

SB

63

<TARGET><BILL>SB 63</BILL><SUBJECT>SB
63</SUBJECT><COMM>SSTA28</COMM></TARGET>



Alaska State Legislature

Senator Anna Fairclough — Senate District M

MEMORANDUM

DATE: February 27, 2013

TO: Senator Fred Dyson
Chair, Senate State Affairs Committee

FROM: Senator Anna Fairclough *Anna*

RE: Senate Bill 63 Hearing Request

I am requesting a hearing as soon as your committee schedule will permit for Senate Bill 63 relating to contracts for preparation of ballots.

This bill will require the Division of Elections to go out to bid for the preparation of our election ballots. Currently the division director can award this through a sole source contract. I believe the current process is not providing equal opportunity for business across Alaska.

Thank you for your consideration and attention to this request. Please do not hesitate to contact Laura Pierre on my staff with any questions at 465-4695.



Alaska State Legislature

Senator Anna Fairclough — Senate District M

Sponsor Statement

Senate Bill 63

"An Act relating to contracts for the preparation of election ballots."

Senate Bill 63 is legislation that would require the Alaska Division of Elections to use a competitive proposal process for their ballot printing contract.

While it is of the utmost importance to all Alaskans that our ballots be prepared properly and with attention to all aspects of fair elections, the bidding process is one that is essential to providing an equal opportunity for businesses across Alaska.

SB 63 does not subject the Division of Elections to the procurement code. The bidding proposal process will allow the Division to have control over the evaluating criteria used to award the contract.

Currently, Alaska's election ballots are sole sourced and prepared by one company that has been printing our ballots since 2002. While it may come to be that the company earns the right to continue to prepare the ballots, it is only reasonable to allow others to compete for that business with our state, ensuring the state pays the most competitive and fair amount.

I appreciate your support and consideration of this legislation.

CS FOR SENATE BILL NO. 63(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR FAIRCLOUGH

A BILL

FOR AN ACT ENTITLED

1 **"An Act making contracts for the preparation of election ballots subject to the**
2 **provisions of the state procurement code."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 15.15.030 is amended to read:

5 **Sec. 15.15.030. Preparation of official ballot.** The director shall prepare all
6 official ballots to facilitate fairness, simplicity, and clarity in the voting procedure, to
7 reflect most accurately the intent of the voter, and to expedite the administration of
8 elections. The following directives shall be followed when applicable:

9 (1) The director shall determine the size of the ballot, the type of print,
10 necessary additional instruction notes to voters, and other similar matters of form not
11 provided by law.

12 (2) The director shall number ballots in series to ensure [ASSURE]
13 simplicity and secrecy and to prevent fraud.

14 (3) The director shall [MAY CONTRACT FOR THE

1 PREPARATION OF THE BALLOTS ON A REGIONAL BASIS IF NECESSARY
2 AND MAY] contract for the preparation of ballots under AS 36.30 (State
3 Procurement Code) [WITHOUT OBTAINING COMPETITIVE BIDS].

4 (4) The director may not include on the ballot as a part of a candidate's
5 name, any honorary or assumed title or prefix but may include in the candidate's name
6 any nickname or familiar form of a proper name of the candidate.

7 (5) The names of the candidates and their party designations shall be
8 placed in separate sections on the state general election ballot under the office
9 designation to which they were nominated. The party affiliation, if any, shall be
10 designated after the name of the candidate. The lieutenant governor and the governor
11 shall be included under the same section. Provision shall be made for voting for write-
12 in and no-party candidates within each section. Paper ballots for the state general
13 election shall be printed on white paper.

14 (6) The names of the candidates for each office shall be set out in the
15 same order on ballots printed for use in each house district. The director shall
16 randomly determine the order of the names of the candidates for state representative
17 for each house district. The director shall rotate the order of placement of the names of
18 candidates for governor, lieutenant governor, United States senator, United States
19 representative, and state senator on the ballot for each house district.

20 (7) The general election ballot shall be designed with the names of
21 candidates of each political party, and of any independent candidates qualified under
22 AS 15.30.026, for the office of President and Vice-President of the United States
23 placed in the same section on the ballot rather than the names of electors of President
24 and Vice-President.

25 (8) The general or special election ballot shall be designed with the
26 title and proposition for any initiative, referendum, or constitutional amendment
27 formulated as prescribed by law and placed on the ballot in the manner prescribed by
28 the director. When placed on the ballot, a state ballot proposition or ballot question
29 shall carry the number that was assigned to the petition for the proposition or question.
30 Provision shall be made for marking the proposition "Yes" or "No."

31 (9) The general or special election ballot shall be designed with the

1 question of whether a constitutional convention shall be called placed on the ballot in
 2 the following manner: "Shall there be a constitutional convention?" Provision shall be
 3 made for marking the question "Yes" or "No."

