

ALASKA LEGISLATURE

HOUSE AND SENATE FINANCE COMMITTEE FILES, 1993-1994

9339

Small Single Site School Districts

Funding Analysis

TABLE I

Sch Dist. Size in ADM	A ACTUAL FY91 ADM	B AV. SUPP. PER ADM	C FY90 LOCAL EFF ≥ 4 MILLS PER ADM	D ADJ LOC EFF CNG PER ADM	E F90-F86 FND BAL PER ADM	F F88-91 LO EF/ADM CNG @ 4 MIL	G ST FND/ADM F86-F91	H PL874/ADM F88-F91	I C&B PL874 ADJUST/ADM
Total ADM 1-250	2046.1	500	517	-420	-986	-35	-1766	-209	802
Total ADM 251-525	2095.45	142	430	-235	-325	3	-928	532	200
Total ADM 526-1000	2171.15	116	331	-47	-512	-33	-1014	1022	46
Total Other Districts	99321.25		646	-22	-102	-618	123	212	56

TABLE II

Sch Dist. Size in ADM	J CUM CNGS/ADM	K CUM CNGS/ADM PER YEAR	L F91 K-12 BASIC ND PER ADM	M CUM CNG AS % OF F91 BN INC SUPP	N AV SUPP AS % OF F91 BN	O CUM % CNG WITHOUT SUPP	P CNG LOC EFF C&B ≥ 4 MILLS IN F90
Total ADM 1-250	-2613	-523	7226	-7.3%	-6.92%	-14.15%	-5.81%
Total ADM 251-525	-754	-151	5284	-2.85%	-2.69%	-5.55%	-4.45%
Total ADM 526-1000	-537	-107	5343	-2.01%	-2.17%	-4.18%	-0.88%
Total Other Districts	-351	-70	4913	-1.43%	0.00%	-1.43%	-0.44%

TABLE III

Sch Dist. Size in ADM	Q GRAND TOTAL % CNG/ADM	R ONE MILL PER ADM	S LOCAL MILL EFFORT ≥ 4 MILLS	T PTR F86	U PTR F90	V % INC PTR F90VS86
Total ADM 1-250	-19.96%	151	3.43	7.13	8.96	25.66%
Total ADM 251-525	-10.00%	187	2.30	9.59	10.92	13.83%
Total ADM 526-1000	-5.06%	138	2.39	11.62	13.82	18.90%
Total Other Districts	-1.87%	219	2.94	13.05	13.73	5.25%

Column Explanation Tables I-III

School District Size In ADM:

Total ADM 1-250 : Is single site school districts with average daily memberships (ADM) of 1-250.

Total ADM 251-525: Is single site school districts of 251-525 ADM.

Total ADM 526-1000: Is single site school districts of 526-1000 ADM.

Total Other Districts: Is all other school districts except Valdez, North Slope , Aleutian East and Aleutian Region as noted in the analysis section of the report.

Column A: Actual FY 91 ADM: Foundation ADM for fiscal year 1991

Column B: Average Supplementals Per ADM: Total supplemental support FY 86-91 divided by the number of supplementals received divided the FY 91 ADM.

Column C: F 90 Local Effort Greater Than 4 Mills Per ADM: Shows the per ADM local effort of school districts greater than the 4 mills required by the foundation act in effect in FY 88.

Column D: Adjusted Local Effort Change Per ADM: Shows the difference in local effort per ADM in FY 86 minus FY 90. This represents the local effort change made by school districts over the 5 year period FY 86- FY90. Negative represents more local effort and positive less local effort.

Column E: F 90- F 86 Fund Balance Per ADM: Shows the loss(-) or gain (+) in fund balance per ADM between FY 86 and FY 90.

Column F: FY 88_FY91 Local Effort Per ADM change at 4 Mills: Shows the increase (-) or decrease (+) in required local effort resulting from the change in local property valuations per ADM between FY 88 and FY 90. That is the change in state foundation funding (Column G) would have been greater or lesser had the property values remained the same.

Column G: State Foundation Per ADM FY 86 less FY 91: Shows the loss (-) or gain (+) in state foundation payments per ADM between FY 86 and FY 91. Columns F, H and I are adjustments to this number for required local effort (F) and P. L. 874 (H,I).

Column H: P. L. 874 per ADM FY 88 less FY 91: Shows the gain (-) or loss (+) in P. L. 874 from FY 88 to FY 91 A gain reduced state aid and a loss increased state aid compared to no change.

Column I: City and Borough P. L. 874 payments that were first taken into consideration in FY 88 and which adjusts positively to the foundation change (Column G). That is the loss in state funds for city and borough school districts due to the 874 payments was an intentional adjustment and should show as a reduction in the change in Column G.

Column J: Cumulative Changes Per ADM: Shows the net result of the changes in Columns D through I.

Column K: Cumulative Changes Per ADM Per Year: Column J divided by the five years FY 86 through FY 90 to get the average change to apply to FY 91 K-12 Basic Need.

Column L: FY 91 K-12 Basic Need Per ADM: Shows the FY 91 dollars per ADM that represents the amount of K-12 Basic Need. This is the number that the changes from FY 86 to FY 91 are compared to determine the needed percent change in the K-12 Instructional Units for the single site school districts.

Column M: Cumulative Changes AS A Percent Of FY 91 Basic Need Including Supplementals: Shows the average adjusted changes per year brought about by changes in local effort up to 4 mills, change in fund balance, change in P. L. 874 and state foundation change. It also includes the supplemental support shown in Column B which when relating to foundation payments must be adjusted out to show how districts foundation payments are affected without the supplementals.

Column N: Average Supplemental AS A Percent Of FY 91 Basic Need: Shows the effects of not having the supplementals in Column B.

Column O: Cumulative Percent Change Without The Supplemental: Shows the sum of Columns M and N.

Column P: Change In Local Effort With City And Borough's Local Effort Greater Than 4 Mills In FY 90 FY86 Less FY 90: Shows the local effort increase (-) above 4 mills in FY 90.

Column Q: Grand Total Percent Change Per ADM: Shows the total changes as a percent of FY 91 K-12 Basic Need.

Column R: One Mill Per ADM: Shows the dollars per ADM generated by one mill.

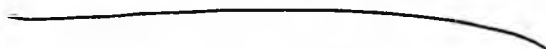
Column S: Local Mill Effort Greater Than 4 Mills.

Column T: PTR FY 86: Shows the pupil teacher ratio for FY 86.

Column U: PTR FY 90: Shows the pupil teacher ratio for FY 90.

Column V: Percent Increase In PTR FY 90 Verses FY 86.

Back-up



Petersburg City Schools

Phone (907) 772-4271
FAX (907) 772-4719

P.O. Box 289
Petersburg, Alaska 99833

Mary A. Francis, Ph.D.
Superintendent

*** * P. O. M. * * P. O. M. * * P. O. M. * ***

TO: Senator Robin Taylor
FROM: Mary A. Francis, Superintendent
DATE: March 9, 1993
SUBJECT: CSHB 45

I understand that Senate Finance will be discussing CSHB 45 again tomorrow morning. As you deliberate, please note that timber receipts and single site supplemental funding should not be confused.

Timber receipts are monies that Petersburg should have been getting all those years that Juneau, Sitka, Haines and Ketchikan were receiving them. Are you contemplating reduced education funding to those districts because they receive timber receipts?

The single site supplemental is money that has been appropriated to offset equity problems in the foundation formula. The new foundation formula bill, which is supported by the Petersburg School District, demonstrates that Petersburg has not gotten its fair share from the existing formula.

Timber receipts in Petersburg do not come to the school district directly; rather, are used by the City as a portion of their local contribution to schools.

We need supplemental funds to maintain programs here. We are asking the City of Petersburg for the maximum it can give us, we are eliminating two teaching positions and our contract with teachers will be status quo for FY '94. Yet, in spite of all the cost-cutting measures, our costs continue to grow.

While our preference is a permanent change to the foundation formula, we urge you to pass CSHB 45 with supplemental funding for Petersburg. Please contact me if you would like additional information.

HB 45

Statement on Forest Service Receipts

There has been some questions concerning the treatment of forest service receipts as a revenue to school districts. According to the official manual of the U. S. Department of Education, Financial Accounting for Local and State School Systems 1990, "shared revenue (revenue levied by another governmental unit, but shared in proportion to the amount collected within the LEA) is recorded as revenue from local sources." In response to an inquiry to the Alaska Department of Education, the Department indicated that forest receipts are treated as revenue from local sources.

Prepared for the Single Site School District Consortium by Dr. Nat Cole, February 3, 1992

HB

47

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: April 5, 1994

FURTHER REFERRALS:

Date of Committee Action: 4/13/94

The FINANCE Committee considered:

HB 47

HOUSE BILL NO. 47

ABSENTEE BALLOTS - PRIMARY ELECTIONS

"An Act relating to the delivery of the primary ballots to persons making application for them when, by operation of political party rule, two or more primary ballots must be provided to the public."

RECOMMENDATIONS:

be replaced with HS HB 47 (FIN) the same 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) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note of of Governor

zero fiscal note(s) _____

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Terry Martin</i> MARTIN	✓	<i>Ronald J. Larson</i> Larson		X	
<i>Bill Grussendorf</i> grussendorf	X	<i>Mark Hanley</i> Hanley		X	
		<i>Alan R. Parnell</i> Parnell		X	X
		<i>Tom Hoffmann</i> Hoffmann		✓	
		<i>Jan Brown</i> Brown		✓	
		<i>Tom Thuniant</i> Thuniant			X
		<i>Eileen P. Mullen</i> Mullen		X	

Eileen P. Mullen Mullen
 ED Mullen
 CO CHAIRMAN'S SIGNATURE
Ronald J. Larson Larson

FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB47

1994 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Office of the Governor

Title: An Act relating to primary elections and to the delivery of the primary ballots to person making application for them when, by operation of political party rule, two or more primary ballots must be provided to the public.

BRU: Div of ElectionsComponent: Gen/PrimSponsor: Rep. Martin

Requestor: _____

COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 93	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND &	0	0	0	0	0	0
GRANTS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program	0	0	0	0	0	0
1006 GF/MHTLA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	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 (FY94) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Joseph L. Swanson, DirectorPhone: 465-4611Division: Division of ElectionsDate: Apr 13, 1994Approved by Commissioner: John B. Coghil, Lieutenant GovernorAgency: Office of the GovernorDate: Apr 13, 1994

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 47

Revision Date: 3/25/94

Department Affected: Office of the Governor

Title: "An Act relating to primary elections and to the delivery of the primary ballots to persons making application for them when, by operation of political party rule, two or more primary ballots must be provide: to the public."

BRU: Division of Elections

Component: General and Primary

Sponsor: Representative Martin

Requestor: _____

COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	7.9	0	7.9	0	7.9	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND &	0	0	0	0	0	0
GRANTS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	7.9	0	7.9	0	7.9	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	7.9	0	7.9	0	7.9	0
1005 GF/Program	0	0	0	0	0	0
1008 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	7.9	0	7.9	0	7.9	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 (FY94) impact: 0

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

Prepared by: Joseph L. Swanson, Director
Division: Division of Elections

Phone: 465-4611

Date: 3/25/94

Approved by Commissioner: John B. Coghill, Lieutenant Governor

Agency: Office of the Governor

Date: 3/25/94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

page 2 of 2

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 47

ANALYSIS:

Contractual (7.9)

Assumption: 10,000 absentee ballots are sent out for the primary election. 330,000 ballots cost \$165.0 or .50 per ballot. Therefore, absentee ballots for each party costs (10,000 ballots x .50) = \$5,000.00.

