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# Alaska State Legislature

## House of Representatives Community & Regional Affairs

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#### HOUSE BILL 226

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# State of Alaska

## Committees

CO-CHAIR, HOUSE JUDICIARY  
VICE-CHAIR, HOUSE LABOR AND COMMERCE  
HOUSE HEALTH, EDUCATION  
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Representative Max F. Gruenberg, Jr.  
District 11  
Spenard, Upper Midtown Anchorage

April 5, 1989

## MEMORANDUM

TO: Members of the House Community and Regional Affairs Committee

FROM: Representative Max Gruenberg *MFG*

RE: "HB 226, An Act creating an incentive for municipalities to conduct municipal elections at the same time as state elections."

I introduced HB 226 in order to make the voting process more convenient for voters and increase the overall efficiency of the electoral process in our state.

HB 226 encourages municipalities to hold local elections at the same time as state general or primary elections. The state will pay the costs of the municipal election if they do so.

This bill attempts to thereby increase participation in both state and local elections.

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: "An Act, municipalities, to conduct municipal elections, same time, state."  
 Sponsor: Reps Gruenberg, MacLean, etc  
 Requestor: \_\_\_\_\_

Agency Affected: Community & Regional Affairs  
 BRU: \_\_\_\_\_

Components: \_\_\_\_\_

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

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

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS:**

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

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: Jim Plasman, Deputy Director  
 Division: Municipal & Regional Assistance

Phone: 465-4750  
 Date: 3-27-89

Approved by Commissioner: David C. Hoffman  
 Agency: Community & Regional Affairs

Date: 3-27-89

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STATE OF ALASKA  
THE LEGISLATURE

POURCY STATE CAPITOL  
BUREAU ALASKA 99811  
907 465 3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 30, 1989

SUBJECT: Incentive for municipalities to conduct elections at time of state elections (HB 226)

TO: Representative Eileen P. MacLean

FROM: Richard A. Bradley  
Legislative Counsel 

Louanne Christian has requested a sectional analysis of the above described bill.

Please note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 of the bill amends AS 15.10.105(a) (Administration of Elections). The section establishes the general authority for the conduct of state elections. Its amendment authorizes the director of elections to conduct "local elections." The amendment in this section is not substantive; the election code defines a local election as one held for a borough, city, school district, or regional educational attendance area. See AS 15.60.010(13).

Section 2 of the bill adds a new subsection to AS 15.10.105. It provides the mechanism by which a municipality brings itself under the option that the state conduct the election of the municipality at the same time as the state primary or general election. The director of elections would conduct the municipal election only at times when the state is also conducting a state primary or general election.

Section 3 of the bill amends AS 29.26.010 (Administration); section 4 of the bill adds a subsection to AS 29.26.010. The amendments permit the governing body of a municipality to request the director of elections to conduct the elections of the municipality under AS 15.10.105(c).

RAB:mi  
wkmi3/092

COMMENTS IN OPPOSITION TO  
HOUSE BILL 226

Prepared by  
Division of Elections  
March 31, 1989

BASIC FINDINGS

In its review of House Bill 226, the Division focused on the bill's intent, analyzed its potential impact on existing election programs and procedures, and attempted to determine its potential fiscal consequences. Towards these ends the Division surveyed 27 boroughs and municipalities of varying sizes, populations and forms of government, in order to better understand the scope of the municipal election process, and to come to a better appreciation of the magnitude of the administrative impact on the Division if the conduct of municipal elections was taken over by the state.

It is fully understood that the bill creates no mandate for local governments; it merely allows each municipality to make its own choice as to how and when it wants its regular elections to be held. However, a mandate is imposed on the state, because the choice is solely in the hands of municipalities, and once that choice is made the state must comply. Depending on the number and type of communities which would choose to exercise their rights under this bill, the impact could be minimal, or it could be extraordinarily significant. Therefore, the Division has had to look at the bill in terms of its full potential impact, even though there is no way to anticipate exactly when and if that full impact will ever be realized. Based on its analysis of the potential impact the Division came to the following determinations:

1. Question: Would it be possible for the Division to conduct municipal elections?

Answer: An apprehensive YES.

2. Question: Could the state conduct municipal elections with existing permanent and temporary staffing?

Answer: Not Likely.

3. Question: Could municipal elections be conducted by the state under existing policies, programs and procedures?

Answer: NO.

4. Question: Could the state conduct municipal elections within the constraints of existing budget considerations?

Answer: Absolutely NO.

Therefore, the Division of Elections submits that passage of this bill is not be practical at this time.

#### WHAT THE BILL DOES

House Bill 226 is enabling legislation which would allow municipalities to turn over administration of their local elections to the state if, by ordinance, they select the date of the primary or general election as the date for their municipal elections. The state would also bear all the costs for the administration of their elections.