4 (10) A nonpartisan ballot shall be designed for each judicial district in
 5 which a justice or judge is seeking retention in office. The ballot shall be divided into
 6 four parts. Each [AND EACH] part must bear a heading indicating the court to which
 7 the candidate is seeking approval, and provision shall be made for marking each
 8 question "Yes" or "No." [.] Within each part, the question of whether the justice or
 9 judge shall be approved or rejected shall be set out in substantially the following
 10 manner:

11 (A) "Shall be retained as justice of the supreme court
 12 for 10 years?";

13 (B) "Shall be retained as judge of the court of
 14 appeals for eight years?";

15 (C) "Shall be retained as judge of the superior court
 16 for six years?"; or

17 (D) "Shall be retained as judge of the district court for
 18 four years?" [PROVISION SHALL BE MADE FOR MARKING EACH
 19 QUESTION "YES" OR "NO."]

20 (11) When the legislature by law authorizes a state debt for capital
 21 improvements, the director shall place the question of whether the specific
 22 authorization shall be ratified by placing the ballot title and question on the next
 23 general election ballot, or on the special election ballot if a special election is held for
 24 the purpose of ratifying the state debt for capital improvements before the time of the
 25 next general election. Unless specifically provided otherwise in the Act authorizing
 26 the debt, the ballot title shall, by the use of a few words in a succinct manner, indicate
 27 the general subject of the Act. The question shall, by the use of a few sentences in a
 28 succinct manner, give a true and impartial summary of the Act authorizing the state
 29 debt. The question of whether state debt shall be contracted shall be assigned a letter
 30 of the alphabet on the ballot. Provision shall be made for marking the question
 31 substantially as follows:

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"Bonds Yes" or "Bonds No,"
followed by an appropriate oval.

(12) The director may provide for the optical scanning of ballots where
the requisite equipment is available.

(13) The director may provide for voting by use of electronically
generated ballots by a voter who requests to use a machine that produces electronically
generated ballots.

* Sec. 2. AS 36.30.850(b)(7) is amended to read:

(7) contracts for the [PREPARATION AND] transportation of ballots
under AS 15;

* Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to
read:

APPLICABILITY. This Act applies to contracts for the preparation of ballots for
elections conducted on or after January 1, 2014.

28-LS0459N
Bullard
3/25/13

CS FOR SENATE BILL NO. 63()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATOR FAIRCLOUGH

A BILL

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APPLICABILITY. This Act applies to contracts for the preparation of ballots for elections conducted on or after January 1, 2014.

ALASKA STATE LEGISLATURE

Sen. Fred Dyson, Chair
Sen. Cathy Giessel, Vice Chair
Sen. John Coghill
Sen. Bert Stedman
Sen. Bill Wielechowski



State Capitol, Room 121
Juneau AK 99801-1182
907-465-2199
Fax: 907-465-3818
800-342-2199

Senate State Affairs Committee

MEMORANDUM

Date: February 28, 2013

To: Senator Fairclough

From: Senator Fred Dyson *FJD*

Re: Hearing Date for SB 63

In discussions with your staff, we have scheduled SB 63 to be heard in committee on Tuesday, March 5, 2013.

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/22/13

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/26/13

State Affairs Committee considered SENATE BILL NO. 63

SB 63-CONTRACTS FOR PREPARATION OF BALLOTS

"An Act relating to contracts for the preparation of election ballots."

and recommends:

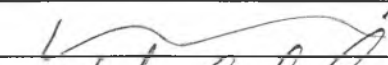

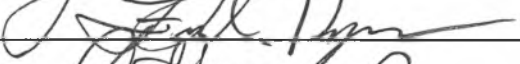
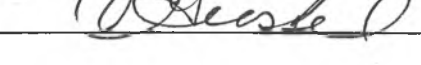

- be replaced with CS SB 63 (STA) [] Same Title [] New Title
- [] adopt previous CS _____ (_____) [] Same Title [] New Title
- [] attached amendment(s)
- [] adopt _____ Letter of Intent
- [] further referral to _____ Committee

| Dept Abbr. | |
|------------|-----|
| ADM | LWF |
| CED | LAW |
| COR | LEG |
| CRT | MVA |
| EED | DNR |
| DEC | DPS |
| DFG | REV |
| GOV | DOT |
| DHS | UA |

| NEW FISCAL NOTE(S) | | | | |
|-------------------------|--------|--------|------|------|
| Dept. | Fiscal | Indet. | Zero | FN # |
| Gov | | | ✓ | 1 |
| Fiscal Info Forthcoming | | | | |
| | | | | |
| | | | | |
| | | | | |

| PREVIOUS FISCAL NOTE(S) | | | | |
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| Dept. | Fiscal | Indet. | Zero | FN # |
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[] APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | PRINTED LAST NAME | Do PASS | Do NOT PASS | NO REC | AMEND |
|--|-------------------|---------|-------------|--------|-------|
|  | W. J. Elechowski | | | ✓ | |
|  | Coghitt | ✓ | | | |
|  | Dyson | ✓ | | | |
|  | Biessel | ✓ | | | |
| | | | | | |
| CHAIR:  | Dyson | ✓ | | | |



Alaska State Legislature

Senator Anna Fairclough — Senate District M

Sectional Analysis

Senate Bill 63

*** Section 1:** Amends AS 15.15.030

Changes current language from “assure” to “ensure.” This is to provide for certainty in statute. Also changes the word “may” to “shall” requiring the director to obtain bids for the printing of election ballots.

