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FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 87
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
 Title An Act providing absentee ballots BRU Elections
for voters in remote areas Component Elections
 Sponsor Senator Lincoln
 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 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	0.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Gail Fenumiai, Election Administrative Supervisor Phone 465-3935
 Division: Division of Elections Date/Time 2/15/02 2:28 PM
 Approved by: Lieutenant Governor Fran Ulmer Date 02/15/2002
 Agency: Office of the Lieutenant Governor

STATE OF ALASKA

OFFICE OF THE LT. GOVERNOR

Region III Elections Office
675 7th Avenue, H3
Fairbanks, AK 99701-4594
PHONE (907) 451-2835

May 4, 2001

The Honorable Georgianna Lincoln
Senator, Alaska State Legislature
State Capitol, Room 11
Juneau, Alaska 99801

Dear Senator Lincoln:

As the Region III Elections Supervisor, I am responsible for voter registration and election management throughout Interior Alaska and Prince William Sound. Your office requested information regarding areas in my jurisdiction that would benefit by the passage of SB 87.

I have over 1,000 voters living in remote areas that have been classified as permanent absentee voting areas. Some of these voters live in areas such as the Kandishna River, Cosna River, Holtina River, Takahula Lake, Inlakuk Lake, Tolovana River, Chandalar Lake, Wien Lake, Flat, Chisana, Healy Lake, and other areas that do not have regular mail service. Without regular mail service, these voters have an extremely hard time exercising their right to vote due to the absentee ballot timeframes established in Alaska law.

Each election cycle I receive requests from voters residing in remote areas to obtain an absentee ballot early because of their limited ability to receive mail. Currently, the division mails ballots approximately three weeks before each election for regular absentee voters. Without regular mail service, many of the voters living in remote areas cannot receive their ballot in time to vote. SB 87 would allow voters living in these remote areas to obtain an advance absentee ballot just like the advance ballot privileges afforded to overseas voters.

Sincerely,


Shelly Growden
Elections Supervisor, Region III

Letters of Support

STATE OF ALASKA

OFFICE OF THE LT. GOVERNOR

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

February 16, 2001

The Honorable Georgianna Lincoln
Senator, Alaska State Legislature
State Capitol, Room 11
Juneau, Alaska 99801

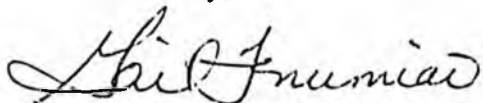
Dear Senator Lincoln:

Thank you for allowing the division to comment on Senate Bill 87. The division supports your efforts in assisting Alaska voters in remote areas of the state to exercise their right to vote.

Senate Bill 87 expands the allowable use of the 60-day special advance ballot to Alaskans in remote locations. This will allow additional time for these voters to receive their ballot.

Thank you for proposing this legislation. We believe it will have a positive impact for voters in Alaska's most remote areas.

Sincerely,



Gail Fenumiai
Election Programs Specialist

Ruth M. and Larry E. Coy
P.O. Box 515
Nenana, Alaska 99760

Dear Senator Lincoln,

We are writing to you in support of Senate Bill 87. We support this bill because of the fact that Larry chartered a flight in to town to vote on a subject that we considered important. This charter flight cost us \$525.00. Even though what we had voted on did not pass at least we voted on the subject. If there was a 60 day window for absentee ballots instead of the 30 days it would be of considerable help to the bush residents and they would be able to cast their ballots on important issues.

Sincerely,

Ruth and Mrs. Larry E. Coy
Ruth M. and Larry E. Coy

STATE OF ALASKA

OFFICE OF THE LT. GOVERNOR

TONY KNOWLES, GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX 110017
JUNEAU, ALASKA 99811-0017
PHONE: (907)465-4611

January 22, 2002

The Honorable Georgianna Lincoln
Senator, Alaska State Legislature
State Capitol, Room 11
Juneau, Alaska 99801

Dear Senator Lincoln:

After the first hearing of Senate Bill 87 in the Senate State Affairs Committee, questions arose concerning the term "reasonable." I would like to provide to you with more information about permanent absentee voters.

