

SB

120

LEGISLATIVE RACES WON WITHOUT MAJORITY VOTE

<p>1998 State Representative District 35 <i>Tom VanBrocklin</i> 49.72% <i>John Harris</i> 49.91% Write-in Votes (18) 0.37%</p>	<p>1994 State Senate District J <i>Larry Baker</i> 49.7% <i>Dave Donley</i> 50.0% Write-in Votes (29) 0.3%</p>
<p>State Representative District 36 <i>Irene Nicholia</i> 49.92% <i>Carl Morgan</i> 49.92%* Write-in Votes (7) 0.15% * Winner</p>	<p>State Representative District 1 <i>Darin Hargraves</i> 32.2% <i>Bill Williams</i> 43.3% <i>Cheri Davis</i> 24.3% Write-in Votes (9) 0.2%</p>
<p>1996 State Representative District 21 <i>Joe Ryan</i> 47.8% <i>Ann Spohnholz</i> 47.6% <i>Barbara Morgan</i> 4.4% Write-in Votes (12) 0.2%</p>	<p>State Representative District 7 <i>Cathy Godfrey</i> 39.5% <i>Gail Phillips</i> 48.7% Richard Olson 4.7% Dale Wunderlich 7.0% Write-in Votes (6) 0.1%</p>
	<p>State Representative District 9 <i>Mark Hodgins</i> 43.5% <i>Mike Navarre</i> 46.1% Gary Superman 10.3% Write-in Votes (5) 0.1%</p>
	<p>State Representative District 19 <i>Mike Miller</i> 41.9% <i>Jerry Sanders</i> 46.7% Thomas Pitzke 6.0% Frederick Polsky 5.3% Write-in Votes (3) 0.1%</p>
	<p>State Representative District 27 <i>Ron Larson</i> 45.1% <i>Scott Ogan</i> 47.1% Gary Pearson 7.6% Write-in Votes (15) 0.2%</p>
	<p>State Representative District 28 <i>Beverly Masek</i> 45.6% <i>Ted Smith</i> 26.2% Paul Bratton 11.3% Lloyd Rudd 16.9% Write-in Votes (6) 0.1%</p>
	<p>State Representative District 31 <i>Pete Kelly</i> 49.9% <i>Joe Sitton</i> 39.0% Walt Johnson 11.0% Write-in Votes (7) 0.2%</p>

Certification Timeline

1998 General Election		2000 General Election	
Election Day	11/3	Election Day	11/7
State Review Begins	11/13	State Review Board	11/17
15 th Day (last day to receive overseas ballots)	11/18	15 th Day (last day to receive overseas ballots)	11/22
HD35 Recount	11/23*	Target Certification Date	12/4
HD35 certified	11/23	30 th day after general election	12/6
HD36 Recount	11/24*		
HD 36 certified	11/24		
Certification Date for remaining races	12/1		
30 th day after general election	12/3		

*A house district recount takes 1-2 days to complete. Even with close house races being certified early so a recount can take place, there still is not enough time to conduct a runoff election.

In the 1994 general election, there were 26,721 absentee ballots and 13,566 questioned ballots. In the 1996 general election, there were 35,675 absentee ballots and 16,664 questioned ballots. In the 1998 general election, there were 27,914 absentee ballots and 16,177 questioned ballots.

The last day to receive absentee by-mail ballots that are postmarked from outside the United States is the 15th day after the election. The regional absentee review boards have up to 15 days to complete the review of absentee ballots. The election cannot be certified until after this date. This means that based on an election date of 11/3, the earliest date certification could take place for a house district race would be 11/19.

For house district and senate district races, recounts can be requested up to 5 days after certification. Based on an 11/19 certification date, the deadline would be 11/24. If a recount is requested, it must be conducted within 5 days of receipt of the recount application. If the recount application was received on the last day, 11/24, the recount must take place by 11/29.

Election contests may be filed up to 10 days after the certification of election. If a request has been requested, then the 10 day period starts after the recount is complete and certified.

The 1999 statewide special election cost \$750,000. Based on this figure, a house district runoff election would cost \$18,750. A senate district runoff election would cost \$37,500.

Proposed Amendment:

The division has already started printing forms and training materials for the primary and general election. Section 51, Early Voting and Section 52, Special Needs Voting would require form and procedural changes. Therefore, we request to change the effective date of Sections 51 and 52 to January 1, 2001.