Regarding implementation of this program, Section 2 of the bill contains 3 provisions:

1. The Director will regulate the date by which each municipality would have to advise the Division of its decision to have the state conduct its election.
2. The Director will regulate the date by which the municipal ty would have to provide the Division with its ballot information.
3. Municipal elections conducted by state would be administered under Title 15, rather than Title 29, the Municipal Code.

#### INTENT OF THE LEGISLATION

Increased Voter Turnout: It is the understanding of the Division of Elections, that the purpose of this bill is to enhance voter participation in municipal elections by capitalizing on the greater number of voters already voting in the state election.

1. It should be noted that under AS 29.26.010, municipalities already have the option to select primary or general election dates as the date for their regular elections. Over a dozen municipalities already have ordinances to that effect. The authority to capitalize on the greater turnout on statewide election days is already within grasp of communities wishing to

resolve the lower municipal voter turnout dilemma. It is apparent to the Division that there are compelling reasons why more communities have not chosen to exercise their option under this provision.

2. It is also important to recognize that the beneficial impact would only be realized in even numbered years, which could result in dramatic fluctuations in voter turnout year to year. The potential influence of these fluctuations on municipal government and political strategy might merit review by local communities considering exercise of their rights under this bill.

Reduce the Total Combined Overall Costs of Elections Throughout the State: It is also our understanding that this bill is intended to lower the overall combined costs of all elections throughout the state by eliminating the conduct of state and municipal elections on separate days.

1. It is critical to point out, that in reality, the only major cost element normally incurred by municipalities which would be "saved" if the election was conducted by the state on primary or general election day would be those spent for polling places and election board workers. It is anticipated by the bill that savings would be realized because these officials would only work on one election day rather than two.

For the most part this might be true, however, it is more likely that the state would realize increased costs for its election workers above those which are already incurred for primary and general elections.

Among the most obvious considerations is the amount of time election workers and various review boards would be required to work. For example, it is anticipated that workers in hand tally precincts would work more hours because of the increase in the number of ballots to be handled and races to be tallied. In large urban precincts, it may be necessary to increase the size of boards to accommodate the increase in the number of ballots issued to each voter, the additional time spent by each voter considering as many as 3 to 4 times the normal number of ballots cards, and the complexity of determining which types of ballots are to be issued to each voter based on service areas and subdivisions covered by the same precinct.

Time spent or number of Data Processing Review Board Members, District Review Board Members and State Review Board Members would obviously increase because of the increase in the volume of ballot types and races which would have to be accommodated as they fulfill their various functions.

2. All other major costs would still be incurred such as those for ballot printing, advertising and voter outreach, computer programming and testing, shipping and transport of ballots and materials, etc. And, because the requirements for outreach, accountability, security, review and retention mandated by Title 15 far exceed those of Title 29, in many instances costs would be greater for the state than those experienced by the municipalities for the same functions. The only difference is that under this bill, these costs would be borne by the state instead of the municipality.

#### WHAT THE BILL DOES NOT ADDRESS

One of the most significant issues not adequately addressed in the bill is that the state only conducts primary and general elections every other year, while municipal elections are conducted annually. We believe that, as written, the bill is subject to 2 possible interpretations:

1. The state would only conduct the municipal election for those communities deciding to take advantage of the program every other year when primary or general elections are held.

Confusion to Voters, Candidates, and Municipal Officials: If this is the intent of the bill it would mean that one year, the municipality would conduct the local election under Title 29, and the next year the state would conduct the local election under Title 15. In virtually every aspect of the election process, there are dramatic differences between the demands of the two titles. And often, Title 29 leaves specific election procedures to the discretion of each municipality to be determined by ordinance. Those provisions determined by ordinance vary widely from one municipality to another. Some of the areas of variance are fundamental:

Voter Qualifications

Absentee and Questioned Voting  
Procedures  
Candidate Filing Requirements  
Deadlines for Ballot Access  
Initiative and Referendum Procedures  
Election Calendar of Events  
Public Notice Requirements  
Ballot Counting and Certification

Because of the wide variances between the requirements of the two titles, the constant fluctuation in procedures and unstable calendaring of election events back and forth from one year to the next would result in chaos for election administrators and confusion for candidates and voters.

Preclearance: Additionally, each year the municipality and/or the state would have to submit a comprehensive report on the change of procedures which would be implemented in the conduct of that year's election to the U. S. Department of Justice for preclearance under Section 5 of the Federal Voting Rights Act.

2. The Division of Elections would take over the conduct of regular municipal elections annually for each community deciding to have the state conduct the municipal election under the tenants of this bill.

Additional Fiscal Impact: If this were determined to be the actual intent of the bill, it would mean that the state would incur costs for the conduct of these elections, at least equal to those incurred by the municipalities in even numbered fiscal years for which no state expenditure is currently required.

For example, the Municipality of Anchorage has reported that the cost of its regular election is \$250,000. If the state were required to conduct their election in odd numbered years when there is no primary or general election, the Division of Elections operating budget would have to be increased in those fiscal years as well as in primary and general election years. Of course there are no such budget increments for "off years" at present.