The permanent absentee voters who would benefit from this bill are uniquely identified within our voter registration system. A voter may only be designated in permanent absentee status by a regional election supervisor. The conditions under which a voter may be designated as such are outlined in 6 AAC 25.650. This regulation has been in place since 1990. The division can assure you that there is no abuse of this system.

Although a voter is designated as a permanent absentee voter, they must complete an absentee by-mail ballot application prior to receiving any ballot. The designation of permanent absentee status alerts the regional election supervisors that these voters must be sent an absentee by-mail application per the schedule set out in 6 AAC 25.650.

Again, thank you for your efforts in promoting this legislation.

Sincerely,



Gail Fenumiai
Election Administrative Supervisor

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

January 18, 2002

SUBJECT: Definition of the Word "Reasonable" (SB 87)

TO: Senator Georgiana Lincoln
Attn: Sara Boario

FROM: Kathryn L. Kurtz *KK*
Legislative Counsel

You asked several questions about the word reasonable.

Q: How extensively is the word "reasonable" used in statute?

A: The phrase "reasonable access," the phrase used in the bill, appears 19 times in the Alaska statutes. The word "reasonable" appears 1,432 times.

Q: Is "reasonable" defined beyond a common dictionary definition of the word "reasonable"?

A: I found no statutory definition of the word "reasonable" standing on its own or the phrase "reasonable access."

Additional insight as to how the agency, in this case the Division of Elections, will interpret the phrase may be available by looking at how it applies 6 AAC 25.650(a)(1), which uses the same phrase.

The Alaska Supreme Court interpreted the phrase "reasonable access" in the context of a property condemnation suit in 0.958 Acres v. State, 762 P.2d 96 (Alaska 1988), involving condemnation of part of a piece of private property to build a state highway. The court recognized in that case that "the owner of abutting land has a right of access to and from a public street or highway," limited in Alaska to a "right of *reasonable* access." *Id.* at 99. The court went on to explain that "[t]he question whether the ... remaining access is reasonable is plainly a matter of degree. ... it involves an ad hoc analysis of the roads that actually or potentially lead to the property after the condemnation, to determine if they are suitable for the traffic that would likely go to the property. We think the analysis necessarily involves an examination of the potential uses of the property." *Id.* at 101.

¹ According to the American Heritage Dictionary of the English Language (3d ed. 1992), "reasonable" means "[g]overned by or in accordance with sound thinking" and "[b]eing within the bounds of common sense" among other things.

"Reasonable Access": LAA Legal

Senator Georgiana Lincoln
January 18, 2002
Page 2

The court remanded the case to the superior court for further findings relating to whether the remaining access was indeed reasonable, a factual issue.

Although the facts and context of that case are very different than those that would be involved in this bill, a court interpreting the phrase "reasonable access" in SB 87 would probably follow a similar approach, interpreting "reasonable" as a matter of degree, and looking closely at the specific facts of the case.

Q: Why doesn't the word "reasonable" need to be defined?

A: According to the legislative drafting manual, "[i]f [a] word is clear and unmistakable without definition, it is superfluous and confusing to define it. . . . A word that is not defined in a statute will probably be given its common law meaning by a court construing the statute. Legislative Affairs Agency, Manual of Legislative Drafting at 47. Reed Dickerson, in his book Legislative Drafting wrote: "[t]he first thing to remember about legal definitions is that they should be used only where necessary. ... The main use of a definition in a legal document is, of course, to get clarity and consistency without burdensome repetition." The fact that the word "reasonable" has not been defined elsewhere in the Alaska statutes suggests that it is one of those words which usually does not require a special statutory definition, but can be interpreted by the agency and by courts according to its ordinary meaning.