Re: Fiscal note for SB 120

Subject: Re: Fiscal note for SB 120
Date: Fri, 31 Mar 2000 09:27:54 -0900
From: Shari Kochman <shari_kochman@gov.state.ak.us>
Organization: Alaska Office of the Governor
To: Loretta Brown <Loretta_Brown@legis.state.ak.us>

okey dokey

Loretta Brown wrote:

> *Shari:*
> *I need a new fiscal note for SB 120. Short title is "Division of*
> *elections." Bill is scheduled for hearing in Senate State Affairs*
> *Thursday, April 6, 2000.*
>
> *Thanks, Loretta/*
> *Senator Ward*

2029

APR 12 1999

MEMORANDUM

STATE OF ALASKA

**Office of the Governor
Division of Elections
Directors Office**

TO: Tom Moffatt
Legislative Aide
Senator Tim Kelly

DATE: April 7, 1999

FROM: Gail Fenumiai *G. Fenumiai*
Election Programs Specialist
E-MAIL: gail_fenumiai@gov.state.ak.us

TELEPHONE: 465-3935
FAX: 907-465-3203

SUBJECT: Recommendations for CS for SB120

Here are the recommended changes, as per our meeting on Thursday, for the CS for SB120.

1. Section 7, line 26, delete the following after: "no later than 120 days"
2. Section 29, line 13, delete the following: ", the election official shall remove the numbered stub from the ballot,"
3. Section 40, page 15, line 11, add the following: "A vote for a write-in candidate will be counted if the oval is filled in for that candidate and if the full name, as it appears on the write-in declaration of candidacy, of the candidate or last name of the candidate is written in the space provided. If the write-in vote is for governor and lieutenant governor, the vote will be counted if the oval is filled in and if the full name, as it appears on the write-in declaration of candidacy, of the gubernatorial and lieutenant governor candidate or the last name, as it appears on the write-in declaration of candidacy, of the gubernatorial and lieutenant governor candidate or the last name, as it appears on the write-in declaration of candidacy, of the gubernatorial candidate is written in the space provided."

I polled other states concerning write-in candidates. Of the states that require a declaration to be filed, there is a filing deadline ranging from 4 to 60 days prior to the election. If candidates don't file the required papers, then votes are not counted.

We propose to add a requirement that write-in candidates must file by the 21st day prior to the general election. If a declaration is not received by that date, votes will not be counted.

4. Section 48, line 28, add what use to be (5) back in. This is needed because we have had to rely on absentee voting officials in communities when a board decides not to show up on election day.

5. Section 50, line 23, add, per Senator Kelly's request: "The tabulation of early voting ballots may not begin until 8:00 p.m. on election day."
6. Section 76, page 30, line 8, add: "controlled substance ^{several offenses}, unlawful exploitation of minor, criminal negligent homicide, permitting an escape, gambling, possession and ^{offenses} distribution of child pornography."

NOTE: I could not read my notes what follows controlled substance. This can be found in your memo from legislative legal.

7. Can we shorten the title without inadvertently getting anything dealing with campaign finance attached and without losing anything in the bill?
8. We would like to see time referenced as "prevailing time" throughout Title 15.

MEMORANDUM

2029

STATE OF ALASKA

Office of the Governor
Division of Elections
Directors Office

TO: Tom Moffatt
Legislative Aide
Senator Tim Kelly

DATE: April 16, 1999

FROM: Gail Fenumiai *Gail*
Election Program Specialist
E-MAIL: Gail_Fenumiai@gov.state.ak.us

TELEPHONE: 3935
FAX: 3203

SUBJECT: Changes to work draft CS for SB120

These are the changes we discussed for the work draft CS for SB120.

Section 31 Delete: "or other form of identification as prescribed by regulation."
Add: "military identification card, senior citizen identification card or Indian health service identification card."

Section 34 Line 8, delete: "needing assistance in voting"
Add: "with a disability"

Section 63 Page 25, Line 1, delete: "desires to appear on the general election ballot,"
Add: "wishes to be a candidate in the general election"

Line 2, add before "A write-in...": "In order to have votes counted as a write-in candidate, a write-in..."

Line 18, delete: "appear on the ballot."
Replace with: "be written by the voter;"

Please notify me when the next committee substitute work draft is available and I will make the appropriate changes to the sectional. Thank you.

Section 86 page 33 line 2 ^{said forms} and shall be placed after all ^{application} forms in the permanent fund dividend application packet.

*KATHRYN
Please MAKE Appropriate CHANGES -*

*Mick H. [Signature]
4522*

SEN. WARD'S OFFICE

MEMBER

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
THIRTEENTH ALASKA LEGISLATURE
FOURTEENTH ALASKA LEGISLATURE
FIFTEENTH ALASKA LEGISLATURE
SIXTEENTH ALASKA LEGISLATURE
EIGHTEENTH ALASKA LEGISLATURE
NINETEENTH ALASKA LEGISLATURE
TWENTIETH ALASKA LEGISLATURE
TWENTY-FIRST ALASKA LEGISLATURE

ALASKA STATE SENATE



SENATOR TIM KELLY

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
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INTERNET: //http://www.state.ak.us/

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(907) 258-8100
FAX (907) 258-4524

MEMORANDUM

TO: Senator Jerry Ward, Chair
Senate State Affairs Committee

FROM: Senator Tim Kelly *TJK*

DATE: February 10, 2000

RE: Hearing request for SB 120

I am requesting that SB 120 be scheduled for a hearing by the Senate State Affairs Committee at your earliest convenience. I anticipate that some changes will be made to the bill.

