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COMMITTEE REPORT
SENATE

FURTHER:

3/22/85

Date 4/1/85

Mr. President

The Committee on STATE AFFAIRS considered SB 252
registration to vote and to applications for a ballot.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 252(SA)
 new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Tim Kelly
Eric Kay
V. [Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

Edo De Vries
Chairman
[Signature]
Chairman recommendation

Introduced: 3/22/85
Referred: State Affairs

*Admitted charge
See revision
Alameda, Alameda*

1 IN THE SENATE

BY RAY AND KELLY

2 SENATE BILL NO. 252

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to registration to vote and to
7 applications for a ballot."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 15.07.070 is amended by adding a new subsection to
10 read:

11 (g) In preparing forms necessary to achieve the purposes of this
12 chapter, the director shall ensure that a form used for the registra-
13 tion of a voter also permits the person to request the ballots for
14 each state election to be held that year and the director may accept a
15 single application from a person that requests registration and absen-
16 tee ballots for each state election to be held that year.

17 * Sec. 2. AS 15.20 is amended by adding a new section to read:

18 Sec. 15.20.082. ABSENTEE VOTING BY MAIL FROM OUTSIDE THE UNITED
19 STATES. (a) The director shall prepare special absentee ballots
20 under this section for use in a state primary, state general election,
21 and state special election where the voter expects to be living,
22 working, or traveling outside the United States at the time of the
23 election and unable to return the ballot by air mail within the time
24 required by this chapter.

25 (b) The director may not distribute an absentee ballot prepared
26 under this section earlier than 60 days before the date of the elec-
27 tion. The director shall identify on the ballot prepared under this
28 section the candidates, offices, ballot issues, and ballot questions
29 then expected by the director to be on the ballot. Except as provided

-15 days-

1 in AS 15.25.070, a voter may use the ballot to write in the name of an
2 eligible candidate for each office and vote on the ballot issues and
3 questions appearing on the ballot.

4 (c) Notwithstanding AS 15.20.081(b), an application for a ballot
5 under this section may be postmarked more than six months before an
6 election but the application shall be postmarked during the year in
7 which the election will be held.

STATE OF ALASKA

DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

OFFICE OF THE GOVERNOR

PHONE: (907) 586-6181

COMMENTS ON SENATE BILL NO. 252

Prepared by
The Division of Elections
April 1, 1985

The Division of Elections is sensitive to the issues that have prompted the introduction of Senate Bill 252, "An Act relating to registration to vote and applications for a ballot". The following comments are offered to share with the sponsors and with the committee, the Division's thoughts regarding first, the degree to which the proposed provisions address the existing problems, and second, other positive and negative impacts on the election process, which could be anticipated upon passage of this bill.

Our discussion will be divided to address the two separate provisions suggested by this bill:

1. Absentee applications included on all registration forms, and
2. Preparation of a special ballot to be used by military and overseas voters.

Each discussion will include brief comments on the provisions themselves, and the specific problems they address, as well as alternative suggestions for the sponsors' and the committee's consideration.

ABSENTEE APPLICATIONS INCLUDED ON ALL REGISTRATIONS FORMS

Background:

It is our understanding that correspondence received by various members of the legislature from the the Federal Voting Assistance Program, Office of the Secretary of Defense, prompted the introduction of this bill. That correspondence, which has also been received by the Lt. Governor, and the division, expresses concern that restrictive mail turnaround time prevents overseas individuals from being able to apply for and cast ballots in time to be

counted for a specific election. They also expressed concern that Alaska's policies and statutes require 3 and 4 separate communiques before a military individual can be processed for receiving an absentee ballot. Their perception is that in Alaska a military person wanting to vote absentee by mail must write to request registration forms, await receipt of the form, complete it and submit it to the division, then send in a request for an absentee ballot, await the ballots, and finally mail the voted ballots in for counting. If these requirements were indeed the case, it is easy to see that many military voters would be disenfranchised merely by the lengthy and confusing process of getting their ballots. It should be pointed out that there is some misunderstanding by the Department of Defense as to the actual requirements mandated by Alaskan statutes.