I hope this information is helpful. Please call if you have further questions.

KLK:med
02-018.med

TOLOVANA ROADHOUSE
TOLOVANA, ALASKA
BOX 281
NENANA, ALASKA 99760
PHONE/FAX 907.832.5258
EMAIL- tolovana@pocketmall.com

Senator Georgiana Lincoln
State Capitol Bldg.
Juneau AK 99801

1/30/01

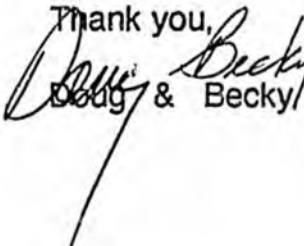
Dear Senator,

Thank you for attending to the legislation that will allow our family to vote in the fall elections.

The issue that started the letter to you on this matter was the presidential election this fall, coupled with a late freeze up. We couldn't get across the Tolovana to Manley Hot Springs (our normal polling place) or across the unfrozen lakes and sloughs to Nenana to vote a question ballot (I'm not sure if they would have let us vote that way anyhow). We know it has happened to our neighbors up the Kantishna in the past.

It is frustrating to listen to the election returns on the radio knowing you weren't able to participate. By extending the scope of the 60 day overseas absentee ballot many disenfranchised Alaskans living in the bush will be able to exercise their right to vote.

Thank you,


Doug & Becky Bowers

ALASKA STATE LEGISLATURE
Senator Georgianna Lincoln

State Capitol
Juneau, Alaska 99801-1182

(907) 465-3732
Toll Free: 1-888-461-3732
Fax (907) 465-2652

E-mail: Senator_Georgianna_Lincoln@legis.state.ak.us

Standing Committees:
Resources
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Budget Subcommittees:
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DISTRICT R

Alatna
Alekn
Allakaket
Anvik
Anvik
Arctic Village
Beaver
Bettles
Big Delta
Birch Creek
Bourdoy
Canyon Village
Central
Chalkyitsik
Chenequa Bay
Chicklen
Chistochina
Chitna
Chouthbaluk
Circle
Coldfoot
Copper Center
Cordova
Crooked Creek
Delta Junction
Dry Lake
Dry Creek
Eagle
Eagle Village
Evanville
Fort Greely
Fort Yukon
Four Mile Road
Gatona
Galena
Georgetown
Glenallen
Grayling
Gulkana
Healy Lake
Holy Cross
Hughes
Huslia
Kaktik
Kenny Lake
Koyukuk
Lake Minchumina
Lime Village
Livengood
Lower Kalskag
Manley Hot Springs
Marshall
McCarthy
McGrath
Medina
Mendeltna
Mentasta
Minto
Nabesna
Nenana
Nikolai
Northway
Nulato
Pavson
Pilot Station
Rampart
Red Devil
Ruby
Russian Mission
Shigeluk
Silver Springs
Slana
Sleetmute
Stevens Village
Stony River
Taketna
Tanana
Tanuross
Tantleek
Tatchna
Tehula
Tetlin
Tik
Tolsana
Tonina
Tululsak
Tyonek
Upper Kalskag
Vadler
Venette
Whittier
Wienan

MEMORANDUM

TO: Senator Gene Therriault, Chair
FM: Senator Georgianna Lincoln *glincoln*
RE: status of by-pass mail solution
DATE: January 26, 2002

I was recently briefed by members of the minority who met with Senator Stevens regarding the future of the by-pass mail system and the outlook for reform. At this time there are too many unknowns, and the fix that Senator Stevens has proposed is far from a done deal. Distance, terrain, weather and other natural conditions will continue to hinder mail delivery to remote areas and prevent committed citizens from exercising their right to vote, regardless of the outcome of the by-pass mail dilemma.