Postage for mailing absentee ballots for each party costs. (10,000 ballots x .29) \$2,900.00.

If a political party had their own designated ballot, it would cost the State of Alaska 309.6. This cost includes printing and postage.

ELECTIVE DISTRICT 14
ELMENDORF A.F.B.
EAST ANCHORAGE
GOVERNMENT HILL

REP. TERRY MARTIN

HOME
355 DONNA DR., #11
ANCHORAGE, AK 99504
PHONE: 333-6990

DURING SESSION
P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE: 465-3763

Alaska House of Representatives

SPONSOR STATEMENT

CSHB47 (JUD)

An Act pertaining to the delivery of a primary ballot under political party rule, when two or more ballots must be provided.

As a direct result of the 1992 Primary Election, this legislation has been drafted in the event an absentee ballot applicant does not indicate a ballot preference or lacks the opportunity. The absentee voter would receive the appropriate primary election ballot, as determined by their political affiliation on record. The bill also creates a 30-day limitation on party affiliation changes to facilitate a flowing election process.

Need for Legislation

In retrospect of last year's primary, a significant number of votes were lost for primary candidates due to the Division of Elections' emergency regulation 6 AAC 28.040(c) requiring the statutory ballot to be sent to applicants failing to signify their ballot choice. Many Republican absentee voters expected a ballot aligned with their registered party affiliation. Instead, all eligible absentee voters with the affiliation of Republican, Independent, and Undeclared who did not mark their ballot preference on the absentee ballot application received the statutory ballot with only Democrat, Green, and Alaska Independent Party candidates to select. As a result, they either voted for a candidate they did not truly support or opted not to vote. In either case, this hindrance to equal selection is an example of why the regulation of the electoral process should be changed.

CSHB47(JUD) removes the barriers to the democratic process of voting in a primary election in Alaska. If an individual voting absentee does not clearly mark the desired ballot on the absentee application, the absentee voter will be sent the ballot allowed under his/her party affiliation. If no determination can be made as to the affiliation, the statutory ballot will be sent.

The prohibition to change party affiliation within 30 days preceding the primary election is strongly supported by the Division of Elections because it prevents confusion and untimely registration changes which muddle the process.

CSHB 47(JUD)

CHANGES

Page 1, Lines 3-6: Adds to the title of the bill that a voter cannot change affiliation within 30 days of a primary election when two or more primary ballots must be provided to the public (i.e., 1992's election when a statutory and Republican ballot existed).

Page 2, Lines 7-8: States that the Div. of Elections did adopt the emergency regulations from 1992 providing that an individual sending an absentee ballot application without a ballot selection will be provided the statutory ballot (6 AAC 28.130(c)).

Page 2, Line 10 States that this Act takes effect for state primary elections after June 30, 1994.

Page 2, Lines 14-16 Provides that if the director cannot determine the appropriate ballot to send an applicant after reviewing relevant division records, the open primary (statutory) ballot will be sent.

Page 2, Line 22 States the provisions of this section apply to state primaries held on or after July 1, 1994.

Page 3-4, Lines 11-5 Describes how the director will attempt to determine the appropriateness of a ballot by analyzing party affiliation and take into consideration any change of affiliation.

Page 5, Lines 14-19 States that when more than one primary ballot exists, the director may prevent party affiliation change completed after the 30 day mark before the primary election.

Page 5, Line 20 Annuls the emergency regulation requiring an individual who fails to mark the appropriate ballot preference on an application to receive the statutory ballot.

Page 5, Line 21 Immediate effective date.

STATE

OFFICE OF THE GOVERNOR

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

Position Statement
CSHB 47 (JUD)

This bill provides in statute the legal basis for the current "split" party primary election. It further clarifies how the division of elections is to determine which ballot a voter may receive, and prevents a voter from changing party affiliation within 30 days of the primary election. The division of elections strongly supports this bill. The bill helps the public as well as the division understand better who is eligible to vote in a party's primary and which ballots voters can receive. The 30-day limitation on party affiliation changes provides for a smoother, faster primary election process. It also lessens the chance that the division will not be able to determine the voter's intention and eligibility. In the past, there were some times when the voter filled out a party change form on the same day he or she filled out a registration form. This caused the district and state review boards to be confused about voter eligibility, and resulted in the disenfranchisement of some voters.

Section 1 provides historical background and correctly points out that the current regulations used by the division were based on court proceedings rather than on statute. The division supports the passage of statutes that establish rules for the split primary.

Section 2 adds a new section to AS 15.20, dealing with absentee voting, which clarifies how the division may determine which ballot an absentee applicant may receive. Applicants will be sent the ballot they request and are eligible to receive.

If they do not qualify for the ballot requested or do not indicate a ballot preference, they will receive the appropriate

Mr. Joseph L. Swanson, Director
April 1, 1994
Page 2

ballot based on party affiliation or nonaffiliation. The party affiliation used is the one in effect prior to the 30th day before the primary election. The appropriate ballot will be that of the party to which the voter belongs at the above described time if that party has satisfied the requirements to adopt and implement rules limiting participation in the party's primary to voters with certain party affiliations or nonaffiliations. Voters who belong to a party that has not limited participation in its primary, or are not affiliated with any party, and who do not indicate a preference, will receive the primary ballot.

The division strongly supports this section. It is clear, and the division will be able to follow its intent easily. It differs from current regulations, but, of course, procedure will be brought into compliance if this bill becomes law.

Section 3 is a technical amendment to statute which establishes the name of "statutory primary ballot" for candidates whose parties have not limited participation in their primaries.

Section 4 establishes the "FILL IN THE BLANK party primary ballot" to those candidates who belong to parties that have adopted rules limiting participation in their party, and have given the rules to the division by March 1 of the primary election year, and the rules have been submitted to the United States Department of Justice and the Justice Department has provided an affirmative indication of nonobjection to the rules. Candidates appearing on this ballot may not appear on the statutory primary ballot.

Finally, this section makes it clear that registered voters may choose the ballot they wish to use, but may not be given a ballot which they are not eligible to vote.

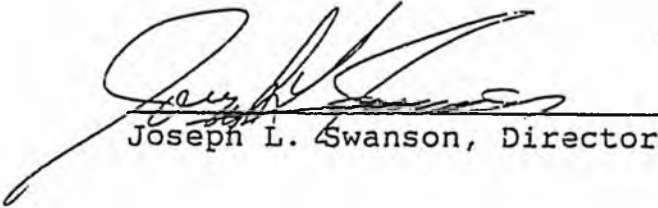
Mr. Joseph L. Swanson, Director

April 1, 1994

Page 3

Section 5 prohibits a voter's change of party affiliation from taking effect for the primary if it is requested by the voter during the period after the 30th day preceding the primary election. The division strongly supports this section. In the past, voters could fill out a change of party affiliation at the polling place. Not only did this slow down the voting process, resulting in lines and delays for the voter, but it produced a potentially confusing record in cases where the voter filled out a registration form on the same day which may not have been consistent with the change in party affiliation form. It was impossible to tell which was executed last. This section makes the 30-day cutoff apply to the party affiliation just as it does to all other aspects of the voters's registration.

Section 6 is a technical amendment annulling the current regulation that is out of compliance with the provisions of this bill.


Joseph L. Swanson, Director

4/1/94
Date

HB

49

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: February 3, 1994

FURTHER REFERRALS:

Date of Committee Action: 3/4/94

The FINANCE Committee considered:

HB 49

HOUSE BILL NO. 49

ABSENTEE BALLOTING BY FAX

"An Act relating to facsimile absentee ballot application and facsimile absentee voting."

RECOMMENDATIONS:

be replaced with CSHB 49 (Fin) | | the same title
 | | 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) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact Governor

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Ed Meehan</i> <u>Meehan</u>		<i>Mike Stovane</i> <u>Stovane</u>		<input checked="" type="checkbox"/>	
<i>Therriault</i>		<i>Richard J. Foster</i> <u>Foster</u>		<input checked="" type="checkbox"/>	
<i>Law Therriault</i>	<input checked="" type="checkbox"/>	<i>Richard J. Foster</i>		<input checked="" type="checkbox"/>	
<i>Mark Hanley</i> <u>Hanley</u>	<input checked="" type="checkbox"/>				
<i>Sean Martin</i> <u>Martin</u>	<input checked="" type="checkbox"/>				

Ed Meehan
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 49 (JUD)

Revision Date: 2/15/94
Title: Absentee Balloting by FAX

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

Sponsor: Representative Martin
Requestor: _____

COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	20.0	0	20.0	0	20.0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	3.4	0	0	0	0	0
LAND &	0	0	0	0	0	0
GRANTS,	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	23.4	0	20.0	0	20.0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	23.4	0	20.0	0	20.0	0
1005 GF/Program	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	23.4	0	20.0	0	20.0	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 (FY94) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Joseph L. Swanson, Director
Division: Division of Elections

Phone: 465-4611
Date: 2/15/94

Approved by Commissioner: John B. Coghill, Lieutenant Governor
Agency: Office of the Governor Date: 2/15/94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

page 2 of 2

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB49 (JUD)

ANALYSIS:

Contractual (20.0)

Long distance telephone charges and installation of four dedicated absentee ballot fax lines. These dedicated telephone lines would be installed in all four regional offices and be operational for four months every election year.

Equipment (3.4)

Purchase of one dedicated fax machine for receiving electronic absentee ballots. One Sharp FO 5400 fax machine with supplies and warranty.

8-LS0359N
Chenoweth
3/3/94

AmL
Reg 2

CS FOR HOUSE BILL NO. 49()

IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MARTIN, Brice

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to absentee voting, to electronic transmission of absentee ballot
2 applications, to delivery of ballots to absentee ballot applicants by electronic
3 transmission, and enacting a definition of the term 'state election' for purposes
4 of absentee voting; and providing for an effective date."

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

6 * Section 1. AS 15.20 is amended by adding a new section to read:

7 Sec. 15.20.066. VOTING BY ELECTRONIC TRANSMISSION. (a) The
8 director shall adopt regulations applicable to the delivery of absentee ballot by
9 electronic transmission in a state election and to the use of electronic transmission
10 absentee voting in a state election by qualified voters. The regulations must

11 (1) require the voter to comply with the same time deadlines as for
12 voting in person on or before the closing hour of the polls;

13 (2) ensure the accuracy and, to the greatest degree possible, the
14 integrity and secrecy of the ballot process.


1 (b) An absentee ballot that is completed and returned by the voter by
2 electronic transmission must

3 (1) contain the following statement: "I understand that by using
4 electronic transmission to return my marked ballot, I am voluntarily waiving my right
5 to a secret ballot.", followed by the voter's signature and date of signature; and

6 (2) be accompanied by a statement executed under oath as to the
7 voter's identity; the statement under oath must be witnessed by

8 (A) a commissioned or noncommissioned officer of the armed
9 forces of the United States;

10 (B) an official authorized by federal law or the law of the state
11 in which the absentee ballot is cast to administer an oath; or

12 (C) two United States citizens, 18 yrs or older 

13 * Sec. 2. AS 15.20.081(a) is amended to read:

14 (a) A qualified voter may apply by mail or by electronic transmission to the
15 director for an absentee ballot. The application must [SHALL] include the address or,
16 if the application requests delivery of an absentee ballot by electronic
17 transmission. the telephone electronic transmission number, to which the absentee
18 ballot is to be returned, the applicant's full Alaska residence address, and the
19 applicant's signature. However, a person [PERSONS] residing outside the United
20 States and applying to vote absentee in federal elections in accordance with
21 AS 15.05.011 need not include an Alaska residence address in the application.