#### PROCEDURAL FUNCTIONS IMPACTED BY THIS BILL

Of major concern to the Division of Elections is the

apparent misunderstanding with regard to the magnitude of the impact on procedures currently utilized by the state. Contrary to what has been expressed in general discussions of this bill, exercise of its provisions would not simply be a matter of the state "printing a couple of extra ballots." In reality, virtually every aspect of the state's procedures and programs would be impacted.

Attached for the legislature's review is an overview which highlights of only some of the existing programs, policies and procedures which would have to be addressed in planning for implementation of this bill. Some of these issues have major implications, and others may seem trivial, but each would have to be modified, expanded, and equally important, funded. The items identified in the attached overview serve to illustrate the extent and depth of the considerations with which the Division would have to deal.

#### CONCLUSION

These comments and the overview attached are offered to assist members of the legislature in understanding the actual magnitude of the impact of this bill. Its implications are not simple, and they do not come without increased costs to the state. It is for the reasons presented here, that the Division of Elections does not support passage of this bill at this time.

OVERVIEW OF AFFECTED PROGRAMS  
ANTICIPATED WITH PASSAGE OF HOUSE BILL 226

Prepared by  
Division of Elections  
April 3, 1989

What follows is an overview of some of the programs, policies and procedures which would have to be taken into consideration in preparing to accommodate the conduct of municipal election by the state. They are presented to lend some insight as to the actual extent of the impact on the Division of Elections, should this bill be enacted and implemented.

A. EXPERTISE IN MUNICIPAL GOVERNMENTS AND THEIR POLITICAL AND SERVICE AREA JURISDICTIONS

Right now, the state has no jurisdiction over municipal elections. It is important to understand that implementation of this bill would require state officials to develop expertise in municipal ordinances and procedures, as well as each municipality's political subdivisions and service areas.

There are currently 146 communities which could potentially turn conduct of their elections over to the state. And each of these municipalities operates under different sets of ordinances which impact voters and candidates, referenda and initiatives, service area issues and resolutions.

The Division is concerned that this bill could potentially require another layer of staff training and result in the addition of personnel who would specialize in the state's municipal election functions.

B. VOTER REGISTRATION AND ELECTION MANAGEMENT SYSTEM

1. Precincting System: The precincting system utilized in the state's computerized Voter Registration and Election Management System is designed to identify all election jurisdictions in which each voter is eligible to vote, based on the residence address. The system currently includes senate and house districts, judicial districts, REAA and CRSA districts and municipalities. If this bill were enacted, the VREMS program would have to undergo a major programming enhancement to also identify municipal election districts and service areas. The capacity of the data base would have to be vastly expanded to accommodate the dramatic increase in

the data which would have to be stored. Programming costs would be incurred, and extensive data entry would have to be accomplished.

A few examples illustrating the extent of the programming and input required are as follows:

Municipality	Assembly Dist.	Service Areas
Anchorage	6	20
Mat-Su Borough	7	100
Kenai Borough	4	12
FBX North Star Bor.	1	103

These enhancements would be critically important for the District Review of Absentee and Questioned ballots. Under municipal direction, absentee and questioned ballots are reviewed by the municipal clerk who makes the determination as to each voter's eligibility to have all or part of his or her ballot counted. The clerk is totally familiar with the municipal subdivisions of the community.

However, the state's absentee and questioned ballots are reviewed by regional district review boards who evaluate ballots received from voters over a wide geographic area which may contain many different cities and boroughs. And, because the number of absentee and questioned ballots voted in state elections is many times greater than that voted in municipal elections. Therefore, the state's board members would require the jurisdictions to be clearly identified on each voter's record to maintain accuracy.

2. Computerized Ballot Ordering System: The current program is designed to automatically calculate and track ballot quantities by precinct, the accountability ballot numbering system by prescored or unscored ballot types, and precinct/absentee site distribution report. Only three ballot types are utilized by the state. The program also identifies and incorporates in its numbering sequences the districts and precincts in which there are crossover judicial districts requiring preparation of two separate sets of ballot combinations.

Passage of this bill would require the expansion of the ballot ordering program to accommodate the further breakdown of ballot types and ballot set combinations for crossover assembly districts and

service areas in the same districts and/or precincts within a municipality.

C. BALLOT PRINTING

1. Complexity of Ballot Order: Based on our discussions with the various municipalities, it has become abundantly clear that the complexity and sheer number of different ballot types for which the state would have new responsibility for oversight and printing would have an enormous impact. What is perceived as involving "only a couple of extra ballots" could, in fact, result in the Division being responsible for literally scores of ballot types to accommodate the various combinations required to cover assembly districts and services areas.

Examples:

Anchorage reported a ballot order which included "18 candidates, 33 measures, and 80 different ballot type combinations in 1988.

Mat-Su Borough reported 28 candidates and 27 ballot measures in various combinations crossing their 100 services areas.