By-pass Mail Impacts

ALASKA STATE LEGISLATURE
Senator Georgianna Lincoln

State Capitol
Juneau, Alaska 99801-1182

(907) 465-3732
Toll Free: 1-888-461-3732
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E-mail: Senator_Georgianna_Lincoln@legis.state.ak.us

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DISTRICT R

Alatna
Altan
Allakaket
Aniak
Anvik
Arctic Village
Beaver
Berdes
Big Delta
Birch Creek
Boundary
Canyon Village
Central
Chalkyitsik
Chenaig Bay
Chicken
Chitochina
Chitina
Chuathokuk
Circle
Coldfoot
Copper Center
Cordova
Cresked Creek
Delta Junction
Dot Lake
Dry Creek
Eagle
Eagle Village
Evanville
Fort Greely
Fort Yukon
Four Mile Road
Gakona
Galena
Georgetown
Glenallen
Graying
Gulkana
Healy Lake
Holy Cross
Hughes
Huslia
Kaktog
Kenny Lake
Koyukuk
Lake Minchumina
Lime Village
Livengood
Lower Kalslag
Manley Hot Springs
Marshall
McCarthy
McGrath
Medfra
Mendeltna
Mentasta
Minto
Nabesna
Nenana
Nikolai
Northway
Nulato
Payson
Pilot Station
Rampart
Red Devil
Ruby
Russian Mission
Shageluk
Silver Springs
Slana
Sleetmite
Stevens Village
Stony River
Tadoma
Tanacetos
Tanana
Tatitlek
Telima
Telida
Terdin
Tok
Tolsana
Tonsina
Tuliksak
Tyonek
Upper Kalslag
Vadze
Venette
Whittier
Wiseman

SPONSOR STATEMENT

Senate Bill 87

An Act providing special absentee ballots for voters in remote areas

SB 87 offers a voter living in remote locations the opportunity to vote using the 60-day special advance absentee ballot. In current statute, only voters living, working or travelling outside of the United States are eligible for a 60-day special advance absentee ballot. However, voters living in extremely remote areas are sometimes disenfranchised by conditions beyond their control. Distance, terrain and natural conditions have prevented voters from reaching the polling place or from receiving by-mail ballots. SB 87 will dramatically increase the window of opportunity to vote.

The recent Florida recount impressed upon us that every vote counts. Doug and Becky Bowers, were unable to vote in the last election due to a late freeze-up which kept them from crossing the river to their polling place. Larry and Rose Coy faced similar circumstances one year, and, were forced to charter a plane at great expense, \$525, in order to exercise their right to vote.

Voting is the fundamental method citizens utilize to participate in our democracy. The health of our democracy rests on the participation of every Alaskan. While many may take that right for granted, there are others, like Doug and Becky Bowers, who listen in frustration as the election returns come in over the radio, hindered by factors beyond their control from making their votes count.

Simply, SB 87 assists Alaskan voters in remote areas of the state to exercise their right to vote. The Division of Elections already distributes the 60-day special advanced absentee ballots, and this legislation will not be difficult to implement. I respectfully request your consideration and support of SB 87.

ALASKA STATE LEGISLATURE
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Cordova
Crooked Creek
Delta Junction
Dot Lake
Dry Creek
Eagle
Eagle Village
Evanville
Fort Greely
Fort Yukon
Four Mile Road
Galena
Georgetown
Glennallen
Grayling
Gulkana
Healy Lake
Holy Cross
Hughes
Huslia
Kaktog
Kenny Lake
Koyukuk
Lake Minchumina
Lime Village
Livengood
Lower Kalskag
Marley Hot Springs
Marshall
McCarthy
McGrath
Medfra
Mendelma
Mentasta
Minto
Nabesna
Nemana
Nikolai
Northway
Nulato
Paxson
Pilot Station
Rampart
Red Devil
Ruby
Rustan Mission
Shageluk
Silver Springs
Slana
Sleetmute
Stevens Village
Stony River
Taktotna
Tanacross
Tanana
Tarttlek
Tathlina
Tebklu
Terlin
Tik
Tolsana
Tonsina
Tulksak
Tyonek
Upper Kalskag
Valdez
Venette
Whittier
Wienman

