments required as a consequence of the Alaska Supreme Court decisions in Vogler v. Miller, 651 P.2d 1 (Alaska 1982), and Vogler v. Miller, 660 P.2d 1191 (Alaska 1983).

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 110
 Title: Amending State Election
 Laws
 Sponsor: Rules Committee
 Requestor: Governor
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Office of the Governor
 Program Category Affected: _____
 Division of Elections
 BRU, Program or Subprogram(s) Affected: _____
 Division of Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	9.6	-0-	19.2	-0-	19.2	-0-
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	*9.6	-0-	19.2	-0-	19.2	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	9.6	-0-	19.2	-0-	19.2	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	*9.6	-0-	19.2	-0-	19.2	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

*Indicates the amount included in the FY85 budget for the State Canvas Board.

This fiscal note does not identify the need for additional funds until FY87 when the next major statewide elections will be held. In FY87, \$19.2 has been identified to enlarge the existing Board from 4 to 8 members in order to speed up the certification process.

Prepared By: Sherry Valentine, Deputy Director Phone: 465-4611

Division: Division of Elections Date: 1/18/85

Approved by Commissioner: [Signature] Date: 1-18-85
 Agency: Lt. Gov.

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
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- Office of Management and Budget
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7/1/84

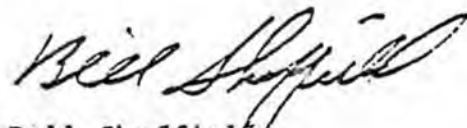
In particular, the court held that AS 15.25.160 and AS 15.60.010(20) are unconstitutional as being unduly restrictive of ballot access and as to other consequences of "political party" status. AS 15.25.160 requires that a petition for the nomination of candidates for the office of governor, lieutenant governor, United States senator, and United States representative be signed by qualified voters equal in number to at least three percent of the number of votes cast in the preceding general election. AS 15.60.010(20) defines "political party" as a group of organized voters that represents a political program and that nominates a candidate for governor who received at least 10 percent of the vote cast at the preceding general election for governor.

The bill amends those two sections to reduce the required percentages to one percent and three percent, respectively. The bill also amends other sections to similarly reduce the required percentages in light of the Vogler decisions. Of less significance, and more in the nature of a housekeeping amendment, the bill amends the sections to refer to percentages of the number of ballots cast in the preceding general election, instead of the number of "votes" cast.

In the Vogler litigation, the superior court declared AS 15.25.180(10) unconstitutional, and that ruling was not part of the supreme court argument or decision. That section deals with the requirements for petitions for the nomination of candidates for the general election. Paragraph (10) requires that subscribers to petitions state that they "intend to vote for the candidate at the general election." Section 20 of the bill repeals AS 15.25.180(10).

I believe that this bill will provide greater clarity and more workable requirements, and, as a consequence, will improve the administration of state elections.

Sincerely,



Bill Sheffield
Governor

COMMENTS IN SUPPORT OF HB 110

Submitted By:

Division of Elections
February 18, 1985

The recommended changes to Title 15 of the Alaska Statutes, which are proposed in House Bill 110 reflect modifications to correct problems identified by the division of elections in conducting the 1984 elections. Many of the recommendations are housekeeping measures and offer remedies to procedural difficulties which arise under current statutes. Others are more substantive in nature.

Sections 1 - 3

These sections of the proposed bill relate to the provisions of the Title which are in place to assure that persons convicted of felonies involving moral turpitude are prevented from voting prior to their unconditional discharge. Under current law upon release of the convicted person from the authority of the court, their voting rights are to be restored automatically by the division, with no action required by the individual. Not only does this create an almost impossible recordkeeping and tracking chore for the division and the Department of Corrections, it affords the individual purged for felonious conviction a convenience not offered the ordinary purged voter. A purged voter whose only omission is no voting activity in two consecutive years must reapply to be reinstated as a registered voter. It is our purpose to also require convicted felons to initiate their own re-registrations.