Federal Post Card Application:

The Department of Defense has developed a Federal Post Card which is designed to serve as both a registration form and an absentee ballot request. For the most part the form is adequate, however, it has one deficiency which causes difficulty for the individual seeking to use the form for Alaskan registration. Alaska statutes require that for registration purposes and in applying for an absentee ballot, the individual must provide a physical Alaskan residence address. Post office boxes and star route numbers are not sufficient. This specific requirement is not expressed to individuals using the federal post card. Therefore many individuals applying on this card give their post office box or other insufficient address which requires us to ask for more complete information. It is this specific circumstance which accounts for almost all of the additional correspondence we have had to impose on absentee voters using the federal post card.

It is our impression that SB 252 attempts to deal with this problem.

Solution provided by SB 252:

(Lines 9 - 17, pg 1) The new subsection to AS 15.07.070 suggested in this bill under (g) suggests that all registration forms prepared and used by the state should include an application for an absentee ballot. This solution would thereby eliminate the necessity of so much back and forth correspondence between the voter who needs to vote absentee, and the division, and, therefore, simplify absentee processing.

The division is concerned that the benefits derived from this proposal are overshadowed by the potential problems which could result from its implementation.

Major Concerns:

1. The provision suggested in section (g) attempts to solve the problems of a specific target group by offering a global solution, potentially expanding the difficulties to the entire registered population. 88% of the state's registered voters will have no need for, nor any intent to vote absentee. Of the 12% who vote absentee, 6.3% vote absentee in person and need not apply by mail at all. Of the 5.7% of the voters that vote by mail, an even smaller percentage vote from overseas. That means that in order to accommodate this small percentage of voters who need to vote from overseas, we are providing an application on the voter registration form for approximately 97% of the voting population.
2. By allowing an individual to apply for an absentee ballot at the time an individual registers to vote, or updates his or her registration, as is provided for in this bill, we can anticipate a dramatic increase in the potential number of individuals who will be receiving absentee by mail ballots. Because the bill allows people to do this at any time during the calendar year, there could be many months between the time they apply, and the actual election. As we have come to realize through experience, many people's plans change in the ensuing months, and they frequently forget to contact the division to notify us of their changes. We could therefore anticipate that many ballots sent out to these people would be returned as undeliverable, as people have moved between the time they registered and applied for an absentee ballot and the time of the election.
3. It is also important to point out that the registration form is a permanent record, which for some individuals may need no updating, resubmission or revision for many years. Therefore it would be up to the division to cycle through every registration filed within a given year on which there was a request for an absentee ballot, to pull the absentee request from the person's permanent record for subsequent years.
4. The administrative burden on the division in monitoring the accuracy of the absentee by mail

voter list would be almost impossible to deal with. Unreported name changes during the extended timeframe would result in votes not being counted. It would be difficult to monitor the accuracy of permanent and temporary address changes as well. Finally, it would be impossible unless notified by the voter, to determine when the need for the absentee ballots requested at the time of registration, ceased to exist between one election and the next in the applicable year.

5. We could also find that because the option is presented at the time they register, many people who would normally vote at the polls, would apply for absentee by mail ballots even though they have no need for them. Aside from the increased fiscal impact on the state, we feel there could be an increased potential for voter fraud because people would receive a ballot by mail, yet still be in town to vote at the polls. These instances would be caught with the compilation of voter history, this function cannot be completed until after certification of election results, jeopardizing the integrity of election returns, if the instances of fraud became frequent. Prosecution of these cases would result in greater fiscal impact on the state.

Alternative solutions:

The division would like to offer a number of suggestions as alternatives to the provisions of section (g) which would address the specific problems of overseas voters without involving the voter population at large in a potentially disadvantageous procedure. The first options take advantage of the federal provisions which already exist, while the last one suggests an innovation to internal state application forms.

Federal Post Card:

1. First, the division has incorporated into its new direct on line data entry system which will be in effect for the next major election, the ability to accept the federal post card as a voter registration form as well as an application for an absentee ballot.
2. The division intends to provide detailed information to be published in the Voter Assistance Manual issued by the Department of

Defense and utilized worldwide, on the state requirements which must be included on the application form. This should greatly improve the frequency with which we are provided full physical addresses by military and overseas applicants.

State Forms:

1. The division recommends that the application for absentee ballot not be included in the registration form for the reasons stated earlier. Rather, we recommend that we target our revisions to the forms related to the specific group of voters who need to vote absentee by mail.