22 * Sec. 3. AS 15.20.081(b) is amended to read:

23 (b) An application requesting delivery of [FOR] an absentee ballot to the
24 applicant by mail must be received by the division of elections not less than seven
25 [FOUR] days before the election for which the absentee ballot is sought. An
26 application for an absentee ballot for a state election from a qualified voter
27 requesting delivery of an absentee ballot to the applicant by electronic
28 transmission must be received by the division of elections not less than four days
29 before the election for which the absentee ballot is sought. An [THE] absentee
30 ballot application submitted by mail under this section must permit the person to
31 register to vote under AS 15.07.070 and to request an absentee ballot for each state

1 election held within that calendar year for which the voter is eligible to vote. An
2 absentee ballot application submitted by electronic transmission under this section
3 may not include a provision that permits a person to register to vote under
4 AS 15.07.070.

5 * Sec. 4. AS 15.20.081(c) is amended to read:

6 (c) After receipt of an application [BY MAIL], the director shall send the
7 absentee ballot and other absentee voting material to the applicant by priority mail.
8 However, if the application requests that an absentee ballot for a state election be
9 sent by electronic transmission, the director shall send the absentee ballot and
10 other absentee voting material to the applicant by electronic transmission. The
11 absentee ballot and other absentee voting [THE MOST EXPEDITIOUS MAIL
12 SERVICE. THE] material shall be sent as soon as they are ready for distribution. If
13 the absentee ballot and other absentee voting material are mailed to the applicant,
14 the [THE] return envelope sent with the ballot and other materials shall be addressed
15 to the election supervisor in the district in which the voter is a resident.

16 * Sec. 5. AS 15.20.081(e) is amended to read:

17 (e) An absentee ballot must be marked on or before the date of the election.
18 Except as provided in (h) of this section, a voter who returns the absentee ballot by
19 mail, whether provided to the voter by mail or by electronic transmission, shall use
20 a mail service at least equal to first class and mail the ballot not later than the day of
21 the election to the election supervisor for the election district in which the voter seeks
22 to vote. Except as provided in AS 15.20.480, the ballot may not be counted unless it
23 is received by the close of business on the 10th day after the election. If the ballot is
24 postmarked, it must be postmarked on or before election day. After the day of the
25 election, [NO] ballots may not [SHALL] be accepted unless received by mail.

26 * Sec. 6. AS 15.20.081(g) is amended to read:

27 (g) The director shall maintain a record of the name of each voter to whom
28 an absentee ballot is sent under this section [BY MAIL]. The record must list the
29 date on which the ballot is mailed or provided by electronic transmission and the
30 date on which the ballot is received by the election supervisor and the dates on which
31 the ballot was executed and postmarked.

1 * Sec. 7. AS 15.20.082 is amended by adding a new subsection to read:

2 (e) The provisions of AS 15.20.066 and 15.20.081 relating to electronic
3 transmission absentee voting do not apply to the procedures established in this section.

4 * Sec. 8. AS 15.20.211(b) is amended to read:

5 (b) If a voter requested an absentee ballot [BY MAIL] and the proper absentee
6 ballot was not sent to the voter, the votes cast by the voter on the ballot received
7 which are for write-in candidates the voter could have voted for if the voter had
8 received and voted the proper absentee ballot shall be counted.

9 * Sec. 9. AS 15.20 is amended by adding a new section to read:

10 Sec. 15.20.225. DEFINITION OF "STATE ELECTION." In AS 15.20.010 -
11 15.20.225, "state election" means a primary, general, or special election a purpose of
12 which is to

13 (1) select, nominate, or elect a governor and lieutenant governor, an
14 acting governor, a state senator, or a state representative;

15 (2) select, nominate, or elect delegates to a constitutional convention;

16 (3) approve or reject an initiative submitted under art. XI of the state
17 constitution and AS 15.45.190 - 15.45.200 or a referendum submitted under art. XI of
18 the state constitution and AS 15.45.420 - 15.45.440;

19 (4) recall an official identified in (1) of this section when authorized
20 by art. XI of the state constitution and AS 15.45.650 - 15.45.690;

21 (5) approve or reject a proposed constitutional amendment submitted
22 under AS 15.50; or

23 (6) ratify or reject a state general obligation bond when authorized by
24 AS 37.15.

25 * Sec. 10. ABSENTEE VOTING DURING PRIMARY, GENERAL, AND SPECIAL
26 STATE ELECTIONS DURING 1994. Notwithstanding AS 15.20.066(a), added by sec. 1 of
27 this Act,

28 (1) in the primary or a special state election held during 1994, a person may
29 not cast an absentee ballot by electronic transmission; and

30 (2) in the general election held during 1994, a person may not cast an absentee
31 ballot by electronic transmission unless the person casting the absentee ballot is a qualified

1 voter in this state who marks the ballot outside the state.

2 * Sec. 11. This Act takes effect immediately under AS 01.10.070(c).

Committee Substitute for CSHB49 (IJD)

- 1) Deletes Section 1. *Legislative Findings and Purpose.*
- 2) Renumbers sections appropriately upon Section 1 deletion.
- 3) Deletes all specific references to absentee voters outside of Alaska in the U.S. or outside of the U.S., so as to accommodate the new intent of the bill which is to allow absentee voting by electronic transmission during primary, general, and special elections to all Alaskan absentee voters, whether in: Alaska, the United States, or another country, starting in 1995 (*See 8).
- 4) Adds on page 2, lines 25-29, that an application for an absentee ballot requested by a voter by electronic transmission must be received not less than four (4) days before the election.
- 5) Adds a waiver requirement on page 2, lines 3-5, requiring the absentee voter who votes by electronic transmission to sign a statement waving the right to a secret ballot.
- 6) Changes renumbered Section 1, page 2, line 10-11, so that an official authorized by federal or state law, in the state the ballot is cast, may administer the required oath of identity to the absentee voter.
- 7) Adds a new renumbered Section 9 which defines "State Election" (thereby discluding local elections that might be run by the Division of Elections such as an REAA school board election or a local option election).
- 8) Adds a new renumbered Section 10 which prohibits the electronic transmission of absentee ballots during the Primary Election in 1994, and which only allows ballots from outside of Alaska to be sent by electronic transmission during the General Election in 1994.
- 9) Adds a new renumbered Section 11 which is an immediate effective date (barring the stipulations for the 1994 Primary and General Elections).

A M E N D M E N T (1)

OFFERED IN THE HOUSE
TO: CSHB 49(JUD)

BY REPRESENTATIVE MARTIN

Page 2, line 7, after "state":

Insert "primary, general, or special"

Page 2, line 23, after the first occurrence of "electronic transmission":

Insert "in a state election"

Page 2, line 23, after "voting":

Insert "in a state election"

Page 3, line 8, after "States":

Insert "applying for an absentee ballot for a state election"

Page 3, line 20, after "application":

Insert "for an absentee ballot for a state election"

Page 4, line 2, after "ballot":

Insert "for a state election"

Page 4, line 4, after "application":

Insert "for a state election ballot"

Page 5, following line 9:

Insert a new bill section to read:

** Sec. 10. AS 15.20 is amended by adding a new section to read:

Sec. 15.20.225. DEFINITION OF "STATE ELECTION." In AS 15.20.010 -

15.20.225, "state election" means a primary, general, or special election a purpose of which is to

- (1) select, nominate, or elect a governor and lieutenant governor, an acting governor, a state senator, or a state representative;
- (2) select, nominate, or elect delegates to a constitutional convention;
- (3) approve or reject an initiative submitted under art. XI of the state constitution and AS 15.45.190 - 15.45.200 or a referendum submitted under art. XI of the state constitution and AS 15.45.420 - 15.45.440;
- (4) recall an official identified in (1) of this section when authorized by art. XI of the state constitution and AS 15.45.650 - 15.45.690;
- (5) approve or reject a proposed constitutional amendment submitted under AS 15.50; or
- (6) ratify or reject a state general obligation bond when authorized by AS 37.15."

ELECTIVE DISTRICT 14
ELMENDORF A.F.B.
EAST ANCHORAGE
GOVERNMENT HILL

REP. TERRY MARTIN



Alaska House of Representatives

HOME
355 DONNA DR., #11
ANCHORAGE, AK 99504
PHONE: 333-6990

DURING SESSION
P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE: 465-3783

SPONSOR SUMMARY

CSHB 49 (JUD)

An Act relating to absentee voting by electronic transmission.

Per a request by the Secretary of Defense, Federal Voting Assistance Program Director Phyllis J. Taylor, I requested LAA Legal Services to draft HB 49. With new committee changes resulting in CSHB 49 (JUD), the intent is to allow residents of Alaska, outside the U.S., the opportunity to vote by electronic transmission (fax) if a potential exists that their mailed application and ballot will be late.

Need for Legislation

In consideration of the 1990 Desert Storm conflict, the difficulty in sending and receiving ballots from outside the U.S. has escalated through failures in our postal system, electoral regulation changes and misunderstanding by voters. With regards to the military, reports reveal that there are 26,281 Alaska residents serving in the Armed Forces alone, with over 19,000 spouses and dependents of voting age, and almost 5,750 residents not affiliated with the federal government, but eligible to vote in Alaska. These figures do not include all other Alaskan residents who vote out of state by absentee. In total, a good proportion of these absentee voters are outside of the United States and find the absentee voting process to have problems when mail service is the only means to apply and vote in an Alaskan election.

The national trend is to expand voting practices and allow those individuals voting absentee the most expeditious means by which they can cast their ballot. In terms of Alaska's requirements, there is a 36-45 day ballot transmission time. Ballots are mailed 21-30 days before the election. Marked ballots mailed by voters within the United States will be counted if postmarked by the day of the election and if received by the Division of Elections by the tenth day following the election. Ballots returned by voters outside the United States must be received by the Division of Elections by the fifteenth day following the election. Alaska also provides a Special Write-in Absentee Ballot, which is available 60 days before the election.

In the 1988 presidential election, 200,000 military personnel who tried to vote absentee were unable to do so because they didn't receive their ballot on time or at all. Presently, seven (7) states allow the electronic transmission of absentee ballots: California, Hawaii, Louisiana, Montana, North Dakota, Utah, and Washington. In the 1992 presidential election, 140 individuals voted by electronic transmission. In addition, 699 election offices in 49 states utilized fax machines to distribute information and material.

The purpose of CSHB 49 (JUD) is to decrease lost, delayed, or denied absentee ballots from overseas (and in the U.S., in specific cases). The use of electronic transmission maintains confidentiality, while at the same time, is fast and efficient. In essence, it expands the use of alternative voting procedures which might otherwise disenfranchise an Alaskan resident voting absentee. In other states, such as Montana, the use of facsimile machines for absentee voting has been integrated into statute. Through a set of specific guidelines and a regulated procedure established in CSHB 49 (JUD), those voters outside of the United States, unable to return to Alaska during a federal or state election, would also be afforded the opportunity to cast their vote via electronic transmission.