Kenai Borough reported 42 candidates among their 4 assembly districts.

Ketchikan City and Borough's ballot included 38 candidates. They have 8 services areas.

2. Maintaining Accountability: Regardless of the number of potential combinations which would potentially be required, each would have to be integrated into the state's overall numbering system in order that accountability of every ballot set issued to a voter could be maintained as is required by state law.
3. Proofreading and Accuracy of the Ballots: Proofreading ballots for the statewide election is already a mammoth undertaking because of the ballot rotation system required under state law. Each name on each ballot card and within each race is rotated equally and collated so that no two successive ballot cards on a pad display candidates in the same order. The Division is responsible for proofing and overseeing the correct printing and collating of every version of each ballot, the number of which depends on the

number of candidates appearing in each race. The task is already complex and labor intensive. The additional responsibility of proofing and overseeing the correct printing, numbering and collating would be amplified tremendously with the state's oversight and proofing the additional rotations required to accommodate the number of candidates filed for municipal offices as well.

4. In-state Ballot Printing: For over the two and a half years preceding the 1988 primary and general elections, the Division expended great effort to solicit an in-state vendor who could confidently handle the state's statewide ballot order. For first time since the Datavote program was instituted, an Alaska vendor was awarded the contract. With the additional complexities and demands of printing municipal ballots in conjunction with the state's ballots, the Division is very concerned that the strides in utilizing an Alaska vendor could be seriously jeopardized.

The printing of the ballots would be accomplished under the provisions of Title 15. Therefore, the printing of candidate cards could not begin under current law until 40 days prior to the election. That is the deadline for candidate withdrawals. Only 15 days later, all ballots must be available to election officials for distribution to the state's 438 precincts under state law. The vendor printing the statewide ballots for the 1988 elections accomplished the task based on the current ballot specifications. However, there is real concern as to whether the deadlines could still be met by an in-state vendor with the additional number of ballots, rotations, numbering, collating and packaging which would be required if municipal ballots were added to the burden at the same time..

D. BALLOT COUNTING AND CERTIFICATION

1. Datavote Programming: 63% of the state's ballots are counted by mainframe computer. The addition of municipal ballot counting in these areas of the state would require dramatic increases in design specifications and costs of Datavote programming and testing to accommodate for additional municipal races. Just as in the printing of ballots, the complexity of the program for ballot counting and summary reporting is geometrically proportionate to the number of races and rotations which must be accommodated. Programming is further complicated by the number

of partial count categories which must be broken down separately. With the addition of assembly districts and service areas the number of potential partial count categories would be greatly increased.

The Municipality of Anchorage estimates that the cost of computer programming for its election was about \$50,000, and it was accomplished by in-house staff. Costs to the state might be even greater because of the complications due to integration of municipal rotations, measures and partial count categories with those required for the state's election, and because the state is required to obtain these services from a contractor.

Additionally, municipal elections characteristically have more write-in candidacies than do state elections. Hand tally teams would be required at data centers to sort and count these write-in votes further delaying the reporting of election night returns.

Mat-Su Borough indicates that write-ins are very common in their elections, and frequently the write-in candidate is certified the winner of the election.

2. PEPS Counting Centers: 20% of the states ballots are counted on microcomputers consisting of automatic card readers, microprocessors and printers. PEPS units are used to count ballots in Ketchikan, Sitka, Homer, Soldotna, Valdez, Wasilla and Kodiak. The Division has been advised by our program contractor, that due to the limited capacity of these units, municipal elections could not be accommodated in a single program and counted simultaneously with the state election ballots. Two alternative plans would have to be considered:

- Purchase of card sorters which would sort municipal ballots from state ballots, combined with purchase of additional PEPS microcomputer systems to facilitate the programming and counting of state ballots separately from municipal ballots.
- These areas could revert to hand tallying which would seriously delay reporting of precinct results for these regions on election night.

3. Certification: Under the provisions of local ordinances, most municipalities certify their elections within a week of the election. Because of the certification procedures required under Title 15, and the 15 day delay for receipt of overseas absentee ballots, state certification is not usually accomplished until about 3 weeks after the election. Audit and review of municipal results could delay the certification process even longer. Any delay caused by the addition of municipal elections in the primary election could critically hinder preparation for the general election because the time frame is already restrictive.

The state usually experiences 2 recounts in each major election. This bill would add to the number of recounts as a result of close municipal elections. Finalization of state and municipal returns would be delayed even further.

#### E. VOTER OUTREACH AND ADVERTISING

1. Advertising: Under Title 15, the state would incur additional costs of the election posters and statewide advertising of municipal races issues appearing on the ballot.

It is estimated that the increase in costs could be 50% to purchase advertising space to include the municipal issues and races in the state's public notice of the election.