Technical changes were made on page three, subsection 10.

***Section 2:** Adds a new section 15.15.031

Outlines the bid process for the printing of election ballots.

***Section 3:** Applicability

This legislation would apply to the printing of ballots for elections conducted after January 1, 2014.

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: SB 63
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB063-OOG-DOE-2-28-13
Title: CONTRACTS FOR PREPARATION OF BALLOTS
Sponsor: FAIRCLOUGH
Requester: Senate State Affairs

Department: Office of the Governor
Appropriation: Elections
Allocation: Elections
OMB Component Number: 21

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

| | FY2014 Appropriation Requested | Included in Governor's FY2014 Request | Out-Year Cost Estimates | | | | | |
|-------------------------------|--------------------------------------|--|-------------------------|------------|------------|------------|------------|------------|
| | | | FY 2015 | FY 2016 | FY 2017 | FY 2018 | FY 2019 | |
| OPERATING EXPENDITURES | | | | | | | | |
| Personal Services | | | | | | | | |
| Travel | | | | | | | | |
| Services | | | | | | | | |
| Commodities | | | | | | | | |
| Capital Outlay | | | | | | | | |
| Grants & Benefits | | | | | | | | |
| Miscellaneous | | | | | | | | |
| Total Operating | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Fund Source (Operating Only)

| | | | | | | | | |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|
| None | | | | | | | | |
| Total | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Positions

| | | | | | | | | |
|-----------|--|--|--|--|--|--|--|--|
| Full-time | | | | | | | | |
| Part-time | | | | | | | | |
| Temporary | | | | | | | | |

| | | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|--|
| Change in Revenues | | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|--|

Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

initial version.

| | | | |
|--------------|-----------------------------------|--------|---------------------|
| Prepared By: | Gail Fenumiai, Director | Phone: | (907)465-2644 |
| Division | Division of Elections | Date: | 02/28/2013 01:54 PM |
| Approved By: | Guy Bell, Administrative Director | Date: | 02/28/13 |
| | Office of the Governor | | |

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. SB 63

Analysis

This legislation would require the division to award a contract for the preparation of election ballots to the lowest responsible and responsive bidder.

Currently, ballot printing is exempted from the procurement statutes.



PRESS
PRINTING

*More than just
creative print...*

To whom it may Concern:

3-01-2013

I am writing to support SB63 opening the Alaska state election ballots to competitive bid. I believe the practice of sole-sourcing the printing of the election ballots to a single Alaska printing company should stop. I believe the State has a responsibility to foster fair business practices and opening the printing of the election ballots to competitive bidding would do exactly that. The Alaska printing industry would benefit by this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Robb Marshall".

Robb Marshall
Owner



SERVICE
BUSINESS PRINTING

To Whom it May Concern!

I am writing to support SB63 opening the Alaska State election ballots to competitive bid. I believe the practice of sole-sourcing the printing of the elections ballots to a single Alaska printing company should stop. I believe the State has a responsibility to foster fair business practices and opening the printing of the election ballots to competitive bidding would do exactly that. The Alaska printing industry would benefit by this legislation.

Sincerely,

Onnie Kendall



**A.T. Publishing
& Printing, Inc.**

907-349-7506 Phone

907-349-4398 Fax

February 28, 2013

To Whom It May Concern!

I am writing in support of SB63, a bill that would require the printing of the State of Alaska election ballots be contracted by a competitive bidding process.

Allowing the Division of Elections to continue to sole-source the printing of the elections ballots is an unfair business practice, particularly since there are other Alaskan companies capable of producing the ballots.

I strongly encourage passage of this legislation.

Sincerely,

Andy Martone

President

A.T. Publishing & Printing, Inc.

W E C O L O R A L A S K A

1720 Abbott Road • Anchorage, AK 99507-3443 • 800-478-0452 Toll Free • E-mail: atpub@alaska.net

Advance PRINTING

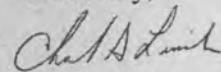
612 30th Avenue
Fairbanks, AK 99701
(907) 451-1111 • Fax: 451-4511
www.hotprinter.com • printer@hotprinter.com

February 28, 2013

To Whom it May Concern,

I am writing to voice my support for SB63, allowing the printing of the Alaska State election ballots to be open for competitive bids. The practice of sole source printing of these elections ballots (or any other State Printing) to a single Alaska printing company is unfair to Alaskan businesses and should be stopped. I believe the State has a responsibility to foster fair business practices and opening the printing of the election ballots to competitive bidding would show good faith in the right direction. The Alaska printing industry would benefit by this legislation, as well as the people of the state of Alaska by ensuring the best value for our tax dollars.

Sincerely,



Charles A. Lincoln
Vice President

*From Design, to Print, to Signs & Banners, to Bulk Mailing,
We are Your Full Service **PRINTING COMPANY!***



Alaska State Legislature

Senator Anna Fairclough — Senate District M

Witness List

SB 63

Patrick Foster, A.T. Publishing & Printing, Inc., From the Anchorage LIO