PRIMARY CHANGES IN THE LAW:

1. CSHB 49 (JUD) categorizes three types of absentee voter and the corresponding requirements to vote absentee:

(1) **OUTSIDE THE U.S.** - Will be allowed to request an application and upon receipt from the Division of Elections (by mail), may send by electronic transmission the completed application. The division will then fax by electronic transmission the ballot and the absentee voter may return the marked ballot by fax to the division, but it must be returned by the close of the polls in the evening of the election.

(2) **OUTSIDE OF ALASKA (IN U.S.)** - Will be faxed a ballot on the occurrence that an application for an absentee ballot is received less than 7 days prior to the election by the Division of Elections. The director will determine if the ballot may be faxed. If faxing the ballot is allowed, upon receipt and completion the absentee-voter must send the marked ballot to the Division of Elections by mail and it must be postmarked by the day of the election.

(3) **IN ALASKA** - No change. The absentee voter will be allowed to participate through the in-state absentee voter process which is very accommodating as the law exists today (e.g., the division provides in-person absentee voting at absentee voting stations throughout Alaska).

2. The bill requires the absentee voter, upon completion of the ballot, to accompany it with a statement, under oath, witnessed by: a commissioned or non-commissioned officer of the Armed Forces of the U.S.; an official authorized by federal law or Alaskan law to administer an oath; or two United States citizens.

3. Finally, as noted, the bill changes the time period for the request of the delivery of an absentee ballot application from four (4) days prior to the election to seven (7) prior to the election.

The remainder of the changes are for clarity between mailing and faxing absentee applications and ballots.

ELECTIVE DISTRICT 14
ELMENDORF A.F.B.
EAST ANCHORAGE
GOVERNMENT HILL

REP. TERRY MARTIN



HOME
355 DONNA DR., #11
ANCHORAGE, AK 99504
PHONE: 333-6990

DURING SESSION
P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE: 465-3783

Alaska House of Representatives

SECTIONAL ANALYSIS

CSHB 49 (JUD)

An Act relating to absentee voting by electronic transmission.

Section 1. (1) References the untimely delivery and receipt of absentee ballots due to mailing and distance delivery problems.

(2) Confirms that international postal service can be unreliable, other than for military personnel.

(3) Notes that the use of electronic transmission would be an expeditious method of sending absentee ballots.

(4) Promotes the use of electronic transmission in Alaska and clarifies the purpose of CSHB49(JUD) as allowing:

- (b) (1) Voters outside of the United States to receive an absentee ballot by electronic transmission providing adequate security and secrecy exists.
- (2) Voters outside the state, in the U.S., under time constraints, to have a ballot delivered providing adequate security and secrecy exists.
- (c) Maintains that the in-state absentee voting process will not be altered.

Section 2. Adds a new section on voting by electronic transmission:

- (a) Allows for transmission of ballot to absentee voter outside of U.S.
 - (1) Requires the voter to continue complying with time deadlines.
 - (2) Ensures accuracy and secrecy.

- (b) Requires statement of identification under oath, witnessed by:
- (1) Commissioned/non-commissioned officer of the Armed Forces in the U.S.
 - (2) Official of federal government or Alaska that can administer oaths.
 - (3) Two United States citizens.

Section 3. Allows an absentee voter outside of the U.S. to apply for an absentee ballot by electronic transmission and requires the inclusion of the fax number in use.

Section 4. Requires the request for the delivery of an absentee ballot to be received or faxed not less than seven (7) days before the election. Prohibits the use of electronic transmission for voter registration.

Section 5. States that the director of elections shall send the absentee ballot/materials by priority mail, unless the absentee voter resides outside of the U.S. and requests the delivery by electronic transmission. In addition, if an individual outside of Alaska, but residing inside the U.S., mails the request in the allotted time and the director concludes that the ballot's distribution may be delayed through mail, the use of electronic transmission may be utilized by elections, but the marked ballot must be returned by mail and postmarked by the day of the election.

Section 6. Requires the absentee ballot, whether mailed or faxed, to be postmarked (or faxed), by the close of the election day.

Section 7. Adds that those who use electronic transmission must also be included on the division's absentee list of voters in the state.

Section 8. States that the use of electronic transmission is not applicable in the use of the federal write-in absentee ballot for overseas voters (which involves a blank ballot with the list of candidates if certification has not occurred).

Section 9. Allows the absentee voter to write-in candidates on the ballot if the wrong ballot is sent, but the candidates written in must be eligible.

Correspondance



DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 21, 1994

SUBJECT: CSHB 49 (State Affairs), relating to absentee voting and voting application by electronic transmission (Work Order No. 8LS-0359R)

TO: Representative Terry Martin

FROM: Jack Chenoweth
Legislative Counsel

I have had two inquiries from Tom Anderson of your office.

I

The first asks me to revisit those portions of the original bill (HB 49) and the State Affairs Committee's Substitute (CSHB 49 (STA)) on the matter of amendment of AS 15.20.081(b). That provision currently states:

(b) An application for an absentee ballot by mail must be received by the division of elections not less than four days before the election for which the absentee ballot is sought. The absentee ballot application must permit the person to register to vote under AS 15.07.070 and to request an absentee ballot for each state election held within that calendar year for which the voter is eligible to vote.

Under current law, that requirement--which I take to be a reference to the fourth day before an election, that is, the Friday immediately preceding the election--is a "drop dead" date for processing absentee voting applications. Under current law, those may be received only by mail. Under the original version of the bill, the "drop dead" date for receipt of **mailed** absentee ballot applications was not changed. Instead, what was first proposed was the addition of a two-day-before-the-election "drop dead" date for responding to absentee ballot applications received by fax.

The State Affairs Committee referred this bill to a subcommittee. I recall a meeting with the subcommittee representative, former Elections Director Charlot Thickstun,

others of her staff, and Mr. Anderson to review the bill. My notes indicate that Ms. Thickstun urged that the four day "drop dead" date be made over into a seven-day-in-advance "drop dead" date, and a version of a committee substitute was prepared that, among other things, did that. At some point thereafter, I was asked to eliminate the reference to "received by the division" and substitute "postmarked." The seven day reference inserted into the earlier draft was not changed.

With those changes, insofar as it applies to absentee applications made by mail, AS 15.20.081(b) is no longer a "drop dead" provision.^{1/} Mailed absentee ballot applications may come in to the division's offices as late as the day of election and still receive attention. This outcome is consistent with, and somewhat tempered by, the additional provision inserted in AS 15.20.081(c) directing the director to make reasonable effort to contact the prospective absentee voter by phone to ascertain whether the ballot should be provided by mail or fax.

Nothing in the changes made by the State Affairs Committee Substitute is cast in stone. If the current director wants to suggest additional changes in light of experience, hear him out. It may be sufficient to go back to the "drop dead" deadline approach of receipt within X number of days before the election.

II

The second question arises in conjunction with language of the bill permitting casting of faxed ballots, the likelihood that the nature of the handling of transmitted faxed ballots would not provide the same level of assurance of the voter's privacy interest in the ballot, and the possibility that ballots cast by fax would contravene the right of privacy recognized in article I, section 22 of the state constitution.^{2/} Since faxed balloting relies on an emerging technology, our response to the criticism was to include language directing that, by regulation, the director act to

... ensure the accuracy and, to the greatest degree possible, the integrity and secrecy of the ballot process.

^{1/} But faxed absentee voter applications, which could only be submitted by qualified voters residing outside the United States, would have to be received by the Division of Elections no later than seven days before the election. See the second sentence of AS 15.20.081(b), in sec. 4, CSHB 49 (STA).

^{2/} The constitutional provision states:

RIGHT OF PRIVACY. The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section.

Representative Terry Martin
January 21, 1994
Page 3

Implicit in that statement, I think, is an honest recognition that a high degree of integrity and secrecy could be provided in the handling of faxed ballots, but there would not be an absolute.

The decision to rely on the regulation follows the model of the relevant Montana statute, § 13-13-278(1) which, after directing the Secretary of State to adopt reasonable rules under the general rulemaking power, says:

. . . The rules must maintain the accuracy, integrity, and secrecy of the ballot process

Montana's Constitution, like Alaska's contains an explicit right of privacy.^{3/} Now, as I remarked in the conclusion of my February 15, 1993, memo to Representative Kott, a copy of which was sent to you, in most meetings involving the election process voting is a fundamental right. If there is a right of privacy argument to be made with respect to the integrity and secrecy of faxed voting, then, as I read the language of the Montana Constitution, the more stringent "compelling state interest" test must be applied; similarly, in Alaska, by court decision, the test applicable to measure whether a law that impinges on the constitutionally guaranteed right of privacy is justified is one that requires a showing of a legitimate and compelling government interest. Messerli v. State, 626 P.2d 81 (Alaska 1980).^{4/}

My point is this: Montana has enacted a faxed voting provision and directed the official who administers its elections to develop rules to implement the procedure and, so far as I have been able to determine, the enactment has not brought a successful privacy-based challenge.

Other states that, one year ago, provided for faxed voting were Louisiana, North Dakota, Utah, and Washington. Two of the four, Louisiana and Washington, have constitutional rights of privacy, though neither is as clear and stringent as the Montana provision earlier cited.

JBC:pl
94-059.plm

^{3/} See article I, section 10 of the Montana Constitution:

RIGHT OF PRIVACY. "The right of individual privacy is essential to the well-being of a free society and shall not be infringed without a compelling state interest.

^{4/} Concededly, the Messerli test may be dated; other cases concerning privacy consider whether the party seeking to assert the right exhibits a subjective expectation of privacy "that society is prepared to recognize as reasonable." State v. Glass, 583 P.2d 872, 875 (Alaska 1978).



155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

January 27, 1994

Mr. Tom Anderson
The Office of Representative Terry Martin
Alaska State Legislature
State Capitol
Juneau, Alaska 99811

Dear Tom:

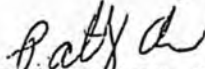
It was a pleasure to have the opportunity to meet with you about CS for House Bill No. 49 (STA).

Concern had apparently been raised that House Bill 49 would apply to municipal elections as well as state elections. In reviewing the bill, it applies only to Title 15, which is the State Election Code. Municipal election requirements are contained in Title 29 of Alaska Statutes. Municipalities generally adopt their own election ordinances and may pattern their election codes after State Statutes, however, there are no requirements for municipalities to adopt the State Code.

The City and Borough of Juneau revised its own election code about two years ago and now allows voters to request an absentee ballot by facsimile. The facsimile application must be received no later than five days before the date of the election. Our experience with the facsimile application is that it works well and voters have been pleased to have it as an option. At the time that the Assembly considered revisions to the City and Borough's election code, the facsimile transaction of ballots to the voters and of ballots returned from the voters was considered but not adopted.

If I may be of assistance or provide additional information, please do not hesitate to contact me.

Sincerely,


Patty Ann Polley, CMC
Municipal Clerk

PAP:etp

SECRETARY OF STATE
STATE OF MONTANA



Mike Cooney
Secretary of State

Montana State Capitol
PO Box 202801
Helena, MT 59620-2801

FAX COVER SHEET AND 2 PAGES

TO: Tom Anderson
Office of Representative Terry Martin

FAX #: (907) 465-2294

FROM: Angela Fultz, Elections Director
Montana Secretary of State's Office
Fax # 406-444-3976

DATE: January 25, 1994

NOTE: Hope this helps! Let me know
if we can provide you with
anything further!
A.

If problems please call 406-444-5376.