Section 4

In this section we are suggesting an amendment which allows the director to appoint more than one four-person team to assist in the certification process. As the state has grown and registration rolls and voter turnout have dramatically increased, the certification process has become more and more difficult to complete in a reasonable amount of time. It is estimated that certification requires the review of nearly 65,000 mathematical calculations over 440 precincts state-wide. This amendment would allow the director to appoint additional teams as needed to assure that the process can continue to be completed in a reasonable amount of time. The criteria for selecting and appointing these teams would not change.

Section 5

The amendment suggested under this section adds a registration official to the list of individuals eligible to serve as sole witnesses to the affidavits of voters voting by mail. Often voters assume that a registrar, as an election official, is authorized to be a witness. In many cases in Alaska's smaller communities registrars know the voter personally. In addition, at absentee-in-person voting stations the election worker is the witness. The purpose of adding registrars to the list for by mail voters is to offer greater convenience to the voter.

Section 6

This section relates to questioned ballots, and proposes to delete the omission of an authorized witness's execution of the voter's certificate as a justification for not counting the ballot. Because questioned ballots are voted in person, there are safeguards in place to assure that the ballot is cast legitimately. The witness attesting the certification filled out and signed by the voter is an election worker. Under the current statute, the requirement needlessly prevents an otherwise valid ballot from being counted where the voter has complied with all procedures, but a harried election worker fails to countersign the ballot. In the 1984 General Election, while this circumstance was not the rule, 16 voters were disenfranchised through no fault of their own. While it is not the intent of the division that the requirement be eliminated altogether, it is recommended that this omission, in and of itself, should not be grounds for challenging a vote.

Section 7

Under current statutes, a candidate requesting a recount may select representatives to observe and participate in the recount process. Often candidates choose to represent themselves. These observers and candidates are currently paid for this participation at the same rate as the counting team members. In essence, the candidate pays the nominal fee of \$250, as appropriate, and is then repaid for participating.

Section 8

The addition of this section formalizes the authority of the director to supervise punch-card voting and counting procedures as necessary. This formal placement of final authority is critical, especially under emergency circumstances which often occur during the counting of ballots on election night. An example of such a circumstance was the failure of the

mainframe computer in Anchorage during the 1984 Primary Election, when the decision to go to the back up system had to be made quickly. This addition will clarify the role of the director in making such decisions while coordinating the work of the Data Processing Review Boards otherwise responsible for testing and implementing the actual computer counting of ballots. Timely and responsive decisions by a single authority is required to see that the counting process continues to proceed smoothly and efficiently.

Section 9

The amendment seeks to make the filing fees paid by candidates non-refundable. In addition it deletes the provision that these fees be paid to the central committee of the political party of that candidate.

Sections 10-19

The proposed amendments to these sections are in response to an Alaska Supreme Court decision in Vogler v. Miller, 651, P.2d 1 (Alaska 1982), and Vogler v. Miller, 660 P.2d 1191 (Alaska 1983).

In particular, the court held that AS 15.25.160 and AS 15.60.010(20) are unconstitutional as being unduly restrictive of ballot access and as to other consequences of "political party" status. AS 15.25.160 requires that a petition for the nomination of candidates for the office of governor, lieutenant governor, United States senator and representative be signed by qualified voters equal in number to at least three percent of the number of votes cast in the preceding general election. AS 15.60.010 (20) defines "political party" as a group of organized voters that represents a political program and that nominates a candidate for governor who received at least 10 percent of the vote cast at the preceding general elections for governor.

The bill amends those two sections to reduce the required percentages to one percent and three percent, respectively. The bill also amends other sections to similarly reduce the required percentages in light of the Vogler decision.

Of less significance, and more in the nature of a housekeeping amendment, the bill also amends the sections to refer to percentages of the number of "ballots" rather than the number of "votes" cast. While in a specific district the number of ballots cast will remain constant, the number of votes may vary from race to race or issue to issue. This amendment merely simplifies the computing of the number of signatures required.