2. Official Election Pamphlet: Under Title 15, an Official Pamphlet must be prepared which includes samples of all ballots, candidate profiles, maps of each election district and discussion of each issue which appears on the general election ballot. As written, the bill states that if the state conducts the municipal election, it will be conducted under Title 15. It would mean that municipal candidates, issues and ballot types would have to be added to the pamphlet.

As a general rule, each separate page contained in an official election pamphlet costs \$2,200 in printing costs. The pamphlet in its existing form requires publication of 4 to 5 regional versions, but more would be required under this bill. Addition of municipal candidates and issues would dramatically increase costs incurred for the project in personnel, design, printing and postage.

F. LEGAL COUNSEL, RECOUNTS, CHALLENGES AND LITIGATIONS

During the 1988 statewide elections the Division and Department of Law contracted with an attorney because of the increased legal workload an election year brings. In addition, at least 4 other attorneys assisted the Division with legal opinions and in defense of litigations on a variety of issues related to candidate eligibility challenges, constitutional challenges to various state statutes, procedural issues, certification of initiatives, recounts and election challenges.

For each municipal election conducted by the state, the state's vulnerability to legal challenge and litigation is compounded. It should be noted that the bill implies that candidacy filings and certification of measures for access to the ballot would be the responsibility of the municipality. The Division believes that since conduct of the election would be in the hands of the state, litigations regarding challenges to municipal determinations regarding ballot access would also involve the state as co-defendants.

G. EXAMPLES OF THE KINDS OF MINOR CONSIDERATIONS WHICH WOULD HAVE TO BE ACCOMMODATED

1. Forms currently utilized by the state would have to be redesigned to accommodate municipal elections.

The ballot mailer and secrecy envelope enclosed is designed to hold 3 to 4 state ballot cards. It is unlikely that the secrecy sleeve could hold 7 to 12 ballot cards which would be required if the state conducted the Anchorage election.

2. Postage costs for mailing of absentee by mail ballots would increase.

Anchorage commonly has 4 - 9 ballot cards which must be issued to each voter. For Anchorage voters the cost of postage alone would increase from \$.25 to \$.65 each way, for each ballot set mailed.

3. Ballot shipping and transport costs to the state would increase.

Based on the number of shipping boxes and weight, the cost of shipping voted ballots from Anchorage

to Juneau for security and retention was nearly \$1,000. If the state were to conduct Anchorage's election, based on the number of ballots required by the municipality, the cost to the state for shipping would triple.

4. As required by Federal law all elections ballots and related election materials utilized during and election in which a federal candidate appears on the ballot must be retained for 22 months.

Additional storage space would have to be provided by Archives for retention of these materials, or ballot sorters would have to be purchased so that municipal ballots could be separated out for earlier destruction.

5. Currently municipalities borrow state equipment for the conduct of their local elections. Depending on the number of voters in a municipality, the state might be required to purchase additional polling booths and voting machines to accommodate the flow of voter traffic in larger precincts.

In Anchorage the number of voters voting in state conducted elections is double. If the state were to conduct the municipal election as well, each voter would be voting 3 times the number of individual ballot cards increasing the amount of time each would require in the voting booth. To keep the flow moving efficiently, each polling place would require that additional polling booths be made available.

ALASKA ASSOCIATION OF MUNICIPAL CLERKS  
Legislative Committee  
710 Mill Bay Rd.  
Kodiak, Alaska 99615

# 6

3 April 1989

Representative Eileen Maclean  
Chair, House C&RA Committee  
P. O. Box V  
Juneau, Alaska 99811

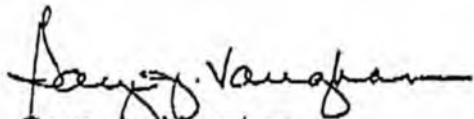
RE: HB 226, Municipal Elections

Dear Representative Maclean:

The Alaska Association of Municipal Clerks wishes to go on record in opposition to HB 226 as outlined on the enclosed Position Paper.

We urge you to vote "No" on HB 226.

I, or other members of AAMC, would be happy to discuss our views on this matter with you. Thank you for your consideration.



Gaye D. Vaughan  
Legislative Committee Chairman

cc: Representative Gruenberg  
Representative Hudson  
Representative Boucher  
Representative Collins  
Representative Donley  
Representative Menard  
House C&RA Committee Members

ALASKA ASSOCIATION OF MUNICIPAL CLERKS  
Legislative Committee  
710 Mill Bay Rd.  
Kodiak, Alaska 99615

POSITION PAPER ON HB226

The Alaska Association of Municipal Clerks opposes HB226 for the following reasons:

1. AS 29.26.040 currently allows a municipality to select an election date other than the 1st Tuesday in October if it chooses. There are 10 or 12 municipalities which currently hold their elections on General Election Day.
2. AS 29.26.010 mandates the adoption of municipal election rules for conducting elections. Municipalities are not bound by the state's elections laws, Title 15, although all municipalities follow the same basic procedures.
3. A number of municipalities in the state are on a calendar year. Seating new council/assembly members in late November in the middle of budget adoption would create chaos for the council/assembly, administration and public. One month's delay, from October to November, means a lot during budget sessions.
4. The Division of Elections cannot certify an election until three to four weeks after an election. AS 29.26.060 states runoff elections are to be held within 21 days after certification of the regular election. Municipalities who still hold runoff elections could be waiting up to two months to seat their new assembly/council members.
5. Title 29 does not provide for partisan municipal elections. It will be very difficult to conduct non-partisan municipal elections at the same time as partisan state election and have the municipality retain its non-partisan status.
6. The Division of Elections has offices and staff in only four locations in the state, Anchorage, Juneau, Fairbanks and Nome. Voting absentee voters in person, the supervision of the counting of the voted ballots on election night and the reporting of the results to the Division fall upon the municipal clerk in numerous areas of the state. In other words, we are conducting the state's elections already. County clerks in other states conduct all elections within their counties, including state and national seats, school district, and all cities within their county. The sponsors of this bill should investigate turning state elections over to the boroughs (recognizing this cannot be truly accomplished until all the state is organized).

7. HB226 is very vague and doesn't address the following points:
- a. If a municipality chooses to have the state conduct its election at the same time as the General Election, who conducts the municipal election on the odd years? Remembering all the details for a project which is only accomplished once a year can be very difficult even for the most experienced Clerks. Putting municipalities in charge of their own elections on a two-year cycle would be intractable.
  - b. Does Title 29 and local municipal code or Title 15 prevail in the conduct of the election?
  - c. Will candidates file with the state or with the municipality? Where will the APOC Financial Disclosure (Conflict of Interest) forms be filed if the candidates are to file with the state?



# Kodiak Island Borough

710 MILL BAY ROAD  
KODIAK, ALASKA 99615-6340  
PHONE (907) 486-5736

31 March 1989

Representative Eileen Maclean  
Chair, House C&RA Committee  
P. O. Box V  
Juneau, Alaska 99811

RE: HB 226, Municipal Elections

Dear Representative Maclean:

The Assembly of the Kodiak Island Borough wishes to go on record in opposition to HB 226.

We feel that municipal elections should retain their non-partisan status and not be thrown into the partisan arena. Alaska Statutes provide us the mechanism to conduct our elections in November, or any other time, and we have chosen to stay with the October date established for municipal elections.

We understand that HB226 is not a mandate, but rather an incentive, but we feel that local control over local issues and elections is best. Municipal clerks are best suited to supervise municipal elections. In addition our borough clerk has played an important part in conducting state elections within the Kodiak Island Borough for many years.

We urge you to vote "No" on HB 226.

Lorne E. White  
Assembly Presiding Officer

cc: Representative Gruenberg  
Representative Hudson  
Representative Boucher  
Representative Collins  
Representative Donley  
Representative Menard  
House C&RA Committee Members

# CITY OF SEWARD

P.O. BOX 167  
SEWARD, ALASKA 99664



- u 8
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April 3, 1989

THE HONORABLE EILEEN MACLEAN, CHAIR  
HOUSE COMMUNITY & REGIONAL AFFAIRS COMMITTEE  
PO Box V  
Juneau, AK 99811

## OPPOSING HB 226

Your committee will be conducting a hearing on the above cited bill on Thursday, April 6. I would like to voice my strong opposition to the passage of this bill for several reasons.

HB 226 would provide for state administration of local elections. I ask that you consider the following - Just what is the purpose of this bill and what do the sponsors hope to accomplish?

If the purpose is to save money, I fail to see how state administration of local elections could possibly accomplish this aim. Given the state's track record in other fields of endeavor, I would guess that state administration of local elections would cost a great deal more than local administration.

Perhaps the bill is to provide more timely election results. That certainly would not be the case for small municipalities such as Seward. Currently, the city of Seward conducts its regular election on the first Tuesday in October. We canvass absentee and questioned ballots on the following Wednesday, and the election is certified and the new Council seated on the Monday following the Tuesday election. What sort of priority would the city of Seward's canvass receive at Region I headquarters in Juneau? If I had to rely on the state to canvass the election, we probably would not be seating our new Council until some time after the first of the year.

Under state administration, who would canvass questioned ballots? It certainly makes sense to conduct the canvass of a local election within the municipality.

Another question which remains to be answered is whether the State Division of Elections is prepared to administer more than

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one hundred local elections in addition to the state general election every other year? And, what is to happen on those odd years when no state election is scheduled? What about recall elections and other special elections? Will the state assume responsibility for these, or will the municipal clerk be expected to take over?

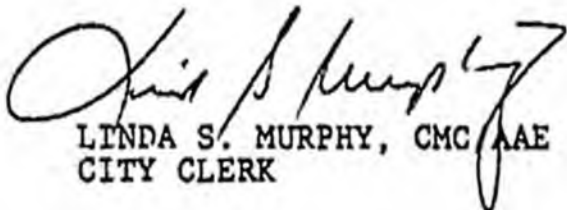
Preparing for and administering an election is time consuming and taxing for the municipal clerk's office in the best of times - and that is under a system which gives the clerk hands-on-control of the preparations necessary to conduct the election. What a nightmare it would be to lose that direct control while still bearing the responsibility of candidate filings, absentee voting and keeping elected officials and the public aware of what is going on.