Reception: (406) 444-2034 - Business Services Bureau: 444-3665 - Elections Bureau: 444-4732
Administrative Rules Bureau: 444-2055 - Records Management Bureau (1320 Bozeman Avenue): 444-2716
Fax: 444-3976

ELECTIONS

44.3.1504

Sub-Chapter 15

Facsimile Voting for Electors of the
United States Service

44.3.1501 FACSIMILE MACHINE ACCESS (1) A county election administrator desiring to offer this service, must use a facsimile machine that is secure from unauthorized access. Access to the facsimile machine must be limited by the following means:

(a) It is physically located in the office of the election administrator; or

(b) It has the technological ability to store the ballots that are faxed and that ballots stored in such manner can only be accessed by the election administrator or specially appointed deputies. (History: Sec. 13-13-278, MCA; IMP, Sec. 13-13-277, MCA; NEW, 1992 MAR p. 1870, Eff. 8/28/92.)

44.3.1502 HANDLING OF FACSIMILE BALLOTS (1) Facsimile ballots for electors in the United States service shall be handled in the same manner as absentee ballots when the facsimile balloting rules do not specify procedure. (History: Sec. 13-13-278, MCA; IMP, Sec. 13-13-277, MCA; NEW, 1992 MAR p. 1870, Eff. 8/28/92.)

44.3.1503 BALLOT TRANSMISSION (1) Upon request for a facsimile ballot, an election administrator who has received a valid application from an elector in the United States service shall send by facsimile transmission a transmission slip and ballot containing the following information:

(a) The transmission slip shall include instructions to the elector and a notice that the elector's ballot will not be secret in that it will be received by the election administrator and the elector's votes will be transcribed to the original ballot by a panel of no less than two election judges;

(b) Original transmission slip and original ballot shall be retained in a secure absentee envelope. (History: Sec. 13-13-278, MCA; IMP, Sec. 13-13-277, MCA; NEW, 1992 MAR p. 1870, Eff. 8/28/92.)

44.3.1504 RECEIVING BALLOTS (1) The election administrator shall receive all facsimile ballots. As the ballots are printed out by the machine they shall be checked by the election administrator to ensure that they are:

(a) readable in that the transmission has not made it unable for the election judges to determine the elector's intentions; and

(b) the elector has signed an affirmation. (History: Sec. 13-13-278, MCA; IMP, Sec. 13-13-277, MCA; NEW, 1992 MAR p. 1870, Eff. 8/28/92.)

44.3.1505

SECRETARY OF STATE

44.3.1505 BALLOT LOG (1) The election administrator shall keep an official log of all ballots transmitted and received via a facsimile device. (History: Sec. 13-13-278, MCA; IMP, Sec. 13-13-277, MCA; NEW, 1992 MAR p. 1870, Eff. 8/28/92.)

44.3.1506 ELECTOR AFFIRMATION (1) If the affirmation is missing or the ballot unreadable, the election administrator shall attempt to notify the elector of this problem. (History: Sec. 13-13-278, MCA; IMP, Sec. 13-13-277, MCA; NEW, 1992 MAR p. 1870, Eff. 8/28/92.)

44.3.1507 BALLOT ACCEPTANCE (1) If the returned faxed ballot is acceptable, the election administrator shall log in the receipt of the ballot and place it in the secure absentee envelope with the original ballot until the ballots are ready to be transcribed. (History: Sec. 13-13-278, MCA; IMP, Sec. 13-13-277, MCA; NEW, 1992 MAR p. 1870, Eff. 8/28/92.)

44.3.1508 TRANSCRIPTION OF BALLOTS (1) On or before election day, the election administrator shall have the ballots transcribed using the procedure prescribed for assistance to handicapped voters.

(2) No less than two election judges shall participate in the transcription process to transfer the electors vote from the faxed ballot to the standard ballot used in the precinct.

(3) There shall be noted next to the electors name in the precinct register "Fax Ballot".

(4) A faxed ballot code number shall be written on the original transcribed ballot and the facsimile ballot.

(5) The election judges who transcribed the ballot shall sign in the log next to the name of the elector. (History: Sec. 13-13-278, MCA; IMP, Sec. 13-13-277, MCA; NEW, 1992 MAR p. 1870, Eff. 8/28/92.)

44.3.1509 ELECTION JUDGES AND BALLOT SECRECY (1) No one participating in the fax ballot process may reveal any information about the elector's ballot. (History: Sec. 13-13-278, MCA; IMP, Sec. 13-13-277, MCA; NEW, 1992 MAR p. 1870, Eff. 8/28/92.)

Sub-Chapter 16 reserved

Back up



INSIDE THE BELTWAY

Getting ou' the fax

Just as many recipients were about to declare Fax the biggest threat to sanity and human progress, what with unsolicited press releases and 27-page dissertations on Indonesian pottery overheating the machine, along comes someone with a socially redeeming value for the thing: "Vote by Fax."

The system, provided to the Pentagon by Election Technology Co. of Raleigh, N.C., will enable U.S. forces in Operation Desert Shield to vote in local, state and federal elections next month. Absentee ballots, provided by the GI's election board back home, will be faxed over to Saudi Arabia in a matter of minutes. The men and women fill out their ballots and either mail them back or, if they don't mind everyone along the way looking, can fax them back to election officials.

Ed Weems Jr., president of ETC, said 30 states and the District have already made use of "Vote by Fax" to send ballots over to the desert, and he expects the system eventually will be used by about 5,000 of the 200,000 troops there.

Lighten up

More than a dozen Republican members of the House crawled off to the Republican Cloak Room to try to unfrazzle themselves after too long a dose of Democrats debating the budget and taxes and how to spend more money. They have a television set with a VCR in there and amused themselves watching reruns of "12 O'Clock High." That's the series that Rep. Bob Dornan, back in his acting days, starred in as a co-pilot. In fact, as we hear it, Mr. Dornan was present during the showing of the reruns and provided a running commentary, pointing out eccentricities such as the scene in which a British Spitfire is shot down by American B-17s. Whoops.

Lend me an ear

Ted Turner gave a Brazilian reporter a hard time when asked about the political leanings of his Cable News Network. Mr. Turner asked the reporter to repeat the question in "better" English and claimed to be "hard of hearing."

stand. Then a British reporter asked in perfect king's English when Mr. Turner planned to marry Jane Fonda. "Sorry, I don't understand that one either," Mr. Turner said, according to a report in the New York Post.



Take care when tangling on the Senate floor with Robert Byrd.

Levels of the game

Sen. Robert Byrd, West Virginia Democrat, undoubtedly wearies of being described as gentlemanly, courtly, old-school and all the other compliments that make him sound as if he belongs in a display case. But you get the picture. He's also a master of the game. Witness an exchange when he asked for a little more time to continue his comments on budget matters:

Mr. Byrd: "I ask unanimous consent to proceed for such time as I may need."

Presiding officer: "Is there objection?"

Sen. John Chafee: "Well, Mr. President."

Mr. Byrd: "Do not worry, this senator will end it."

Presiding officer: "Is there an objection? Hearing none, it is so ordered."

Mr. Byrd [to Mr. Chafee, who had reconsidered his objection]: "I thank you for your nice card that I

with in the Interior appropriations bill." [This remark referring to some favor bestowed brought laughter: from the assembled senators.]

Mr. Chafee: "I had that in mind as I rose to my feet. [More laughter.] The reason I rose was I thought I wanted to assist you in any way I could in an extension of the time you wanted. [Further laughter.]

Mr. Byrd: "I say to the senator, wait until next year and he will write me a bigger card. I thank the senator."

Way off base

The chap from the Pentagon who said he'd get back to us on the cost of the trip to South America for the Air Force's 65-piece Serenade in Blue brass band has done so. Our source estimated the cost of the expedition at \$500,000, but the spokesman said that's too high. It will cost \$170,000 to feed and lodge the musical crew. The aircraft in question would have to be flying anyway to log in the hours assigned to it, he said. But if the flight were billed at an estimated cost of \$2,650 per hour, that cost would come to about \$118,000.

So it won't cost nearly as much as we predicted. Of course, that's what they said about the Hubble, and the S&L bailout, and . . .

Inscrutable Bill

Rep. Bill Alexander, Arkansas Democrat, happens to agree with President Bush on most points regarding dialogue and commerce with China, and he has some ideas about the difficulty of understanding that country. "One must visit China in order to fully understand the importance of this relationship," Mr. Alexander said on the House floor the other day. "About 10 years ago, I had the opportunity to travel to the People's Republic of China on four separate occasions. Prior to my travel, I had little or no knowledge of the Orient. When I arrived there, I found it such a contrast to the United States that I was reminded of the statement by Mark Twain that 'East is East and West is West.'"

And never the Kingling shall

B

From

subst
[the di
says w
to cou

Ad
cials
decad
volvin
coven
forts.
could
onage

"Ti
comi
offici
state
"stra
will
thre
tiona

Tt
coun
U.S.
natio
pres
liger
ficia

Sy
ishe
Unit
erat
caus
ser
Eur

the:
tha:
But
agg
gre

me
tha
the

ser
ior

I

B
TH

id
c
o

f
v
t
f
t

t



SUBMITTED BY: REP. MARTIN
REF: HB49
1/25/93

December 1992

Voting Information News Vol. 2 No. 12

A roundup of voting news from the Federal Voting Assistance Program (FVAP) ✓ ✓ For voters, potential voters and those who assist voters.

In November 3 election

Electronic Transmission of Voting Materials

The electronic transmission service provided by the Federal Voting Assistance Program (FVAP) processed over 5,000 applications, ballots and other documents from voters and election officials. This alternate process of requesting registration and/or a ballot was first used during Operation Desert Shield in the Persian Gulf and has since been adopted by many States and localities around the nation.

While the method was available to all, it was invaluable for overseas citizens who would have otherwise been unable to

Last-minute voters . . . found this option to be the only alternative which allowed them to vote.

register or vote due to lengthy mail transit times from their country of residence. Also some last-minute voters who registered just a few days before the State deadline to request a ballot found this option to be the only alternative which allowed them to vote.

Voters using this alternate method should always consult Chapter 3 of the *Guide* as well as *Appendix I* to see if their State allows for the electronic transmission of materials and insure that the proper procedure is followed when faxing.

In This Issue

Close Elections in '92	p. 1
Electronic Transmission	1
The Electoral College Meets	2
FVAP says, "Thank you!"	2
Q & A Column	2
FVAP Ombudsman Service	3
DoD Voting Information Center	4

Increased participation reflects nat'l trend

Absentee Voters Make A Difference

Official results from the November 3 general election will not be available until later but absentee votes played an important role in several contests around the nation.

While the deadline for receipt of absentee ballots usually coincides with the close of polls on election day, several States and jurisdictions count ballots after November 3. In many instances, these absentee ballots can make a difference.

Take the case of the race for the U.S. House of Representatives seat in the 43rd District in Riverside, California. Absentee votes are the pivotal factor in deciding the winner. Before Saturday, November 7, 1992, Democrat Mark Takano was maintaining a 1,234 vote lead over Republican Kenneth Calvert. Following the count of absentee votes on that date, however, Calvert overtook Takano by a 397 vote margin. A total of 22,842 absentee ballots were cast in Riverside County. Presently, Calvert has 87,869 votes (46.4%) to Takano's 87,472 (46.4%). After official certification on November 25, 1992, candidates have five days to request a recount. The official result of this election will be declared after that date.

In Minnesota's 2nd Congressional district, less than 600 votes separated Republican Cal Ludeman from Democrat David Minge, out of a total of 263,000 votes cast. Ludeman conceded defeat on November 12.