In the Vodler litigation, the superior court declared AS 15.25.180(10) unconstitutional, and that ruling was not part of the supreme court argument or decision. That section deals with the requirements for petitions for the nomination of candidates for the general election. Paragraph (10) requires that subscribers to petitions state their intent to vote for the candidate at the general election. The bill repeals this section.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

PHONE: (907) 586-6181

February 20, 1985

The Honorable Katie Hurley
Chairperson
State Affairs Committee
Alaska State House of Representatives
Pouch AF
Juneau, AK 99801

Subject: Comments in support of House Bill 110, "An Act amending the elections laws of the state; and providing for an effective date."

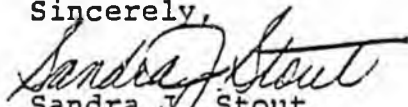
Dear Representative Hurley:

Enclosed for the information and review of your committee are comments in support of HB 110 which is scheduled to be heard on Thursday, February 21, 1985. They include a brief description of the specific amendments being proposed, as well as some discussion of the rationale behind these changes. Many of the changes are housekeeping measures but there are a few which are more substantive in nature.

As you also requested, in addition to the comments we are submitting regarding HB 110 as it currently exists, I am offering some input on your proposed addition which would require a postmark on all absentee ballots cast by mail. We recognize the importance of the concerns you have raised in this vital area. At this point, our research indicates that the solutions may not be simple ones, and are looking forward to working with you and the committee on developing workable solutions.

We appreciate your personal interest in this bill. Please feel free to contact me if you or your committee would like additional information. Thank you for placing our bill on your agenda.

Sincerely,


Sandra J. Stout
Director

Enclosure

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

PHONE: (907) 586-6181

REQUIRED POSTMARKS: ABSENTEE BALLOTS BY MAIL

Prepared For

The Honorable Katie Hurley
Alaska State House of Representatives

February 20, 1985

Current Absentee By Mail Procedures

Under current election policies and procedures in Alaska, voters wishing to vote by mail are required to have their ballots marked and attested on or before the date of the election. Further, it is provided in AS 15.20.081(e), that the voter who returns the ballot by mail will use the most expeditious mail service, and mail the ballot not later than the date of the election. Finally, this statute mandates that "if the ballot is postmarked, it must be postmarked on or before election day."

Concern has been expressed that in the last part of the provision, the statute as written creates a potential for fraudulent or unethical use of the system. Specifically, since this part of the law only requires the election date stamped, if the ballot is postmarked, but does not require the postmark on all mailed absentee ballots, candidates could respond to election night returns by soliciting absentee voters who have not mailed in their ballots to do so in the few days right after the election. Because no postmark is required for counting, and because absentee ballots may be received in the mail for 15 days after the election, these late voters could still cast their ballots after the legal deadline. The concern has been raised that the division would have no way of knowing that the ballots were cast after election day. In the instances of close races these late ballots might have an impact on the outcome.

The division's first response to this concern is that both the voter and the attesting witnesses are required to stipulate the date of their signing the absentee affidavit. When no postmark appears on the envelope, it is this date that is

used to verify that the ballot was cast on or before election day. Assuming that in all other ways the ballot appears to be legitimately cast, and that it is received within the 15 day period, the ballot is counted.

U.S. Postal Service Policy

According to Mabel O'Connell, Assistant General Counsel, General Administrative Law, for the Postmaster General in Washington, D.C., current regulations require that on all first class mail, a postmark be affixed which by law will include full name of the post office handling the piece, state abbreviation, zip code, date of mailing, and a.m. or p.m. There are exceptions with regard to the first class mail requirement. Mail that is prepaid with a postal permit, even though it is for first class postage, will not be postmarked. Rather the post office processing the prepaid piece merely cancels the letter. This cancellation serves as a registration of postal usage for which the entity owning the permit will be charged for postage. Under this system the permit owner is charged only for the mail actually returned. Current estimates indicate that 27% of the ballots requested by mail in Alaska are not returned at all.

It has been the policy in Alaska to prepay return postage under a first class permit. Therefore, for the most part we would not expect a postmark on the majority of ballots submitted by mail.

Required Postmarks

In order to assure that to the greatest degree possible, all mailed absentee ballots are postmarked, the State would have to change its procedures to include requiring affixing a postage stamp to the return envelopes, rather than pre-printing the postal permit stamp as is currently being done. Two options are available.

