

HJR 13

(11)

Date Referred: March 27, 1992

HOUSE COMMITTEE REPORT  
FURTHER REFERRALS:

Date of Committee Action: 4/15/92

The FINANCE Committee considered:

HJR 13

HOUSE JOINT RESOLUTION NO. 13

RUN-OFF ELECTION: GOV. & LT. GOV.

Proposing amendments to the Constitution of the State of Alaska requiring that candidates for governor and lieutenant governor receive 40 percent of the votes cast to be elected, and changing the term of office of the governor and the lieutenant governor.

RECOMMENDATIONS: [ ] the same title  
 be replaced with CS HJR 13 (FIN) [ ] a new title  
 [ ] have attached amendments(s)  
 [✓] do pass  
 [ ] do not pass  
 [ ] no recommendations  
 [ ] individual recommendations  
 [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_  
 [ ] fiscal impact \_\_\_\_\_  
 [ ] zero fiscal note \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
 [✓] fiscal note(s) OFFICE OF GOV. 3/18/92  
 [✓] zero fiscal note(s) Law 3/18/92

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Eileen P. Mulean <sup>MAGLEAN</sup>	✓	<del>Kopmen</del> Kopmen			✓
Mark Boyd <sup>BOYD</sup>	X	<del>Sharp</del> Sharp			✓
Ken Brown <sup>BROWN</sup>	✓				
Dorena Barnes <sup>BARNES</sup>	X				
Rob E. Phillips <sup>PHILLIPS</sup>	✓				
Ronald J. Larson <sup>LARSON</sup>	X				
John Ulmer <sup>ULMER</sup>	X				
Mike Savare <sup>SAVARE</sup>	✓				
Greg Jacko <sup>JACKO</sup>	✓				

Mike Savare, Eileen P. Mulean  
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HJR 13

Revision Date: \_\_\_\_\_  
Title: Amendment to the Constitution-Gov. and Lt. Gov. receive 40% of votes for Election/Change of term  
Sponsor: Representative Kubina  
Requestor: House State Affairs

Department Affected: Office of the Governor-Elections  
BRU: Division of Elections  
Component: 11 - Primary and General Elections

COMPONENT SERIAL NO.

0	0	2	2
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Expenditure./Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0

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

GENERAL FUND	2.2*	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.) \* This figure covers cost of inclusion of information about this issue in the Official Election Pamphlet as required by AS 15.58, and programming for Datavote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing of an additional ballot card, the fiscal impact would be: 53.4.

Prepared by: Elizabeth Ziecier, Deputy Director  
Division: Elections

Phone: 465-4611  
Date: 01/10/92

Approved by Commissioner: *Charles E. Trustad*  
Agency: Office of the Governor

Date: 01/10/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Rev 10/07/91  
JR13.FN

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FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HJR 13

Revision Date: January 9, 1992 Department Affected: Department of Law  
 Title: "...amendments...requiring that candidates...receive 40% of the votes..." BRU: Legal Services  
 Component: Operations  
 Sponsor: Representative Kubina  
 Requestor: House State Affairs COMPONENT SERIAL NO. 

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services II Date: January 9, 1992  
 Approved by Commissioner: Charles E. Cole, Attorney General  
 Agency: Department of Law Date: January 9, 1992

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HJR 13

House Joint Resolution No. 13 proposes amendments to the constitution of the State of Alaska that would require that candidates for governor and lieutenant governor receive forty percent of the votes cast to be elected. The amendments would also change the term of office of the governor and lieutenant governor from noon on the first Monday in December following the governor's election to noon on the first Monday in January following the governor's election. Last, the amendments provides that if no candidate receives forty percent of votes cast for governor, a runoff election between the two candidates receiving the greatest number of votes cast shall be held within forty-five days of the first election. If the resolution is approved by a two-thirds vote of each house of the legislature, the proposed amendments would be placed before the voters at the next general election. The resolution, which asks the voters to consider requiring that future candidates for governor receive a minimum of forty percent of the votes to be elected, should not cause a fiscal impact for the Department of Law.

