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SENATE COMMITTEE REPORT

FURTHER: JUDICIARY
FINANCE

5/16/87

DATE TURNED INTO OFFICE 2/22/88

Mr. President:

STATE AFFAIRS Committee considered CSHB 247(Jud)

preparation of election propositions and materials

and recommended:

replace with SCS FOR CSHB 247(SA)) same title
 or adopt _____ CS FOR _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
 zero fiscal impact

MEMBERS SIGNING DO/PASS

OTHER RECOMMENDATIONS

[Handwritten signatures]

Ken Young Notes

[Handwritten signature]
Chairman signature and recommendation

Committee Backup Attached



Alaska State Legislature

Representative Mike Davis

District 19

P.O. Box V
Juneau, Alaska 99811
(907) 456-4930/4941

Interim Office:
P.O. Box 81435
Fairbanks, Alaska 99708
(907) 456-8161

TO: Senate State Affairs Committee
FROM: Rep. Mike Davis
DATE: February 18, 1988
RE: CSHB 247 (Jud)

The goal of HB 247 is to ensure that ballot propositions and election pamphlet summaries are clear, concise, and easily readable.

In the past, ballot propositions have frequently been written in college level English. In addition the wording of propositions has sometimes made it difficult to understand whether a "yes" vote supports or opposes the action under consideration.

HB 247 requires that each ballot proposition and election pamphlet neutral summary be scored under the reading level formula in section 4, subsection (c). The legislation states that it is the policy of the state to prepare propositions and summaries that score at approximately 65. HB 247 does not influence the content of the actual referendum, initiative, or constitutional amendment. It affects only the abbreviated form appearing on the ballot and the neutral summary in the election pamphlet.

The reading level formula contained in this bill is the Flesch test. This test is used by several states with insurance policy readability laws, and in Maine's election statute. A Flesch score of 65 approximately corresponds to an eighth grade reading level. As the Flesch score increases, the difficulty of the reading material decreases.

HB 247 further requires that each ballot proposition contain language stating that a "yes" vote is a vote in favor of the initiative, referendum, or constitutional amendment under consideration. This provision is intended to prevent a situation in which a "yes" vote would be required to maintain the status quo.

Finally, HB 247 states that a court may not enjoin the conduct or results of an election for failing to comply with the legislation. The bill would not increase the risk of suits against the state. It will, however, encourage participation in elections and assist informed decision making by voters.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 247
PUBLISH DATE: 4/30/87

FISCAL NOTE

REQUEST:

Revision Date: 1/29/88
Title: An Act relating to the readability of certain election materials.
Sponsor: DAVIS
Requestor: Senate State Affairs

Agency Affected: _____
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Linda Edgeworth Phone: 465-4611
Division: Division of Elections Date: _____

Approved by Commissioner: [Signature] Date: 2/1/88
Agency: Office of the Governor

Distribution (by preparer): 2/1/88
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: HB 247
Publish Date: HOUSE 4/6/87

REQUEST: _____

Revision Date: 4/13/87
Title: An Act relating to the readability
of certain election materials.
Sponsor: Davis and Koponen
Requestor: Representative Mike Davis

Agency Affected: Legislative Affairs Agency
BRU: Legislative Council
Components: Legal Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Pamela A. Stoops, Manager
Division: Administrative Services
Approved by: Warren W. Endicott
Agency: Legislative Affairs Agency

Phone: 465-3850
Date: 4/13/87
Date: 4/13/87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: HB 247
Publish Date: _____

Revision Date: _____

Agency Affected: Department of Law
BRU: Legal Services

Title: "An Act relating to certain
election materials."

Sponsor: Representative Davis

Components: Operations

Requestor: House State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

Richard L. Pequeb

Prepared by: Richard J. Pequeb, Director

Phone: 465-3672

Division: Administrative Services

Date: April 13, 1987

Approved by Commissioner: Richard J. Pequeb / FOR /
Grace Bern Schaible, Atty. Gen.

Date: April 13, 1987

Agency: Department of Law

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 247

This bill amends AS 15.58 by adding a new section that provides a scoring methodology for the readability of the neutral summaries of ballot propositions that appear in the voter's pamphlet. Division of Elections and Department of Law staff responsible for preparing these summaries may have to hone their writing skills, but they will not require additional resources to implement this bill.