State Pays Postage: If the State is to continue paying for postage on ballot returns, manual stamping will incur some additional costs. The process of preparing mailing packets for the voter (even before addressing, inserting ballots, coding, sealing and mailing occurs) consists of collating instructions, secrecy envelopes and manually folded return envelopes, which are then inserted in the outer mailer. These packets are also sorted by regional office to which the voter will eventually mail his or her ballots.

In keeping with its conversion to an automated data entry system which will take place by fall of 1985, the division is in the process of researching and designing

a computerized pull apart self-mailer which would eliminate most of the steps associated with the manual system used in the past. As a computerized mailing packet, there would be no need for any of the manual preparation steps described. The computer would automatically print the mailing address, and district and precinct of the voter, as well as the return of the appropriate regional supervisor based on the voting district, on the self-mailer in which all required materials are already enclosed. All that would be necessary at that point is to slip the ballots inside, and seal.

Requiring the manual placement of a postage stamp on the return envelope in order to assure that the ballot is postmarked would eliminate the possibility of using this streamlined and computerized mailer. Below are some of the costs incurred in the postage and manual preparation of the mailing packet based on an estimated 25,000 absentee by mail applicants anticipated for the 1986 General Election.

Printing of Materials	\$ 3,318
Postage @ .25 each	6,250*
Labor - manual preparation based on 50 packets per hour per employee @ Range 8 = 500 man hours	4,683
	<hr/>
	\$ 14,251

* With an estimated 27% of the ballots never returned, there is a waste of \$1,687 in postage not actually used for voting.

On the other hand, the computerized self-mailer would incur the following estimated costs.

Printing of Mailer Form	\$ 7,000
Postage based on a 73% return rate actually billed by Post Office	4,562
	<hr/>
	\$ 11,562

This represents a savings in just the preparation phase of \$2,599 over the manual system.

In addition, because the computer system would be linked directly to the mainframe registration program, the potential error factor would be reduced especially in the area of districting and precincting.

Voter Pays Postage: While this policy has not been utilized by the State of Alaska in the past, it should be explored for adoption in the future. Research indicates that in most states this is the norm. According to the Federal Election Commission in Washington, D.C. the vast majority of states require the voter to pay the postage. Of the western states contacted directly only California prepays postage.

Adopting this policy would obviously save the state from \$4,683 to \$6,250 based on 25,000 absentee applicants.

It should be noted however that many states require only civilian and in-country voters to pay their own postage, while military and overseas voters are allotted prepay returns. States making these allowances often do so under the provisions of the Overseas Citizens Voting Rights Act of 1975, which appears generally as 42 USCS ss 1973dd et seq, which provides that voting and other election materials may be mailed from any Armed Forces post office in an overseas area, unless otherwise prohibited by a treaty or other agreement, free of postage. It stipulates that such ballots may be segregated from other forms of mail and placed in special bags marked with special tags printed and distributed by the Postmaster General for this purpose.

At the present moment Alaska does not record the numbers of military voters voting by mail, as this information is not required on registration documents and no other system has been implemented for tracking this data. Even if the state were to continue to prepay ballot postage, use of this Federal provision would result in savings to the State.

Potential Impact of Voter Paid Postage on Ballot Return Rate

Consideration should be given to determining if there would be any negative impact resulting from voter paid postage requirements. As of the 1984 General Election, a sampling of a cross section of diversified districts throughout the State indicates that Alaska is averaging a 73% return rate of the absentee by mail ballots requested. It is difficult to say how this figure would decline if the voter was required to pay the postage, however, discussions with other states

indicate that this has not been detrimental.

While the Federal Election Commission reports that there are no solid figures recorded on the nationwide level, direct contact with western states does give us some information. Washington and Oregon for example, required voter paid postage. Each of them reports to us, however, an 85% to 90% return rate on absentee by mail ballots. California, on the other hand, prepays the postage. However in Los Angeles County, which they feel is representative of the state, they experienced a 35% return rate. It should be noted that about one month before the election, California sends each registered voter an application for an absentee ballot. Because of this mass mailing, their numbers of applicants are exaggerated to well beyond what would be considered average. Most of the states we contacted experienced an applicant rate of approximately 10%. In California it is believed that because they receive an application in the mail, more voters return them than actually intend or need to vote by mail. That could account for the low return rate of ballots.