Thank you in advance for your assistance in this matter.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 6, 2000

SUBJECT: Comparison of DRAFT SCS CSHB 163 (Work Order No. 21-LS0769\K) with DRAFT CSSB 120 (Work Order No. 21-LS0638\G)

TO: Senator Jerry Ward
Attn: Loretta Brown

FROM: Kathryn L. Kurtz *KK*
Legislative Counsel

The purpose of this memo is to highlight the major differences between the two above-noted bills. Section numbers refer to the sections in SB 120 ("G" version) unless otherwise noted. Please note that this memo does not discuss every difference in wording or style between the versions, it simply identifies sections where the content of the two versions seems significantly different.

Section 1. The senate version uses the phrase "month in which a primary or general election is held" instead of "30 days preceding a primary or general election".

Section 7. The house version requires that a list of registered voters be provided to each party 120 days before any general election; the senate version requires provision of the list but does not specify when.

Section 31. The house version adds "or other form of identification as prescribed by regulation" to the list of forms of identification that a voter may present to an election judge. The senate version instead specifies three additional types of identification: a military identification card, senior citizen identification card, or Indian Health Service identification card.

Please note that there is no other reference in the Alaska statutes to "senior citizen identification card." This term appears to be drawn from 6 AAC 25.027, which does not define it. This phrase in the statute could be interpreted to mean a government issued identification, such as a City and Borough of Juneau senior citizen sales tax exemption card, or a membership card from a private organization such as AARP. There is an official state identification card, which is like a drivers license, *see* AS 18.65.310, but it is not limited to seniors. You may wish to either clarify the meaning of this term or follow the house language.

Senator Jerry Ward
April 6, 2000
Page 2

Section 34. The senate version refers to a qualified voter "with a disability"; the house version uses "a qualified voter needing assistance in voting." The senate version provides that if a person from whom assistance is requested refuses to take an oath, the voter requesting assistance will be required to vote a questioned ballot.

Section 39. The senate version changes several references from "local time" or "Alaska time" to "prevailing time." *See also* sections 52, 55, 58.

Section 40. The senate version removes language permitting the use of stickers to be used in place of hand-writing the name of a write-in candidate on the ballot. The house leaves the existing statutory language permitting the use of stickers intact.

Section 41. The senate version adds a new section explicitly prohibiting the use of stickers to vote for a write-in candidate.

House version Section 77. The house version removes the 30 day grace period for filing a statement of income sources and business interests in AS 39.50.020(a).

Section 86. The senate version requires that the voter registration forms be set out following the permanent fund dividend application forms in the PFD application packet.

Section 87. The senate version repeals one section, AS 15.20.071, on absentee voting by personal representative, that the house version does not. The house version repeals AS 15.45.110(b), the identification requirement for initiative petition circulators, which is clearly unconstitutional in light of the United States Supreme Court's recent decision in Buckley v. American Constitutional Law Foundation, 525 U.S. 182 (1999). The senate version does not. Because AS 15.45.110(b) is clearly unconstitutional, I would recommend adding it to the repealer in the senate version.

If I may be of further assistance, please advise.

KLK:glc:jr
00-161.glc

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

State Capitol
Juneau, Alaska 99801-1182
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FAX (907) 465-2029
Mail Stop 3101

MEMORANDUM

April 1, 2000

SUBJECT: Draft CSSB 120(STA) (Work Order No. 21-LS0638\H)

TO: Senator Jerry Ward, Chair
Senate State Affairs Committee
Attn: Loretta Brown

FROM: Kathryn L. Kurtz *KK*
Legislative Counsel

Enclosed is the draft committee substitute you requested. As you requested, I have based this draft on the 21-LS0638\G draft of CSSB 120, and incorporated HB 155, your amendments H.3, K.2^{1/}, and K.3 (with changes) to HB 163, as well as the changes you requested in the /I version of HB 163.^{2/} I did not incorporate the G.1 amendment to CSSB 120 concerning lobbying that you requested last spring. If you would like me to incorporate that amendment into the CS as well, let me know. Also, please note that there are a number of differences between the /G version of CSSB 120 and the /K version of SCS CSHB 163(STA). If you would like a comparison of the two versions, let me know.