## CS FOR HOUSE JOINT RESOLUTION NO. 13 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES KUBINA, Ulmer, MacLean

## A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska relating to elections of  
 2 the governor and lieutenant governor and changing the term of office of the governor and  
 3 the lieutenant governor.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 \* Section 1. Article III, sec. 3, Constitution of the State of Alaska, is amended to read:

6 SECTION 3. ELECTION. The governor shall be chosen by the qualified voters of the  
 7 State at a general election. The candidate receiving the greatest number of votes equal to or  
 8 greater than forty percent of the total number of votes cast for governor shall be governor.  
 9 If no candidate receives at least forty percent of the votes cast for governor, a runoff  
 10 election between the two candidates receiving the greatest number of votes cast shall be held  
 11 on the first Tuesday in December following the general election.

12 \* Sec. 2. Article III, sec. 4, Constitution of the State of Alaska, is amended to read:

13 SECTION 4. TERM OF OFFICE. If a runoff election is required to elect a governor,  
 14 then the [THE] term of office of the governor begins [IS FOUR YEARS, BEGINNING] at noon  
 15 on the second day of January immediately after the election. Otherwise, the term of office

1 of the governor begins at noon on the first Monday in December following the governor's  
2 [HIS] election. Election for governor occurs every four years [AND ENDING AT NOON ON  
3 THE FIRST MONDAY IN DECEMBER FOUR YEARS LATER].

4 \* Sec. 3. The amendments proposed by this resolution shall be placed before the voters of the state  
5 at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and  
6 the election laws of the state.

# Alaska State Legislature

Chairman  
State Affairs  
Committee

Legislative Council

Transportation  
Committee



Representative Eugene Kubina

During Session:  
State Capitol  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-4859

During Interim:  
P.O. Box 2463  
Valdez, Alaska 99686  
(907) 835-2111

HJR 13: Relating to Run-Off Election: Governor and Lt. Governor

## Sponsor Statement

The Constitution of the State of Alaska has given the office of Governor tremendous strength and power. It is extremely important that the person chosen for this weighty position be selected and approved by a significant number of eligible voters. Our electoral system should provide the public with some assurance that their elected governor and lieutenant governor represent something close to a majority of the voters.

Due to the importance of this issue, I introduced a Constitutional Amendment, HJR 13, which would amend our Constitution by requiring candidates for governor and lieutenant governor to receive at least 45 percent of the vote to be elected. At this time, the candidate in the general election who receives the highest number of votes, regardless of percentage, is elected.

Only twice since Statehood has a governor been elected with over 50 percent of the vote. Since the time of Governor Egan, percentages have been declining and two governors have been elected with less than 39 percent of the vote. However, the average percentage in all of the gubernatorial elections has been 47.9 percent and therefore I feel that a 45 percent plurality is a reasonable and realistic electoral requirement.

With the continuing emergence of third parties in Alaska, there exists the possibility that under current law, a governor and lt. governor could be elected by less than one third of the electorate. Considering the fact that our Constitution greatly empowers those offices, it would be a tremendous disservice to the citizens of Alaska to allow persons to govern them who do not have a clear mandate. Our most powerful government officials should be elected with broad public support and a 45 percent requirement is a means to that end.

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# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS  
P.O. BOX AF  
JUNEAU, ALASKA 99811-0105  
PHONE (907) 465-4611

August 2, 1991

The Honorable Eugene Kubina  
Alaska State Legislature  
P.O. Box 2463  
Valdez, Alaska 99686

Dear Representative Kubina:

Thank you for writing the Division of Elections regarding HJR 13 which proposes an amendment to the Alaska Constitution requiring candidates for governor and lieutenant governor to receive 40 percent of the votes cast to be elected. The run-off election, according to HJR 13 would be held within 45 days of the general election.

Our staff has researched how many candidates in the past three general elections this would have affected if this law were in place then. We looked at all races for state senate, house, U.S. House and Senate and gubernatorial races. It appears that last year's gubernatorial race was the only time that candidates have received less than 40 percent of the vote and been elected. Of course, at some point there probably will be a state race with multiple candidates where this will occur again.

The division would have difficulty meeting other statutory deadlines if HJR 13 were passed in its current form. I have worked up two scenarios based on current statutes for your review:

1) Candidate A & B run for governor. "A" receives 39% and B receives 35%, two other candidates split the rest of the votes cast. According to AS 15.15.440, the division must begin the state ballot counting review not later than 11 days from the general election. Typically this review takes about two weeks. Then the election is certified. In 1990 the election was certified on November 23.