In the eighth district race for State senate in Nevada, at last count, twenty-four votes separated Republican Mark James with 20,709 votes from Democrat Sandi Krenzer who was trailing with 20,685 ballots cast in her favor. However, the State had not received all absentee ballots and was counting on 122 absentee voting members of the Armed Forces and overseas citizens to determine the outcome of the race in this district which includes Las Vegas. All ballots received on or before November 17 at 5:00 pm will be counted.

Even more interesting is that not only will these absentee voters determine the outcome of the James-Krenzer race, they will also determine which party will have the majority in the Senate. Both Republicans and Democrats currently have ten seats each in the twenty-one member Nevada Senate, making participation by all 122 absentee voters even more critical.

In another electoral cliff-hanger this year, the 18th district race between Lonny B. Winrick and Clare Carlson for the North Dakota State House of Representatives may be decided by a coin toss. The district, which includes part of Grand Forks Air Force Base, received a large number of absentee ballots.

Both contenders received an equal number of votes, 1,895. A date for a mandatory recount has not been assigned. However, if after the recount the contest is still tied, a coin toss will determine the winner.

In the Codrington district race for State senate in neighboring South Dakota, out of 92,095 ballots cast, 1,238 were cast by absentee voters. In this race, Democrat Dale Howlett received 46,048 votes in his favor while his opponent, Republican Berdeter Solum received 46,047, a difference of only one vote.

Official canvassing (counting) for this race will be completed on November 18. At that time the losing candidate can accept the official results or choose to file a petition with the State. In the latter case, a presiding judge, a referee and two members of the elections commission will conduct an official recount.

Absentee ballots accounted for 32% of the total 24,448 votes cast in the race for the 38th State senate seat in Texas. Challenger Jim Solis, a Democrat, edged out Republican incumbent Ken Sluriet by 34 votes. The 7,838 absentee ballots out of a total 24,448 votes cast proved that absentee voting again played a significant role.

INSIDE THE BELTWAY

Getting out the fax

Just as many recipients were about to declare Fax the biggest threat to sanity and human progress, what with unsolicited press releases and 27-page dissertations on Indonesian pottery overheating the machine, along comes someone with a socially redeeming value for the thing: "Vote by Fax."

The system, provided to the Pentagon by Election Technology Co. of Raleigh, N.C., will enable U.S. forces in Operation Desert Shield to vote in local, state and federal elections next month. Absentee ballots, provided by the GI's election board back home, will be faxed over to Saudi Arabia in a matter of minutes. The men and women fill out their ballots and either mail them back or, if they don't mind everyone along the way looking, can fax them back to election officials.

Ed Weems Jr., president of ETC, said 30 states and the District have already made use of "Vote by Fax" to send ballots over to the desert, and he expects the system eventually will be used by about 5,000 of the 200,000 troops there.

Lighten up

More than a dozen Republican members of the House crawled off to the Republican Cloak Room to try to unfrazzle themselves after too long a dose of Democrats debating the budget and taxes and how to spend more money. They have a television set with a VCR in there and amused themselves watching reruns of "12 O'Clock High." That's the series that Rep. Bob Dornan, back in his acting days, starred in as a co-pilot. In fact, as we hear it, Mr. Dornan was present during the showing of the reruns and provided a running commentary, pointing out eccentricities such as the scene in which a British Spitfire is shot down by American B-17s. Whoops.

Lend me an ear

Ted Turner gave a Brazilian reporter a hard time when asked about the political leanings of his Cable News Network. Mr. Turner asked the reporter to repeat the question in "better" English and claimed to be "hard of hearing."

stand. Then a British reporter asked in perfect king's English when Mr. Turner planned to marry Jane Fonda. "Sorry, I don't understand that one either," Mr. Turner said, according to a report in the New York Post.



Take care when tangling on the Senate floor with Robert Byrd.

Levels of the game

Sen. Robert Byrd, West Virginia Democrat, undoubtedly wearies of being described as gentlemanly, courtly, old-school and all the other compliments that make him sound as if he belongs in a display case. But you get the picture. He's also a master of the game. Witness an exchange when he asked for a little more time to continue his comments on budget matters:

Mr. Byrd: "I ask unanimous consent to proceed for such time as I may need."

Presiding officer: "Is there objection?"

Sen. John Chafee: "Well, Mr. President."

Mr. Byrd: "Do not worry, this senator will end it."

Presiding officer: "Is there an objection? Hearing none, it is so ordered."

Mr. Byrd [to Mr. Chafee, who had reconsidered his objection]: "I thank you for your nice card that I

with in the Interior appropriations bill." [This remark referring to some favor bestowed brought laughter from the assembled senators.]

Mr. Chafee: "I had that in mind as I rose to my feet. [More laughter.] The reason I rose was I thought I wanted to assist you in any way I could in an extension of the time you wanted. [Further laughter.]

Mr. Byrd: "I say to the senator, wait until next year and he will write me a bigger card. I thank the senator."

Way off base

The chap from the Pentagon who said he'd get back to us on the cost of the trip to South America for the Air Force's 65-piece Serenade in Blue brass band has done so. Our source estimated the cost of the expedition at \$500,000, but the spokesman said that's too high. It will cost \$170,000 to feed and lodge the musical crew. The aircraft in question would have to be flying anyway to log in the hours assigned to it, he said. But if the flight were billed at an estimated cost of \$2,650 per hour, that cost would come to about \$118,000.

So it won't cost nearly as much as we predicted. Of course, that's what they said about the Hubble, and the S&L bailout, and . . .

Inscrutable Bill

Rep. Bill Alexander, Arkansas Democrat, happens to agree with President Bush on most points regarding dialogue and commerce with China, and he has some ideas about the difficulty of understanding that country. "One must visit China in order to fully understand the importance of this relationship," Mr. Alexander said on the House floor the other day. "About 10 years ago, I had the opportunity to travel to the People's Republic of China on four separate occasions. Prior to my travel, I had little or no knowledge of the Orient. When I arrived there, I found it such a contrast to the United States that I was reminded of the statement by Mark Twain that 'East is East and West is West.'"

And never the Twining shall

B

From

substa
[the di
says w
to cou

Ad
cials
decad
volv
coven
forts.
could
onagr

"T
comi
offici
state
"stra
will
thre
tiona

T
coun
U.S.
natio
pres
liger
ficia

S
ishe
Unit
erat
caus
serv
Eur

the
tha:
But
agg
gre

me
tha
the
ser
iot

I
B
m

id
c
o

f
v
t
f
t

The News and Observer (Raleigh, NC)

Local/State

Thursday, October 18, 1990

Page B-1
B-2

Fax to send ballots back from desert

Troops can transmit their absentee votes

By JOHN DAY
Staff writer

Thousands of voters will face heat, sand and scorpions on election day, but their ballots will count as part of an unusual voting scheme set up for U.S. troops stationed in the Persian Gulf.

Soldiers, Marines, sailors and airmen in the region who want to vote will be able to apply for absentee ballots — and even vote on Nov. 6 — via facsimile machines.

"This is an emergency ballot process that's been developed to make sure the troops get to vote," said W. Edward Weems Jr. president of Election Technology Co. of Raleigh, which is handling the fax voting for all U.S. personnel taking part in Operation Desert Shield.

Although many troops from North Carolina military bases have been sent to Saudi Arabia, voting officials say it's impossible to tell how many of them are registered North Carolina voters.

Meanwhile, the campaigns of the two candidates for U.S. Senate — Republican Sen. Jesse A. Helms and Democratic challenger Harvey B. Gantt — say they are doing nothing special to rope in the desert vote, even as pollsters are saying the race is a dead heat.

"Maybe that's what we ought to do," said Susan Jetton, Mr. Gantt's press secretary. "But we're doing nothing other than speaking generally to audiences which include wives, mothers and fathers and loved ones, and hop-

Fax to send votes back from gulf

Continued from page 1B

ing that they spread the word. (Troops) are not a specified thing."

Beth Burrus, spokesman for the Helms campaign, responded to a reporter's question via facsimile machine:

"We are appealing to the troops on issues such as Senator Helms' support of a strong national defense and Harvey Gantt's wanting to cut defense's \$300 billion."

Political observers said it was impossible to tell if the absence of thousands of North Carolina-based military personnel, including reservists and National Guardsmen, would have any effect on the state's elections.

"Servicemen overseas have always voted in larger numbers than those stationed at home, and I have no idea why except it's something to do that breaks up the monotony," said Alex K. Brock, director of the State Board of Elections. "But I wouldn't think it would have much of an effect."

Under the fax voting system, military voters can apply for absentee ballots with facsimiles sent to their local elections hoards. After voting, they may either mail the ballots in or — in states that permit it — send them via a fax machine.

Mr. Weems' firm is coordinating the transmitting and receiving of ballots from its Raleigh office. About 20 states have signed up for fax balloting. Mr. Weems said he expected the volume of ballots to increase soon.

"There's just been a few hundred coming in so far, but we expect thousands more as it gets closer to election day," he said.

The Department of Defense also has provided absentee-ballot applications for troops. Soldiers stationed in the Eastern Province of Saudi Arabia said Wednesday by telephone that applications were being distributed by voting assistance officers assigned to each military unit.

"I saw the boxes of ballots as they were unloaded, and they filled a hallway," said Maj. Baxter Ennis, a spokesman for the Army's 82nd Airborne Division. "There were 10,000 or 15,000 at least."

He said interest in the election was fairly strong among troopers of the 82nd, normally based at Fort Bragg.

"There are some who are very intensely interested in the election and there are others who wouldn't vote if they lived next door to a polling place," Maj. Ennis said. "But I'd say most people will take the opportunity to vote."

1st Lt. Charles Hoskinson of Greenville, a member of the Raleigh-based 382nd Public Affairs Detachment of the N.C. National Guard, said he had voted via absentee ballot in Saudi Arabia.

"I already had requested a ballot from the Pitt County elections board, they sent it to me. I voted and I've already sent it it," he said.



SUBMITTED BY: REP. MARTIN
REF: HB49
1/25/93

December 1992

Voting Information News Vol. 2 No. 12

A roundup of voting news from the Federal Voting Assistance Program (FVAP) ✓ ✓ For voters, potential voters and those who assist voters.

In November 3 election

Electronic Transmission of Voting Materials

The electronic transmission service provided by the Federal Voting Assistance Program (FVAP) processed over 5,000 applications, ballots and other documents from voters and election officials. This alternate process of requesting registration and/or a ballot was first used during Operation Desert Shield in the Persian Gulf and has since been adopted by many States and localities around the nation.

While the method was available to all, it was invaluable for overseas citizens who would have otherwise been unable to

Last-minute voters . . . found this option to be the only alternative which allowed them to vote.

register or vote due to lengthy mail transit times from their country of residence. Also some last-minute voters who registered just a few days before the State deadline to request a ballot found this option to be the only alternative which allowed them to vote.

Voters using this alternate method should always consult Chapter 3 of the *Guide* as well as *Appendix I* to see if their State allows for the electronic transmission of materials and insure that the proper procedure is followed when faxing.

In This Issue

Close Elections in '92	p. 1
Electronic Transmission	1
The Electoral College Meets	2
FVAP says, "Thank you!"	2
Q & A Column	2
FVAP Ombudsman Service	3
DoD Voting Information Center	4

Increased participation reflects nat'l trend

Absentee Voters Make A Difference

Official results from the November 3 general election will not be available until later but absentee votes played an important role in several contests around the nation.