Irregularities in Post Office Procedure

One of the elements which would have to be considered if the state were to require a postmark on all absentee by mail ballots as prerequisite for counting, is the lack of uniformity in the postmarking procedures actually implemented by individual post offices across the nation. There is no doubt that even on mail hand stamped with a postage stamp, there is a very good chance that no readable postmark will appear. In some cases it will merely be an omission on the part of the postal clerk, on others a voter will pay full postage but stamp it though a postage machine, while on still others a particular postal station just doesn't postmark at all. Based on discussions with the Federal Election Commission there is even a general understanding that the use of a date bearing postmark may be on the way out altogether.

No matter what the circumstances, attention would have to be given to the countability of ballots on which no readable postmark appears. We would have to ask ourselves if the postmark was a criteria for counting the ballot, how many legitimate voters would be disenfranchised through no fault of their own. One option would be to revert back to the verification of the date signed and attested by the voter and the witnesses, as we are currently doing.

Impact of Legislation Currently Being Considered in Congress

It should be noted that on January 24, 1985, House Resolution 639, and House Resolution 640 were introduced in Congress

which would amend the Federal election laws to provide that all absentee ballots be mailed free of postage. It calls for "any envelope or other cover containing such a ballot shall bear the words "Free Postage--Absentee Ballot" (or words to that effect specified by the Postal Service) in the upper right-hand corner". While this wording is duplicated in both, other issues are addressed in each of the separate resolutions.

If either of these resolutions were to pass, the free postage imprint on the envelope would most likely circumvent the necessity of any postmark as defined by current post office policy, therefore voiding our use of such a mark as a verification of timely mailing and a criteria for counting.

Alternative Safeguards to Assure Timely Voting

As an option to the required postmark as verification of timely voting which may only prove marginally feasible, we might want to give some thoughtful consideration to a more substantive change in our current election laws. That change would be in the deadline by which an absentee ballot would have to be received by the division, in order to be eligible for counting.

Specifically, the most sure way of avoiding the potential for fraudulent or unethical submission of late ballots which initiated our research into this area, is to require that all absentee ballots be received in the elections office by the close of the polls on election day. There is input from other states which supports this action as a reasonable and acceptable requirement.

With the exception of Washington, all other western states contacted directly reported that the election day deadline was a requirement in their statutes. Confirmation was also received from the Federal Election Commission, that this is the case in the vast preponderance of all states, and that extended deadlines such as that afforded voters in Alaska is the rare exception.

One consideration which seems relevant in determining the feasibility of this more restrictive deadline in Alaska is the possible impact of mail turnaround time, based on our very late primary election and the availability of general election ballots for distribution. It appears that most states regardless of their primary date, mail out their ballots in relatively the same time period as we do in Alaska, specifically, 3 to 4 weeks before the election.

In Oregon, for example, even with the tight deadline, they enjoy a 90% return rate.

It would be difficult to say how our own 73% return rate would be impacted by such a change in our laws, however, a cursory estimate from our regional supervisors indicates that even with our extended deadlines, approximately 80-85% of our absentee ballots are received by election day. In Anchorage it appeared that the percentage may be slightly lower. Of those ballots received after election day, there is no way to anticipate with accuracy how many are sent later specifically because of the extended deadline, or how many of them would be mailed earlier if the election day deadline for receipt were mandated.

Extended Deadline for Military and Overseas Voters Only

It is important to note an exception which appears to be becoming the trend across the nation. Because of test cases through the court brought by the Department of Defense, it is becoming clear that exceptions to the election day deadline will be built into the statutes of states requiring such a restriction. For example, Colorado whose statutes are very clear about the election day deadline is currently under a restraining order to extend the deadline for military and overseas voters by ten days. While Colorado has been reluctant to make such an exception many other states are embracing it willingly. Because of the slow turnaround mail time we experience for overseas and APO/FPO voters, Alaska would probably want to incorporate this exception into its laws if we were to adopt an election day deadline.