Participation in the local election process represents the greatest degree of influence most people have in government. To transfer the administration of local elections to the state moves the individual citizen one step farther away from government and the election process. If our aim is to increase citizen involvement in government, this bill must be considered counterproductive.

The Alaska Association of Municipal Clerks has gone on record in opposition to this bill. The Seward City Council will consider a resolution opposing the bill on Monday, April 10. Please consider the adverse impact this bill is likely to have on your local governments, especially municipal clerks statewide, when you vote on Thursday.

Sincerely,

THE CITY OF SEWARD, ALASKA



LINDA S. MURPHY, CMC AAE  
CITY CLERK

cc: The Honorable Bette Cato  
The Honorable Cheri Davis  
The Honorable Richard Foster  
The Honorable Fritz Pettyjohn

FISCAL NOTE CONTINUATION  
HOUSE BILL 226

This bill is enabling legislation giving each of the state's 168 incorporated municipalities the option of turning over the conduct of its election to the state. Depending on the number and types of communities which would choose to exercise their options under this bill, the fiscal impact on the Division of Elections could be minimal, or it could be extraordinarily significant. Municipal exercise of their options and resulting fiscal impact on the state could be realized immediately, gradually increased over the next few years, or not realized at all in the foreseeable future.

Additionally, the bill leaves several important questions unanswered. First, once a municipality chooses to turn the conduct of its election over to the state, it is not clear as to whether the state would then conduct the election every year, or only in even numbered years when a primary or general election is held. Secondly, it is not clear in the bill as to which entity, the municipality or the state, would be responsible for petitions and candidacy filings. The determination as to the bill's actual intent with regard to these issues alone would have a strong bearing on the fiscal impact.

The number of variables make it impossible to offer a fiscal note reflecting costs in any specific fiscal year that would have any factual base. Therefore, it only makes sense to apprise members of the legislature of the potential impact by illustrating some examples of the costs that would be incurred.

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**GENERAL OVERVIEW****A. Surveys of 27 Municipalities**

In preparation for our discussion of this bill, Division surveyed 27 municipalities of varying in size, population, form of government, and complexity of political subdivisions.

It is assumed by supporters of this bill that this bill would save money because both state and municipal election ballots would be voted at each precinct simultaneously and administered by the same election board workers.

In reality our survey seemed to indicate that election workers represented only about 20-25% of the total costs for conducting the election.

The balance covers costs of ballot printing, computer programming (where applicable), advertising and voter outreach, processing of petitions and candidacy filings, supplies, equipment, forms and voting materials. All of these types of costs would still be incurred, but under this bill the costs would be borne by the state rather than the municipality.

**B. MUNICIPAL COSTS VS. COSTS TO THE STATE FOR THE SAME FUNCTIONS**

For these 27 of the state's 168 municipalities, the combined costs of their elections was:

Municipalities: \$ 518.0

If these same 27 communities opted to implement the provisions of HB 226, and IF the state were able to conduct their elections using the same number of election workers already recruited for the primary elections, the net cost to the state would still be:

State (Less election workers) \$ 401.5

In reality however, as outlined in our position paper regarding this bill, it is more likely that the state would incur greater costs because:

- a. the procedural requirements of Title 15 are more demanding than those of Title 29;
- b. the number of voters voting would be 2 - 3 times greater;
- c. the amount of time for precinct close-out, hand tallying, computer testing and counting, reporting of statewide election returns on election night would be increased;
- d. district absentee and question review board processing, state review board audit and certification time would be much greater than that already experienced by the state;
- e. ballot printing specifications would be more complex because of the integration of state and municipal ballots into the same numbering, tracking and accountability requirements;
- f. Datavote computer ballot counting programs would be more complex because of the integration of state and municipal candidate

rotation sequences and cross over state election districts with municipal election districts and service areas;

- g. Freight and security for archiving and retention of municipal ballots would result in additional costs not currently incurred.