While the deadline for receipt of absentee ballots usually coincides with the close of polls on election day, several States and jurisdictions count ballots after November 3. In many instances, these absentee ballots can make a difference.

Take the case of the race for the U.S. House of Representatives seat in the 43rd District in Riverside, California. Absentee votes are the pivotal factor in deciding the winner. Before Saturday, November 7, 1992, Democrat Mark Takano was maintaining a 1,234 vote lead over Republican Kenneth Calvert. Following the count of absentee votes on that date, however, Calvert overtook Takano by a 397 vote margin. A total of 22,842 absentee ballots were cast in Riverside County. Presently, Calvert has 87,869 votes (46.4%) to Takano's 87,472 (46.4%). After official certification on November 25, 1992, candidates have five days to request a recount. The official result of this election will be declared after that date.

In Minnesota's 2nd Congressional district, less than 600 votes separated Republican Cal Ludeman from Democrat David Minge, out of a total of 263,000 votes cast. Ludeman conceded defeat on November 12.

In the eighth district race for State senate in Nevada, at last count, twenty-four votes separated Republican Mark James with 20,709 votes from Democrat Sandi Krenzer who was trailing with 20,685 ballots cast in her favor. However, the State had not received all absentee ballots and was counting on 122 absentee voting members of the Armed Forces and overseas citizens to determine the outcome of the race in this district which includes Las Vegas. All ballots received on or before November 17 at 5:00 pm will be counted.

Even more interesting is that not only will these absentee voters determine the outcome of the James-Krenzer race, they will also determine which party will have the majority in the Senate. Both Republicans and Democrats currently have ten seats each in the twenty-one member Nevada Senate, making participation by all 122 absentee voters even more critical. In another electoral cliff-hanger this year, the 18th district race between Lonny B. Winrick and Clare Carlson for the North Dakota State House of Representatives may be decided by a coin toss. The district, which includes part of Grand Forks Air Force Base, received a large number of absentee ballots.

Both contenders received an equal number of votes, 1,895. A date for a mandatory recount has not been assigned. However, if after the recount the contest is still tied, a coin toss will determine the winner.

In the Codington district race for State senate in neighboring South Dakota, out of 92,095 ballots cast, 1,238 were cast by absentee voters. In this race, Democrat Dale Howlett received 46,048 votes in his favor while his opponent, Republican Berdetter Solum received 46,047, a difference of only one vote.

Official canvassing (counting) for this race will be completed on November 18. At that time the losing candidate can accept the official results or choose to file a petition with the State. In the latter case, a presiding judge, a referee and two members of the elections commission will conduct an official recount.

Absentee ballots accounted for 32% of the total 24,448 votes cast in the race for the 38th State senate seat in Texas. Challenger Jim Solis, a Democrat, edged out Republican incumbent Ken Sluriet by 34 votes. The 7,838 absentee ballots out of a total 24,448 votes cast proved that absentee voting again played a significant role.



NUMBER:

DATE:

#100

November 5, 1992

Electoral Cliff Hanger in Nevada's Eighth State Senatorial District

Nevada is counting on absentee ballots from 122 members of the Armed Forces and citizens overseas to determine the outcome of the State senate race in the eighth district which includes Las Vegas. At last count, twenty-four votes separated Republican Mark James with 20,709 votes from Democrat Sandi Krenzer who was trailing with 20,685 ballots cast in her favor.

Voted ballots must be received by 5:00pm on November 17.

Not only will these voters determine the outcome of the James-Krenzer race, they will also determine which party has the majority in the State Senate. Both Republicans and Democrats currently have ten seats each in the twenty-one member Senate.

Regardless of the final results, this electoral cliff hanger in Nevada once again proves that every vote can make a difference in determining the outcome of any election.

Additional questions which cannot be answered locally can be addressed to the Director, FVAP, Office of the Secretary of Defense, Rm. 1B457, The Pentagon, Washington, DC 20301-1155.

End

Democracy Counts ...On Your Vote!

Telephone Autovon 225-0663 (703) 695-0663 FAX Autovon 223-5507 (703) 693-5507
Ombudsman 1-800-438-VOTE DoD Voting Information Center Autovon 223-6500 (703) 693-6500

SUBMITTED BY: REP. MARTIN
REF: HB49
1/25/93

Washington Post
January 10, 1990

For the Record ^{Wash.}
^{post}
Wed. 1/10/90

From the December issue of *Campaigns & Elections* 90

If bureaucracy doesn't get in the way, some six million military and civilian voters stationed overseas may cast their next presidential votes by fax.

That high-tech forecast comes from Henry Valentino, director of the Defense Department's Federal Voting Assistance Program. He says that ultimately, the fax may be the only way to ensure fair absentee voting. "There is court precedence for [accepting] digitized [faxed] signatures," he says. "It seems like the next logical step, but it may not happen until 1996. It took us four years to get ballots in embassies."

Currently Valentino concedes, a combination of application deadlines and foreign postal service routinely conspire to subvert long-distance democracy.

"[T]here's a problem, primarily in the transit time needed for absentee ballots," Valentino says. . . .

Valentino's efforts to better the system have included making federal write-in ballots available at embassies and establishing the DoD Voting Information Center, a hotline through which voters can access campaign messages. The DoD service, which uses the military Autovon network and civilian long distance lines, has proven popular since its debut in August '88. In its first 72 days, the Voting Information Center logged 20,000 calls from potential voters and frequent messages from at least one presidential candidate.

"[Then Vice President] Bush recorded personal messages for the election. He changed his message weekly the month before the election and daily election week," Valentino says. "Dukakis made one message and never changed it."

Military o'seas count may

15

change congressional seats

By William Matthews
Times staff writer

WASHINGTON — Thanks to a change in the way the 1990 Census will be taken, military personnel stationed overseas will contribute to a swing in the nation's geographic balance of political power.

According to demographers, the 1990 Census probably will mean a big gain in the House of Representatives for California and the loss of seats in a host of eastern states.

For the first time in 20 years, military personnel stationed abroad will be counted in data used for apportionment purposes — meaning that even though they live overseas, service members will be counted as residents of congressional districts in the United States.

But they will not necessarily be counted as residents of their home towns or the states where they license their cars and pay their taxes. The Census Bureau has decided that for apportionment purposes, military personnel and civilian Defense Department employees will be counted as residents of the last place they lived in the United States for six months or longer before being sent overseas.

The change was made in response to concerns expressed by Congress that up to 1.6 million members of the military, their dependents and civilian Defense Department employees were being left out of apportionment.

Compared to other factors that cause population shifts among the states — shifts in industry, migration and immigration, births and the like — counting military personnel who are stationed overseas makes only a minor difference, said Kimball Brace president of Election Data Services Inc., a consulting firm that specializes in redistricting.

But in a few states, the inclusion of the military stationed abroad will probably make enough difference to determine the gain or loss of "a couple of seats," he said.

Officials at the U.S. Census Bureau said they were unable to predict with certainty which states would lose seats, but they said southern "Sun Belt" states are the likely gainers.

Analysts at Election Data Services tend to agree. In addition to California's big gain, the company predicts Florida will pick up three or four seats, Texas will add three, and Virginia, Arizona, Georgia and North Carolina will each gain one seat.

In addition to having a large military presence, the states expected to gain congressional seats have had strong population growth in the past decade. The states likely to lose congressional seats are those with small military populations and little or no popu-

lation growth.

Because the number of House seats is fixed at 435, what one states gains, another state must lose.

Election Data Services predicts New York will lead the losers, giving up three seats. Pennsylvania, Ohio, Michigan and Illinois are

each expected to lose two House seats; Montana, Kansas, Iowa, West Virginia and Massachusetts are expected to each lose one, and Kentucky may also lose one.

When the last census was taken, in 1980, members of the military stationed abroad and civilians who worked for the Defense De-

partment overseas were counted in the tally of U.S. citizens, but they were not counted when data were compiled to apportion congressional districts, Brace said.

In 1988, the House of Representatives rejected legislation that would include overseas military personnel in apportionment data.

But last year the Commerce Department, which operates the Census Bureau, agreed to include overseas military personnel for apportionment purposes.

Census information will be collected by the Defense Department with technical assistance from the Census Bureau.

HB

49

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/30/94

FURTHER:

DATE TURNED INTO OFFICE: 4-19-94

The Finance Committee considered CS FOR HOUSE BILL NO. 49(FIN) am

Absentee voting, electronic transmission of absentee ballot applications, delivery of ballots to absentee ballot applicants; definition of 'state election;' for purposes of absentee voting; efd.

and recommends:

replace with _____ CS _____ (FINANCE)
 or adopt previous 5 CS CS HB 49 (STA)
 attaches amendment(s)

same title
 new title
 technical title change
 (HB only)

adopts _____ Letter of Intent
 further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
<i>Gov.</i>	<i>2/15/94</i>		<i>23.4</i>

Appropriation No Fiscal Note

DO PASS: *Tyris Kelly*
Bob Bishop

OTHER RECOMMENDATIONS:
Steve Rieps No Recommendation
Justine Do not pass

1. *Trina Pearce, Co-Chair*
 Co-Chair: Signature/Recommendation

2. *Bob Bishop*
 Co-Chair: Signature/Recommendation

No. 3

Bill Version: CSHB 49(FIN)

(H) Publish Date: 3/7/94

FISCAL NOTE

BILL NO.

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: 2/15/94

Title: Absentee Balloting by FAX

Sponsor: Representative Martin

Requestor: _____

Department Affected: Office of the Governor

BRU: Division of Elections

Component: Primary and General

COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	20.0	0	20.0	0	20.0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	3.4	0	0	0	0	0
LAND &	0	0	0	0	0	0
GRANTS.	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	23.4	0	20.0	0	20.0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	23.4	0	20.0	0	20.0	0
1005 GF/Program	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	23.4	0	20.0	0	20.0	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 (FY94) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Joseph L. Swanson, Director

Division: Division of Elections

Phone: 465-4611

Date: 2/15/94

Approved by Commissioner: John B. Coghill, Lieutenant Governor

Agency: Office of the Governor

Date: 2/15/94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

Rev 12/93

Page 1 of 2

Changes in Sen OS HB49 (STA)
reflect NO FISCAL CHANGE from the original
fiscal note. This fiscal note is appropriate.

3-28-94

COMMITTEE COPY

page 2 of 2

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB49 (JUD)

ANALYSIS:

Contractual (20.0)

Long distance telephone charges and installation of four dedicated absentee ballot fax lines. These dedicated telephone lines would be installed in all four regional offices and be operational for four months every election year.

Equipment (3.4)

Purchase of one dedicated fax machine for receiving electronic absentee ballots. One Sharp FO 5400 fax machine with supplies and warranty.

Back-up

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN JACK SPRINGS
NUNAKA VALLEY
ELMENDORF A.F.B.
CREEKSIDE
EAST ANCHORAGE



HOME
3960 REKA DRIVE B6
ANCHORAGE, AK 99508
PHONE 333-6990

DURING SESSION
POUCH V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE 465-3783

Alaska House of Representatives

SPONSOR SUMMARY
SCSCSHB 49 (STA)

An Act relating to absentee voting by electronic transmission.

Per a request by the Secretary of Defense, Federal Voting Assistance Program Director Phyllis J. Taylor, I requested LAA Legal Services to draft *HB 49*. With new committee and House/Senate changes resulting in *SCSCSHB 49 (STA)*, the intent is to allow residents of Alaska voting absentee to utilize electronic transmission (fax), whether in-state, out-of-state in the United States, or outside of the United States.