Specifically, we recommend revising our application for an absentee by mail ballot to include enough required data to also serve as a document from which to register the individual. By doing so, if a voter applies for an absentee ballot for a specific election, and we determine that the applicant is not already registered, we can process the registration then and there, before sending his or her ballots. We have therefore accomplished both while avoiding the delay by having to send the applicant a separate registration form. We would then notify these voters that while we found them to be formerly unregistered, their names will appear on the state's registration rolls. The only thing that would prevent their votes from being counted would be registration after the 30 day cut off before the election, or untimely receipt of their ballots.

SPECIALLY PREPARED BALLOTS FOR OVERSEAS VOTERS

The second part of the bill relates to the preparation of special ballots to be used specifically by voters voting from outside the United States. We assume that the intent of these provisions is to allow for earlier availability of ballots for voters who are overseas, by providing for a ballot which can be prepared prior to the finalization of the regular official ballot which may not be available until a later date.

Solutions provided in SB 252:

(Lines 25 - 29, pg 1, and Lines 1 - 3, pg 2) The provisions of this section, AS 15.20.082 (b), provide that the director shall prepare a special ballot based on his or her best educated guess as to the names and issues that will indeed be on the final ballot that will go before the voters on election day. It is further provided that ballots under this section may not be distributed earlier than 60 days before the date of the election.

Major Concerns:


1. It may be possible for the director to develop such a ballot for a primary election, based on actual candidacy filings and actual petitions that have been successfully certified in the course of the months prior to the election. Of major concern, however, is the preparation of such a ballot for the general election.

Alaska's primary is just over 60 days from the general election. As a rule it takes nearly 5 weeks after election day to certify an election, with the first two weeks available to accept absentee by mail ballots, and three additional weeks to complete the process once these delayed ballots have been counted.

We could anticipate that the increase in advance time for the availability of these ballots would be minimally improved, because our primary is so very tightly scheduled with the general.

2. With the very close races which occur with increasing frequency, the director's best educated guess could indeed be totally incorrect. This would mean that in come cases, a candidate defeated in the primary could end up on the ballot for overseas voters while the victorious candidate's name would not appear. The division expects that most candidates would agree that this would not be a satisfactory situation.
3. Another major concern, is that a judgement call of this nature on the part of the director, would jeopardize the division's totally impartial status as strictly an administering agency. Suddenly, the director would be called upon to make judgments affecting each candidate's access to the ballot. The division is opposed to this concept.

4. Because of the subjective and possibly inaccurate preparation of the special ballot called for by this statute, the division is also concerned about its vulnerability to litigation which could continually occur as candidates, parties and voters surmise that certain judgments exercised by the director in developing the special ballot, may have impacted the outcome of the election.


Sandra J. Stout
Director

SB 252



FEDERAL VOTING ASSISTANCE PROGRAM
OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

March 11, 1985

Senator Mitchell E. Abood
Chairman
Senate State Affairs Committee
State Capitol
Juneau, Alaska 99811

RECEIVED
MAR 15 1985

Dear Mr. Chairman:

This office administers the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975. The Acts concern the absentee voting rights of all military and merchant marine members and dependents and all U.S. citizens overseas.

Approximately 8,000 Alaskans serve in the Armed Forces. Another 6,000 dependents accompany these members, and another 5,700 citizens who are not affiliated with the federal government and work or live overseas are eligible to vote in Alaska.

These citizens encounter certain inherent difficulties in attempting to exercise their right to vote, difficulties which Congress and some state legislatures have sought to lessen by passing, respectively, the federal acts above and various complementary state statutes. Alaska law, for instance, allowing for ballots to be counted up to 15 days after election day is very helpful in preventing the disenfranchisement of military and overseas voters.

We write now to recommend a change to Alaska election law which would further facilitate absentee voting for this group of Alaska voters. The Federal Post Card Application (FPCA) was designed to be used as both a registration form and ballot request in each of the 50 states. The information elicited from the voter satisfies the various requirements in all states for both registration purposes and requesting of ballots. Consequently, most states accept the single FPCA as a substitute for the state registration form and simultaneously as a request for a ballot. Nine states accept the single FPCA as a request for both a state registration form and a ballot. Only two states, Alaska and West Virginia, require the voter to submit an FPCA for registration purposes, and then a second FPCA to request a ballot.