C. **EXAMPLE: ONLY THE MUNICIPALITY OF ANCHORAGE OPTS TO IMPLEMENT THE PROVISIONS OF HB 226**

General Profile:

	<u>Anchorage</u>	<u>State</u>
a.	6 Assembly Districts 20 Service Areas	9 Election Districts 1 Judicial District
b.	18 Candidates in 1988 33 Measures in 1988	46 Candidates in 1988 3 Measures in 1988
c.	80 Ballot Type Combinations in 1988	9 Ballot Type Combi- nations
d.	Typically 4 to 9 Ballot cards to each voter	3 Ballot cards to each voter
e.	Average Turnout 35%	70% Turnout
f.	125,345 Reg. Voters	125,345 Reg. Voters
g.	2,600 Absentee Ballots in Mayoral Years (Less on non-Mayoral Years)	12,081 in 1988
h.	"Very Low in years with primary elections."	4,468 in 1988

Cost to the Municipality of Anchorage for its municipal election is:

TOTAL COST \$ 250.0

Major cost components included:

- a. 2 Permanent Staff (6 Man Months)  
4 Temporary Staff (\$8.00/ hour)  
Full Staff During Crunch Time

b. Election Workers \$ 50.0

c. Ballot Printing (Approx.) 63.0

(It is our understanding that Anchorage prints ballots in a quantity based on average turnout rather than on number of registered voters.)

d. Programming for Ballot Counting (Approx.) 50.0

(Programming for Anchorage is done in-house with in-house staff)

Costs Anticipated by the State for the Conduct of the Anchorage Municipal on General Election Day

Based on the total cost incurred by the municipality, and assuming that amount they spend on election workers is already incurred and budgeted by the state for its primary or general election, the of the municipalities expenses would still be incurred for all other related services.

Total Municipal Budget	\$ 250.0
Less Election Workers	( 50.0)
Net Costs for All Other Functions	<u>\$ 200.0</u>

However, it is more likely that some the state would in some instances incur greater costs than those experienced by the municipality for the same functions because of the demands of Title 15, the complexity of integrating municipal and state ballot counting programs and ballot printing, and the increase in the time required for completing counting, district review of absentee and questioned ballots.

Examples of Increases in State Costs for Same Functions Above 200.0:

<u>Function</u>	<u>Anchorage</u>	<u>State</u>	<u>Increase To State</u>
Programming Datavote (Anch. In-House, State Under Vendor Contractor. Increased complexity for Integration of Add'l Races, Rotations and Service Area/Assemb. Districts. Testing.)	50.0	85.0	35.0

<u>Function</u>	<u>Anchorage</u>	<u>State</u>	<u>Increase</u>
Ballot Printing (Double Qty. Increased Complexity for Integration of Add'l Races, Rotations and Service Area/Assemb. Districts. Numbering, collating, binding, packaging.)	63.0	105.0	42.0
1 More Election Worker in 89 Precincts (3-4 times number of ballot cards to distribute by cross over service areas to twice the number of voters.)	4 Members	1 Add'l for 5 Members	7.2
Staff	4 Temp.	1 Perm (R12) 2 Temp (R7)	35.8
Dist. AB & Q Board (More Time Required to Evaluate Each Ballot For Municipal Eligibility and Partial Count Categories)		2 Members Each Board	5.6
DPR Board (Double the Testing and Counting Complexity and Time Required)	4 @ \$300	4 Add'l @ \$500	2.0
Postage/AB BY Mail 3 to 4 Times as Many Ballot Cards	Approx. 1.1	12,081 @ .65 Instead of .25 (X 100% outgoing + 75% return)	9.5
Freight From Anchorage to Juneau for State Review Archiving and Retention	0.0	9 - 12 Ballot Cards/Voter Instead of 3 (\$ 1.0)	4.0
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	<b>ESTIMATED INCREASE</b>		<b>\$ 140.4</b>
	<b>PLUS BASE MUNICIPAL COSTS</b>		<b>200.0</b>
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	<b>TOTAL COST TO STATE TO CONDUCT ANCHORAGE MUNICIPAL ELECTION IN PRIMARY OR GENERAL ELECTION YEAR</b>		<b>\$ 340.4</b>

One-time Costs Anticipated if the State Were to Conduct the Municipal Election for Anchorage:

- a. 2 Add'l Polling Booths \$ 36.7  
89 Precincts

Each voter would be voting 3 to 4 times the number of ballot cards and take longer in the voting booth. Twice the number of voters)

- b. 2 Add'l Punch Machines 27.5  
89 Precincts.

- c. Not included are preplanning costs for the enhancements to VREMS for adding municipal political subdivisions to the precincting program to incorporate assembly districts and service areas. Enhancements would also have to be added to the candidacy filing program and ballot order programs. Absentee and questioned partial count categories and tracking would have to be enhanced to cover computer retention and reporting of absentee and questioned ballots.

D. IMPACT TO THE STATE FOR OTHER TYPES OF AREAS

The same types of functions identified in the Anchorage example could also be anticipated in the costs to the state of doing municipal elections in other areas.

PEPS Area

As discussed in the position paper, 20% of the state's ballots are counted on PEPS microcomputers. These units would not have the capacity to hold programs for simultaneous counting of state and municipal ballots. New equipment would have to be purchased to handle the load.

PEPS Counters	\$ 6.7 Each
PEPS Card Readers	6.5 Each
7 PEPS Locations	\$ 92.4
x 13.2	

Hand Count Areas

The other major areas of cost, of limited concern in the Anchorage example would be the increased hours for all boards for hand tallying, and for counting write in votes.