MEMORANDUM

TO: Senator Gene Therriault, Chair
Senate State Affairs Committee

FM: Senator Georgianna Lincoln *Gene*

RE: Committee Hearing for SB 87

DATE: January 26, 2002

At your earliest convenience could you please schedule SB 87 for a committee hearing in the Senate State Affairs Committee. Attached you will find the following documents:

- 1) Sponsor statement
- 2) Current version of the bill
- 3) Fiscal note
- 4) New correspondence that addresses concerns members of the committee expressed with the use of the word "reasonable".
- 5) Original letters of support
- 6) Memo re: by-pass mail system

If you have any questions please do not hesitate to contact my Chief of Staff, Sara Boario, who will be working on this legislation.

ALASKA STATE LEGISLATURE
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- Crooked Creek
- Delta Junction
- Dry Lake
- Dry Creek
- Eagle
- Eagle Village
- Evansville
- Fort Greely
- Fort Yukon
- Four Mile Road
- Gakona
- Galena
- Georgetown
- Glennallen
- Grayline
- Gulkana
- Healy Lake
- Holy Cross
- Hughes
- Huslia
- Katag
- Kenny Lake
- Koyukuk
- Lake Minchumina
- Lime Village
- Lwengood
- Lower Kalslag
- Manley Hot Springs
- Marshall
- McCarthy
- McGrath
- Medfra
- Mendeltna
- Mentasta
- Minto
- Nabesna
- Neenana
- Nikolai
- Northway
- Niutau
- Paxson
- Pilot Station
- Rampart
- Red Devil
- Ruby
- Russian Mission
- Shageluk
- Silver Springs
- Slana
- Sleetmute
- Steven Village
- Stony River
- Takotna
- Tanacross
- Tanana
- Tatitlek
- Tatchna
- Tellu
- Terlin
- Tok
- Tolsona
- Tonsina
- Tulokvak
- Tyonek
- Upper Kalslag
- Valdez
- Venetie
- Whittier
- Witman

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Senate Bill 87

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Chenaux Bay
Chicken
Chitochina
Chitna
Chvatshakuk
Circle
Goldfoot
Copper Center
Cordova
Cusick Creek
Delta Junction
Dot Lake
Dry Creek
Eagle
Eagle Village
Evanville
Fort Greely
Fort Yukon
Four Mile Road
Galena
Galena
Georgetown
Glennallen
Grayline
Gulkana
Healy Lake
Holy Cross
Hughes
Huslia
Kaliq
Kenny Lake
Koyukuk
Lake Minchumina
Lime Village
Livengood
Lower Kalskag
Manley Hot Springs
Marshall
McCarthy
McGrath
Medina
Mendeltna
Mentawa
Minto
Nabesna
Nenana
Nikolai
Northway
Nulato
Paxson
Pilot Station
Rampart
Red Devil
Rice
Riordan Mission
Shaceluk
Silver Springs
Slana
Sleetmute
Stevens Village
Stony River
Taketna
Tanacross
Tanana
Tattletale
Tefina
Telida
Tetlin
Tek
Tolsona
Tonsina
Tulaksak
Tyonek
Upper Kalskag
Valdez
Venetie
Whittier
Wiseman

MEMORANDUM

TO: Senator ^{Gene} Therriault, Chair
Senate State Affairs Committee

FM: Senator Georgianna Lincoln ^{Georg}

RE: Committee Hearing for SB 87

DATE: March 12, 2001

At your earliest convenience could you please schedule SB 87 for a committee hearing in the Senate State Affairs Committee. Attached you will find my sponsor statement explaining the purpose of this bill. If you have any questions please do not hesitate to contact my staff, Sara Boario, who will be working on this legislation.