FLESCH FORMULA

The Flesch formula is based to compute scores for "reading ease" and "human interest". Although this method has been criticized, no better system seems to have been developed to this time for quick evaluation of adult reading materials. Flesch has a chart inside the cover of his book, The Art of Readable Writing, which is a short-cut to determining readability and will eliminate the need to compute the formula. This chart can be used in place of steps 6 and 7 in the procedure outlined below. For those who do not have access to his book, the procedure he follows to determine readability is:

1. Count the words in the article (mark each 50th word).
2. Count the sentences.
3. Count the syllables in the article.
4. Divide the number of words by the number of sentences to obtain the average sentence length.
5. Divide the number of syllables by the number of words and multiply by 100 to obtain the average number of syllables per 100 words.
6. Multiply the average sentence length in words by 1.015.
7. Multiply the average number of syllables per 100 words by .846, then add the totals of steps 6 and 7, then subtract the total from 206.835 to obtain the readability score for the article.
8. Convert the readability score to reading ability level given below to determine usability.

<i>Description of Style</i>	<i>Average Sentence Length</i>	<i>Average No. of Syll. per 100 Wds.</i>	<i>Reading Ease Score</i>	<i>Estimated Reading Grade</i>
Very Easy	8 or less	123 or less	90 to 100	5th grade
Easy	11	131	80 to 90	6th grade
Fairly Easy	14	139	70 to 80	7th grade
Standard	17	147	60 to 70	8th and 9th grade
Fairly Difficult	21	155	50 to 60	10th to 12th grade (high school)
Difficult	25	167	30 to 50	13th to 16th grade (college)
Very Difficult	29 or more	192 or more	0 to 30	college graduate

BALLOT MEASURE NO. 3

Advisory Vote on Longevity Bonus Annuity Program Ch. 99 SLA 85 (SB56)

BALLOT LANGUAGE

(As it will appear on the November 4, 1986, General Election Ballot)

The Fourteenth Alaska State Legislature considered two alternatives to the present longevity bonus program. Both were adopted into law, but neither will take effect unless the legislature chooses one of them. The legislature has asked for an advisory vote of the public on the annuity option which is described below.

The annuity option provides that every individual who reaches age 65 by January 1, 1988, including those already receiving the bonus, would receive a longevity bonus payment of \$250 per month. In addition, a person under age 65 on January 1, 1988, could participate in an optional annuity program by depositing all or part of his or her permanent fund dividends in an account held by the state. Upon reaching age 65, a person would receive a monthly payment in an amount determined by how much was contributed to the account. The annuity payments would be supplemented with declining longevity bonus payments paid for with general funds until the annuity accounts were large enough to provide monthly payments of \$250 a month.

The second option provides that every individual who is 65 years old by January 1, 1988, including those already receiving the bonus, will receive a longevity bonus payment of \$250 per month, but that anybody younger than age 65 by January 1, 1988, would not be eligible for benefits.

Should the legislature adopt the annuity option? YES NO

This proposition scored 30.3 under the formula contained in HB 247.

Procedures:

- (1) disregarded numbers
- (2) counted 8 sentences and 205 words
average sentence length, 25.6 words
 $25.6 \times 1.015 = 26.00$
- (3) counted 365 syllables in 205 words
 $365/205 = 178/100$
 $178 \times .846 = 150.58$
- (4) $26 + 150.58 = 176.58$
 $206.835 - 176.58 = 30.25$

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(Ch. 9 SLA 85 CCSSB 56)

This question is advisory to the legislature as to whether an annuity program should be adopted to replace the longevity bonus program.

Under the proposed program, a person could elect to receive his or her permanent fund dividend in cash, as a credit in an annuity account, or a combination of the two. A person who is 65 years old on or before January 1, 1988, or persons with certain debts could only receive the dividend in cash.

Upon reaching the age of 65, a person with credit in an annuity account would receive an annuity in the form of a monthly payment based upon the principal and accrued interest in the person's annuity account. If a person dies before age 65, a lump sum payment could be made to a designated beneficiary or to the decedent's estate.

Persons 65 years of age on or before January 1, 1988, who otherwise qualify would continue to receive a monthly longevity bonus payment of \$250. Otherwise, the monthly longevity bonus payment would be equal to \$250 minus the maximum possible straight life annuity for a person 65 years of age under the annuity program.

If the annuity program is rejected, the legislature will consider limiting the existing longevity bonus program to people who are 65 years of age on or before January 1, 1988.