I removed all references to the state flag in the K.3 amendment, and replaced them with the word "emblem." The word "emblem" is not defined in statute, and I am not sure how a court or a candidate would interpret it in this context. Barring the use of state seals or emblems in campaign ads could give rise to a first amendment challenge, since "[t]he constitutional guarantee [of free speech] has its fullest and most urgent application precisely to the conduct of campaigns for political office." *Buckley v. Valeo*, 424 U.S. 1, 15 (1976), quoting *Monitor Patriot Co. v. Roy*, 401 U.S. 265, 272 (1971). I do not know how a court would decide such a challenge. Federal law prohibits federal employees from engaging in political activity "while wearing a uniform or official insignia identifying the office or position of the

^{1/} Note that the constitutional problem mentioned in my March 28 memo on HB 163 is imported into SB 120 with this change. Article II, sec. 1 of the federal constitution gives congress the power to determine the date on which presidential electors are to be appointed in each state. Requiring a runoff 30 days after the election for these offices may be unconstitutional under the federal constitution.

^{2/} Those changes included the deletion of seven sections relating to initiatives, which were not included in CSSB 120\G anyway, and a wording change to AS 09.20.035.

Senator Jerry Ward, Chair
Senate State Affairs Committee
April 1, 2009
Page 2

employee." 5 U.S.C. 7324(a)(3) (the "Hatch Act"). I am not aware of any case law concerning first amendment challenges to the federal statute, but the federal statute is more narrowly drawn than the enclosed CS.

KLK:glc
00-147.glc

Enclosure

AMENDMENT

OFFERED IN THE SENATE STATE AFFAIRS COMMITTEE

TO: CS SB 120 (STA)

Amend Title:

DELETE:

Page 1, line 10, and;

DELETE:

Section 86, page 33, line 23 – page 34, line 7

Section 87, page 34, lines 8-22

Section 88, page 34, lines 23-30

Section 89, page 34, line 31 – page 35, line 9

Renumber accordingly

STATE OF ALASKA

OFFICE OF THE LT. GOVERNOR

Division of Elections
P.O. Box 110017
Juneau, Alaska 99811-0017
PHONE (907) 465-4611

April 14, 2000

The Honorable Jerry Ward
Chair, Senate State Affairs Committee
Alaska State Legislature
State Capitol, Room 423
Juneau AK 99801

Dear Senator Ward:

Your office has asked the Division of Elections to provide you with the earliest date a legislative runoff election could take place following a general election, as is being proposed in a committee substitute for SB 120.

The timeline below shows that 60 days must pass before a runoff election could be held. The timeline assumes there would be no recounts or pending litigation related to the legislative race. The certification date of the legislative race is the key date for starting a runoff election process. The timeline follows existing state law.

General election day	Tuesday, November 7
State Review Board begins certification process for general election	Monday, November 20
15 th day (last day to receive overseas ballots from general election)	Wednesday, November 22
Earliest date a legislative race for general election can be certified	Wednesday, November 22
Special advance ballots mailed to military and overseas voters (60 days before a proposed runoff election)	Friday, November 24
Ballot layout for runoff election to printer	Friday, November 24
Ballots back from printer	Friday, December 1
Mail absentee by-mail ballots	Monday, December 4
Absentee in-person voting begins (15 days before election)	Sunday, January 7
Runoff election day (60th day after mailing military ballots)	Monday, January 22

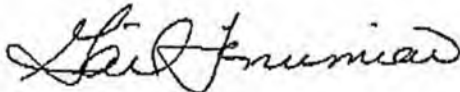
The Honorable Jerry Ward
April 14, 2000
Page 2

As I have stated, the timeline assumes there would be no recounts or litigation. If recount requests and litigation were filed, an extra 3-20 days need to be added to the timeline. How long the court would need to review the case cannot be determined and would also need to be added to the timeline.

If the legislature chooses not to follow existing election laws for runoff elections, a runoff election could be conducted 30 days following certification of the legislative race. However, the runoff provision in the proposed committee substitute for SB 120 does not eliminate any of the current statutory requirements for conducting an election.

Unless otherwise directed by the legislature, the Division of Elections would be required to follow the current election laws and cannot conduct a runoff election any earlier than 60 days following certification of the legislative race where no majority vote was achieved.

Sincerely,



Gail Fenumiai
Legislative Liaison

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. SB120

Revision Date/Time (Note if correction) _____ Dept. Affected Office of the Governor
 Title An Act relating to voters and elections BRU Elective Operations
 Component Elections
 Sponsor Rules by Request
 Requester Senate State Affairs Committee Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual	(12.5)					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	(12.5)	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(12.5)					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	(12.5)	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The division will no longer be required to pay for the printing of the voter registration form in the annual permanent fund dividend booklet.

Prepared by: Gail Fenuniar *Gail Fenuniar*
 Division Division of Elections
 Approved by: C. Lt. Governor Fran Ulmer *Fran Ulmer*
 Agency Office of the Lieutenant Governor

Phone 465-3935
 Date/Time 3/31/00 2:47 PM
 Date 03/31/2000

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