Thus, Alaskans serving in the military or residing overseas must make four mailings to exercise their right to vote, if unregistered: one to request registration forms, another to submit the forms, a third to request ballots, and a fourth to submit the ballot. This process is cumbersome for the remote voter, far away from his home, and results in the disenfranchisement of many of them. We request that Alaska law be amended to allow the FPCA to be used in place of the state registration form and also that it would be considered simultaneously as a request for ballots.

We also recommend Alaska provide for voting by military and other persons overseas who due to military contingencies or special circumstances, such as submariners, Peace Corps volunteers, or missionaries, will be out of communication for an extended period and cannot receive and return the normal absentee ballots within the regular mailing time. These voters could request a blank ballot 90 days in advance and write in the names of the candidates or party preferences. California, Connecticut, Georgia, Maine and Washington have adopted such a ballot. (Samples enclosed)

On behalf of military and overseas voters, we would appreciate your support for these initiatives. We will be sending a similar letter to all the other members of the House and Senate State Affairs Committees. John Metz of my staff (202) 694-4928 is available to discuss your comments/suggestions concerning these proposals.

Please let me know if I may be of further assistance.

Sincerely,



Henry Valentino
Director

Enclosure

by Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Zellinsky, Schmidt and Wilson, by Secretary of State request)

Read first time February 1, 1984.

1 AN ACT Relating to special absentee ballots; and adding a new
2 section to chapter 29.39 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. Sec. 1. There is added to chapter 29.39 RCW a new
5 section to read as follows:

6 (1) As provided in this section, county auditors shall provide
7 special absentee ballots to be used for state primary or state
8 general elections. A special absentee ballot shall only be provided
9 to a voter who completes an application stating that:

10 (a) The voter believes that she or he will be residing or
11 stationed or working outside the continental United States; and

12 (b) The voter believes that she or he will be unable to vote and
13 return a regular absentee ballot by normal mail delivery within the
14 period provided for regular absentee ballots.

15 The application for a special absentee ballot may not be filed
16 earlier than ninety days prior to the applicable state primary or
17 general election. The special absentee ballot shall list the offices
18 and measures, if known, scheduled to appear on the state primary or
19 general election ballot. The voter may use the special absentee
20 ballot to write in the name of any eligible candidate for each office
21 and vote on any measure.

22 (2) With any special absentee ballot issued under this section,
23 the county auditor shall include a listing of any candidates who have
24 filed before the time of the application for offices that will appear
25 on the ballot at that primary or election and a list of any issues
26 that have been referred to the ballot before the time of the
27 application.

28 (3) Write-in votes on special absentee ballots shall be counted
29 in the same manner provided by law for the counting of other write-in

Sec. 1

1 votes. The county auditor shall process and canvass the special
2 absentee ballots provided under this section in the same manner as
3 other absentee ballots under chapters 29.36, 29.39, and 29.62 RCW.

4 (4) A voter who requests a special absentee ballot under this
5 section may also make application for an absentee ballot under RCW
6 29.36.010 or a service absentee ballot under RCW 29.39.100. If the
7 regular absentee or service absentee ballot is properly voted and
8 returned, the special absentee ballot shall be deemed void and the
9 county auditor shall reject it in whole when special absentee ballots
10 are canvassed.

P.O. Box 89036
Anchorage, Alaska 99508
March 7, 1985

Senator Mitch Abood,
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

RECEIVED
MAR 11 1985

Dear Mitch,

I submit the following comments to House Bill 252 concerning state retirement benefits. *Hold for M*

Section 2. concerning credit for military service. I support this amendment and have done so since double benefits for military service were first permitted.

Section 6. concerning a retroactive increase in retirement benefits for current employees. (Amendments do not benefit retirees unless expressly stated in the amendment. AS 39.35.547)

I disagree with current employees receiving a retroactive increase in benefits for years of service that the retirees were also employees. The retirees have made the same retirement contributions for those past years as the current employees have. The cost of the increased benefits to current employees will come from either the existing PERS resources or from additional state funding. If the state has funds available for retroactive benefits, then those funds should be used to benefit both retirees and employees. In no case should the PERS reserves be used to fund retroactive benefits that are not granted equally to both retirees and employees.