Advantages to an Election Day Deadline

The major advantages to such a deadline change are two. First, the possibility of untimely ballots being included in the count would be eliminated. Secondly, the new deadline would certainly enhance the faster announcement of election results. The two week delay while we await the receipt of absentee ballots would no longer exist. Candidates, particularly in close races, would know the outcome much more quickly. In addition, the certification process could also be completed many days sooner.

Absentee Deadlines Involved in Recounts

If changes were considered in the deadlines for receipt of absentee ballots, another area which should be reviewed is that of absentee ballots which under current law may be included in recount totals if received even later than the 15 day extended deadline, but before a recount. In very close races where one, two or three votes may separate the candidates, the inclusion of these very late ballots add all

new data to the recounted totals. In such races, the winner may be decided based on the sole impact of these previously uncounted ballots received too late to be included in certified results. If the purpose of a recount is to verify the accuracy of the vote count just completed, some thought might be given to the appropriateness of changing those results by introducing new data.

League of Women Voters of Alaska

February 19, 1985

Representative Katie Hurley
Chair
House State Affairs Committee
Juneau, Alaska

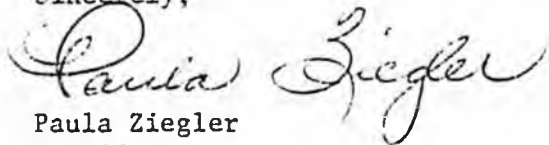
Dear Representative Hurley:

The League of Women Voters of Alaska supports the provisions in HB 110, making miscellaneous changes to the state's election laws.

It is our understanding that additional consideration may be given by your committee to absentee voting provisions. As a matter of principle, the League is strongly committed to making voting as easy as possible; however, we realize the potential for fraud can also exist, and we support efforts to tighten up the absentee voting procedures, as long as they do not appear to put an undue burden on a potential voter.

A letter written to the League this summer regarding a special class of absentee voters is enclosed. We had indicated to Ms. Shears that the League would do what we could to bring the problem she discusses to the attention of the appropriate policymakers. If HB 110 is going to be a vehicle for changes in the absentee voting mechanisms, we would appreciate your considering a solution to the problem she describes.

Sincerely,



Paula Ziegler
President
127 N. Franklin Street #909
Juneau, Alaska 99801

enc.



1066 Thomas Jefferson St., N.W., Washington, DC 20007 (202) 337-0712

Martha Hartman, Executive Director

July 20, 1984

Ms Paula Ziegler, President
LWV of Alaska
307 Bawden Street
Ketchikan, AK 99901

Dear Ms Ziegler,

It will be several more months before we know whether more overseas citizens cast ballots in 1984 than in 1980. But we already know that not all those who wish to vote will be able to do so. That is why we are writing to you now to ask for the Alaska League's support for electoral reform designed to help the overseas voter.

Alaska absentee ballots are mailed only 30 days before an election. But it generally takes 40-45 days for the ballots to reach voters overseas and to be returned by them for counting. As a result many Alaska voters living abroad are disenfranchised.

It may be that, like many other states, Alaska would have to overhaul its entire election calendar in order to be able to prepare and mail ballots earlier. This could be difficult. We would therefore like to draw your attention to a special write-in ballot as an alternative solution which is being adopted by a growing number of states. Connecticut, for example, has just this year revised this procedure and will in future mail blank ballots, together with a list of candidates for all the offices on the ballot, to all overseas voters whose ballot requests are received more than 45 days before an election or before regular ballots become available.

Last winter Henry Valentino, Director of the Federal Voting Assistance Program in the Department of Defense, wrote to Alaska officials recommending introduction of a 90-day write-in ballot for voters in extremely remote areas. To the best of our knowledge there has been no response to Mr. Valentino's suggestion. We would warmly welcome your support for enactment of the measure he recommended.

Sincerely,

Ursula H. Shears
Voting Coordinator
6525 32nd St., NW
Washington, DC 20015

Andrew P. Sundberg, Chairman 157 Route du Grand-Lancy 1213 ONEX Geneva, Switzerland