Now the division can begin working on the run-off election. According to AS 15.20.082 regarding absentee ballot preparation, overseas voters must have their ballots sent 60 days before the election. The division would need to print a special ballot immediately after the election certification. Domestic absentee ballots have to be received by the division within 10 days after the election. Overseas absentee ballots have to be received within 15 days after the election.

The Honorable Eugene Kubina  
Page Two

In short, to allow for these timelines, the division statutorily needs a minimum of 90 days to prepare for an election and an additional 30 days to review the count and wait for absentee ballots to arrive.

2) The second example includes the above facts, but adds the factor of a recount. If it is a very tight race with three candidates, theoretically two candidates could be two or less percentage points apart. For instance, in a gubernatorial race, a losing candidate has three days after the state review to file an application for a recount, AS 15.20.430. The director must fix the date for the recount within three days of approving the application. The recount must be completed within 10 days after fixing the date, AS 15.20.480.

I estimate that the costs of conducting the run-off would be about \$ 1 million, similiar to those quoted for the presidential primary and a statewide recall election.

So as you can see, if this amendment passed, a considerable amount of statutory law would need to be addressed. As to an official position on the bill, the division is philosophically neutral. I would suggest that you ask the Office of the Governor Legislative Liaison to comment on the impact of the timelines on the operations of that office.

Please let me know if there is any additional information you need from the division. I am happy to work with you and meet with your committee this fall.

Sincerely,



Charlot E. Thickstun  
Director

CET:et z

cc: Legislative Liaison Office

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS  
P.O. BOX AF  
JUNEAU, ALASKA 99811-0105  
PHONE (907) 465-4611

### M E M O R A N D U M

DATE: October 29, 1991  
TO: Representative Kubina  
House Affairs Committee  
FROM: Division of Elections  
Office of the Governor  
SUBJECT: Voting Statistics: 1958 - 1990

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DATE/ GOVERNOR	VOTES CAST IN FAVOR	VOTES CAST	PERCENT CAST IN FAVOR
November 25, 1958 Egan	29,189	50,343	57.98025%
November 6, 1962 Egan	29,627	60,084	49.3093%
November 8, 1966 Hickel	33,145	67,361	49.20502%
November 3, 1970 Egan	42,309	82,405	51.34275%
November 5, 1974 Hammond	45,602	98,557	46.26967%
-- Recount	45,840	98,557	46.51115%
November 7, 1978 Hammond	49,580	129,705	38.2252 %
November 2, 1982 Sheffield	89,918	199,358	45.10378%
November 4, 1986 Cowper	84,943	179,555	47.30751%
November 6, 1990 Hickle	75,721	194,750	38.88112%

# REPRESENTATIVE TOM MOYER

DISTRICT 19 • 119 N. CUSHMAN ST., SUITE 203 • FAIRBANKS, AK 99701 • (907) 456-8161

International Trade & Tourism, Chair • State Affairs, Vice Chair • Resources, Member

## Averages of previous gubernatorial elections:

Previous 9	(1958 thru 1990)...	47.096%
8	(1962 thru 1990)...	45.735%
7	(1966 thru 1990)...	45.225%
6	(1970 thru 1990)...	44.561%
5	(1974 thru 1990)...	43.205%
4	(1978 thru 1990)...	42.379%
3	(1982 thru 1990)...	43.764%
2	(1986 thru 1990)...	43.094%
1	(1990)...	38.881%

ALASKA STATE LEGISLATURE • P.O. Box V • JUNEAU, AK 99811 • (907) 465-4930

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PLEASE MICROFILM TOP PAGE ONLY

DOCUMENTS WHICH HAVE NOT BEEN  
FILMED BUT ARE AVAILABLE IN THE  
ORIGINAL FILE INCLUDE:

→ LEGISLATIVE RESEARCH AGENCY REQUEST 91.083  
"MAJORITY VOTE REQUIREMENT FOR STATE ELECTIONS"

→ LEGISLATIVE RESEARCH AGENCY REQUEST 91.257  
"FEDERAL REQUIREMENTS FOR THE "SUBMARINERS' BALLOT"

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