Funding benefits for employees and not retirees impacts the state resources that are available to retirees, because the employee's benefits consume all of the available money leaving nothing to correct the retirees' problems that are caused by inflation and other factors. An example is the recent adjustment made by the Department of Administration whereby the medical benefits deductible was changed from \$50 to \$100. There are 3000 retirees, so the maximum savings to be made is approximately \$150,000. Yet the state is willing to spend money to fund retroactive benefits for current employees.

Benefits for current employees are frequently the subject of APEA negotiations with the state and there may have been trade-offs for the medical deduction increase, but the retirees got no trade-off. The retirees got only the increased expense. The retirees have no representation nor are we in the position to negotiate. Our only representation at the "bargaining table" is by our elected legislators.

The fair solutions are either to grant the retroactive service credit to retirees or to eliminate the retroactive service credit for employees and, instead, apply the benefit formula only to service after the effective date of the Act. Either program should be easy to administer in this day of computers.

Section 10. concerning the post-retirement pension adjustment (PRPA). The present PRPA is a maximum of 4% when approved by the Department of Administration and when the financial condition of the retirement fund permits.

According to the Division of Retirement and Benefits, retirees would continue to benefit from any "ad hoc" PRPA's which might be granted under the old law if that were more to their advantage. However, the financial condition of the retirement fund could be impaired by retroactive benefits granted to current employees so that the PRPA cannot be granted to the current retirees.

The PRPA amendments proposed by HB 252 are skewed to future retirees who are already 65 or older when the consumer price index (CPI) increase is at least 5 1/3%. Those future retirees under 65 will be worse off unless the CPI increase is 8% or more and retirees between 55 and 60 will be worse off regardless of how high the CPI goes. The Division of Retirement and Benefits says that this is intended because the younger retirees have more options available with which to make up their losses to inflation. However, under the proposed law, if an employee retires at 55 and the annual CPI increase is 6%, that retiree will be 19% behind the cost of living at age 60; 30% behind at 65; and 40% behind at 75. During those 20 years, that retiree will have had to supplement his retirement benefits with an additional \$1180 for each \$100 of retirement benefits at age 55 in order to maintain the original standard of living.

Under the present PRPA, that same retiree will be 9% behind at 60; 17% behind at 65; and 32% behind at 75 and will have had to supplement the benefit with \$799 during the 20 years. And, the present law does permit some catch-up for years when the CPI increase is less than 4%.

As admirable as the proposed PRPA for the older retirees might appear, the only way an employee can maintain a semblance of parity with the cost-of-living is to never retire! Current employees benefit from cost-of-living increases in their salaries which are then the basis for calculating their retirement benefits. But the minute the employee retires, he begins to fall behind the power curve of inflation. But if the present PRPA or the proposed PRPA are beneficial, then perhaps similar cost-of-living adjustments should be applied to current employees.

In any case, I believe that all retirees should receive the same PRPA. We all contributed to PERS with the expectation of receiving benefits based on the same formula.

No one anticipated the high rate of inflation that has occurred since 1968. Based on previous experience, the state established the 4% PRPA which was thought to be adequate to maintain parity for retirees. The state presently manages to keep up with the CPI in its employees' salaries, so it seems that it should be able to keep up with the CPI in its retirees' benefits and not expect the retirees to adjust to a 75%, 50% or 25% shortfall.

But, if the state can't afford to fund a PRPA that maintains parity with the CPI for retirees, or it can't afford to retroactively increase benefits to retirees, or it can't afford a \$50 deductible health insurance for retirees, then it can't afford to retroactively increase the retirement benefits of employees.

Sincerely,



Tom E. Main

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE
1117 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
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Senate

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MEMORANDUM

TO: Senator Mitch Abood

FROM: Senator Bettye Fahrenkamp *Bettye*

RE: Scheduling SB 157, an Act continuing the existence of the
Alaska Administrative Journal

DATE: March 25, 1985

I have previously requested a hearing on SB 157 and understand that you may schedule it for the week of April 1. I have prepared a committee substitute for your consideration (attached). I have also attached a memo from the Attorney General's office which outlines the rationale behind the amendments contained in the committee substitute.

The memo is attached to the memo