VOTES CAST BY MEMBERS OF THE 14TH ALASKA LEGISLATURE ON FINAL PASSAGE

House:	Yeas	30
	Nays	10
	Absent or Not Voting	0
Senate:	Yeas	19
	Nays	0
	Absent or Not Voting	1

STATE OF ALASKA

P O BOX AA
JUNEAU 99811
(907) 465-3520

M E M O R A N D U M

OFFICE OF THE LIEUTENANT GOVERNOR

TO: Grace Schaible
Attorney General
Department of Law

FROM: Stephen McAlpine
Lieutenant Governor

DATE: March 4, 1987

SUBJECT: Attached Proposed Legislation

Attached please find information given to me by the League of Women Voters. I am in favor of legislation similar to this and would appreciate your review of their proposal. It is my understanding that this legislation will be introduced this session. However, if it is not introduced or does not pass the Legislature, I would like to see this become the policy for ballot propositions, etc. for the Division of Elections.

Attachment

cc: Sandi Stout, Division of Elections



April 1987

Representatives Mike Davis and Niilo Koponen have introduced House Bill 247 which would require ballot propositions and neutral summaries in voter's pamphlets to be worded on an eighth grade reading level or lower.

The Fairbanks League of Women Voters and the Literacy Council have been working for about three years on trying to ensure that these propositions and summaries are easier to read. Currently there are no standards for readability being used by the state, with the result that ballot propositions and neutral summaries are usually worded on a 12th grade through college graduate level.

According to the Literacy Council only 62% of the population can read at the 11th grade level. For many Alaskans English is a second language.

The standard proposed in HB 247 has been adopted in many states. It would require little extra staff time, and the result is that people would understand exactly what they were voting on.

The League of Women Voters of Alaska is pleased that the Fairbanks representatives have taken this step to ensure an informed voting population. We urge you to vote in favor of this bill which is so important to maintenance of a truly democratic process.



February 19, 1988
Senate State Affairs Committee
The Alaska Legislature

CSHB 247 An Act relating to the
preparation of election propositions
and materials.

Mister Chairman, Members of the Committee:

I am Eve Reckley. I represent the League of Women Voters of Alaska. The League supports passage of the Committee Substitute for House Bill 247 to ensure that ballot propositions and election pamphlet information can be easily read and understood. It establishes as policy within the election law, that ballot propositions be written in a way "that is clear, concise, and easily readable." The bill sets a standard for readable language. It establishes a formula for measuring readability by the average word and sentence length of an article. An unbiased test of readability would apply to all ballot propositions.

The bill also requires a "yes" vote for approval of a proposed law. This is a vital provision. It would avoid much of the confusion surrounding ballot propositions of the past. By requiring a yes vote, it would remove the question of whether obscure or negative language was intentionally drafted to mislead and thus defeat a ballot proposition. We believe this provision would greatly improve voter confidence in the integrity of the election system.

The League believes election laws should encourage maximum interest and participation in the electoral process. They should be simple and efficient to administer, and should aid in preventing fraudulent voting practices. The bill before you would strengthen the election process and bring better informed voters into the system.

CSHB 247 might well have far greater significance than its sponsors ever hoped. If enacted, it could help voters understand for the first time some of the ballot propositions put before them. This bill could be the "sleeper" of the session in terms of its importance to the election process. A friend I used to lobby with in Washington, D. C. would call this a "Mother-pie" issue, short for apple pie and Motherhood.

Page 2/ CSHB 247/ Ballot Readability

In this election year, we anticipate that there will be a number of important ballot propositions before voters, including an advisory vote on the proposed amendment to the Constitution of Alaska mandating that meetings of legislative bodies be open to the public; possibly another on tort reform. The League believes that these and all other issues must be placed on the ballot in clear language.

We urge your approval of this legislation. Thank you for this opportunity to present our views.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 247 (SA)
PUBLISH DATE: 4/30/87

REQUEST:

FISCAL NOTE

Revision Date: 1/29/88
Title: An Act relating to the readability of certain election materials.
Sponsor: DAVIS
Requestor: Senate State Affairs

Agency Affected: _____
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Linda Edgeworth
Division: Division of Elections
Approved by Commissioner: [Signature]
Agency: Office of the Governor

Phone: 465-4611
Date: _____
Date: 2/1/88

Distribution (by preparer): 2/1/88
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)