Need for Legislation

In consideration of the 1990 Desert Storm conflict, the difficulty in sending and receiving ballots from outside the U.S. has escalated through failures in our postal system, changes in electoral regulations, and misunderstandings by voters. With regard to the military, reports reveal that there are 26,281 Alaska residents serving in the Armed Forces alone, with over 19,000 spouses and dependents of voting age, and almost 5,750 residents not affiliated with the federal government, but eligible to vote in Alaska. These figures do not include the other Alaskan residents who vote out-of-state by absentee such as college students, state employees, private business people who must leave state on for work, and even vacationers. Finally, in-state travelers who may not be in their city's election district during a state election can utilize the use of electronic transmission to cast their absentee ballot. This is especially helpful when one considers the potential delays and difficulties in traveling throughout Alaska.

The national trend is to expand voting practices and allow those individuals voting absentee the most expeditious means by which they can cast their ballot. In terms of Alaska's requirements, there is a 36-45 day ballot transmission time. Ballots are mailed 21-30 days before the election. Marked ballots mailed by voters within the United States will be counted if postmarked by the day of the election and if received by the Division of Elections by the tenth day following the election. Ballots returned by voters outside the United States must be received by the Division of Elections by the fifteenth day following the election. Alaska also



Over the last two decades, absentee ballot procedures and postal service problems have resulted in the loss and delay of numerous absentee voter's ballots. In the 1988 presidential election, 200,000 military personnel alone tried to vote absentee but were unable to do so because they didn't receive their ballot on time or at all. Presently, the following seven (7) states allow some form of electronic transmission for ballots or information: California, Hawaii, Louisiana, Montana, North Dakota, Utah, and Washington. In the 1992 presidential election, 140 U.S. citizens voted by electronic transmission. In addition, 699 election offices in 49 states utilized fax machines to distribute information and material.

The purpose of *SCSCSHB 49 (STA)* is not to substitute the use of electronic transmission over mail service, but to decrease lost, delayed, or denied absentee ballots due to time constraints. The use of electronic transmission maintains confidentiality, while at the same time, maintains speed and efficiency. In essence, it expands the use of alternative voting procedures which might otherwise disenfranchise an Alaskan resident voting absentee when time is of the essence. In other states, such as Montana, the use of facsimile machines for absentee voting has been integrated into statute. Through a set of specific guidelines and regulated procedures established in *SCSCSHB 49 (STA)*, those absentee voters unable to return to their respective election district, whether inside or outside Alaska or the United States, would have the opportunity to cast their vote via electronic transmission. The effective date allowing electronically transmitted absentee ballots is for the 1994 General Election (Section 10 prohibits this type of absentee ballot transmission during the 1994 Primary).

STATE OF ALASKA

OFFICE OF THE GOVERNOR

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

Position Statement
CSHB 49 (FIN)am

This bill allows both in-state and out-of-state voters to request by electronic transmission (fax) an absentee ballot for a state election. It also allows the division of elections to send an absentee ballot to a voter and for the voter to return the voted absentee ballot to the division via electronic transmission. The division of elections supports this bill, and believes it will facilitate absentee voting for registered Alaskan voters who otherwise may be discouraged from voting because of the limitations of time and distance.

Section 1 allows the division of elections to adopt regulations to provide for the delivery of absentee ballots to voters and the receipt of voted absentee ballots from voters using electronic transmission. The division supports the language in this section which requires the voter to comply with the same time deadlines as for voting in person, since it is imperative that the votes be cast on or before election day, and not afterward. The division also understands the concern about maintaining the secrecy of the ballot process mentioned in this section, and supports the language whereby the voter waives his or her right to a secret ballot.

Section 2 allows voters to apply for an absentee ballot by electronic transmission.

Section 3 requires that an application requesting the delivery of an absentee ballot by electronic transmission must be received by the division of elections not less than 4 days prior to the applicable election day. The section changes the time to receive an application requesting delivery of an absentee ballot by mail from 4 days to 7. The division strongly supports these provisions. We

Page 2

Mr. Joseph L. Swanson, Director

March 14, 1994

believe this language recognizes the inherent limitations of relying on the mail service for absentee voting. Four days before an election rarely provide enough time for the division to mail a ballot and for the voter to mark the ballot and return it to the division postmarked by election day. On the other hand, use of electronic transmission should allow for a timely execution of the process by the division and the voters.

Section 4 provides the ability of the division to send an absentee ballot and other relevant material to a voter by electronic transmission.

Section 5 requires that, if the voter returns an absentee ballot by mail, these ballots will be mailed in the same manner and within the same time frames regardless of whether the ballot was mailed to the voter or delivered using electronic transmission.

Section 6 is a technical change requiring the division to maintain the same records of absentee ballot delivery whether the delivery is via the mail or electronic transmission.

Section 7 exempts absentee voting via electronic transmission from the section providing for "special absentee ballots" for by-mail absentee voting from outside the United States. The division supports this language since the main objective of the use of electronic transmission is to speed the process. This should eliminate the need for special ballots for people who choose to use electronic transmission.

Section 8 is a technical amendment providing that write-ins will be handled the same for absentee ballots whether received by mail or by electronic transmission.

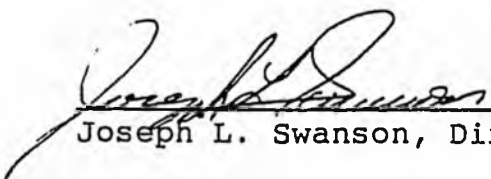
Section 9 defines a state election for which the absentee voting procedure will be applicable. We support this definition.

Page 3

Mr. Joseph L. Swanson, Director

March 14, 1994

Section 10 prevents absentee ballots from being voted and returned to the division via electronic transmission for the primary state election or for a special election in 1994. Voters can, however, apply for a ballot using electronic transmission for those elections. They could vote via electronic transmission in the general election. Delaying the ability to vote using electronic transmission until the general election will provide the division of elections with needed time to develop appropriate procedures to maximize convenience for the voter and to minimize the impact on the secrecy of the absentee voting procedure.



Joseph L. Swanson, Director

3/14/94

Date

correspondence



REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN JACK SPRINGS
NUNAKA VALLEY
ELMENDORF A.F.B.
CREEKSIDE
EAST ANCHORAGE



HOME
3960 RLKA DRIVE B6
ANCHORAGE, AK 99508
PHONE 333 6990

DURING SESSION
POUCH V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE 465-3783

Alaska House of Representatives

MEMORANDUM

DATE: March 31, 1994

TO: Senator Drue Pearce,
Senate Finance Chair

FROM: Representative Terry Martin *T.M.*

RE: SCSCSHB49 (STA)

This is a formal request to schedule SCSCSHB49 (STA) before the Senate Finance Committee at your earliest convenience.

The attached information includes a sponsor summary, sectional analysis, fiscal note, departmental position paper, and several informational articles and letters of support for reference. If you require additional information, please contact my aide Tom Anderson at 3782.





155 SOUTH Seward Street
Juneau, Alaska 99801

January 27, 1994

Mr. Tom Anderson
The Office of Representative Terry Martin
Alaska State Legislature
State Capitol
Juneau, Alaska 99811

Dear Tom:

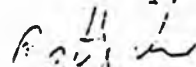
It was a pleasure to have the opportunity to meet with you about CS for House Bill No. 49 (STA).

Concern had apparently been raised that House Bill 49 would apply to municipal elections as well as state elections. In reviewing the bill, it applies only to Title 15, which is the State Election Code. Municipal election requirements are contained in Title 29 of Alaska Statutes. Municipalities generally adopt their own election ordinances and may pattern their election codes after State Statutes, however, there are no requirements for municipalities to adopt the State Code.

The City and Borough of Juneau revised its own election code about two years ago and now allows voters to request an absentee ballot by facsimile. The facsimile application must be received no later than five days before the date of the election. Our experience with the facsimile application is that it works well and voters have been pleased to have it as an option. At the time that the Assembly considered revisions to the City and Borough's election code, the facsimile transaction of ballots to the voters and of ballots returned from the voters was considered but not adopted.

If I may be of assistance or provide additional information, please do not hesitate to contact me.

Sincerely,


Patty Ann Polley, CMC
Municipal Clerk

PAP:etp



FEDERAL VOTING ASSISTANCE PROGRAM
OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1155

March 11, 1994

The Honorable Ramona Barnes
Speaker of the House
State Capitol
Juneau, Alaska 99801-1182

Dear Madam Speaker:

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), which this office administers, concerns the absentee voting rights of 15,653 Alaska citizens currently serving in the Armed Forces. In addition, there are 11,740 voting age spouses and dependents, and over 5,747 Alaska citizens overseas not affiliated with the federal government covered by the Act.

We understand the House is scheduled to vote on CSHB49 (JUD) in the near future. This bill allows for the electronic transmission by facsimile of all aspects of the absentee voting process. Our 1992 Post-election survey reflected 35% of the citizens covered by the UOCAVA were unable to vote because they did not receive their ballot. Allowing for this procedure would cut ballot transit time at least in half, thereby reducing the major obstacle to voting absentee by these citizens.

This measure enfranchises many voters who would otherwise not be able to vote due to time constraints. In 1992, voting materials were electronically routed to 699 local election offices in 49 states, the Virgin Islands, Puerto Rico and the District of Columbia. Voters served were located in 38 foreign countries as well as throughout the United States.

Currently, 36 states have successfully implemented electronic transmission of election materials. All materials may be faxed *at no cost to the local election official* by using FVAP's toll free number, (800) 368-8683.

On behalf of the citizens covered by the UOCAVA, we urge Alaska adopt this legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Phyllis J. Taylor".

Phyllis J. Taylor
Director



SUBMITTED BY: REP. MARTIN
REF: HB49
1/25/93

December 1992

Voting Information News

Vol. 2 No. 12

A roundup of voting news from the Federal Voting Assistance Program (FVAP) ✓ ✓ For voters, potential voters and those who assist voters.

In November 3 election

Electronic Transmission of Voting Materials

The electronic transmission service provided by the Federal Voting Assistance Program (FVAP) processed over 5,000 applications, ballots and other documents from voters and election officials. This alternate process of requesting registration and/or a ballot was first used during Operation Desert Shield in the Persian Gulf and has since been adopted by many States and localities around the nation.

While the method was available to all, it was invaluable for overseas citizens who would have otherwise been unable to

Last-minute voters . . . found this option to be the only alternative which allowed them to vote.

register or vote due to lengthy mail transit times from their country of residence. Also some last-minute voters who registered just a few days before the State deadline to request a ballot found this option to be the only alternative which allowed them to vote.

Voters using this alternate method should always consult Chapter 3 of the *Guide* as well as *Appendix I* to see if their State allows for the electronic transmission of materials and insure that the proper procedure is followed when faxing.

In This Issue

Close Elections in '92	p. 1
Electronic Transmission	1
The Electoral College Meets	2
FVAP says, "Thank you!"	2
Q & A Column	2
FVAP Ombudsman Service	3
DoD Voting Information Center	4

Increased participation reflects nat'l trend

Absentee Voters Make A Difference

Official results from the November 3 general election will not be available until later but absentee votes played an important role in several contests around the nation.

While the deadline for receipt of absentee ballots usually coincides with the close of polls on election day, several States and jurisdictions count ballots after November 3. In many instances, these absentee ballots can make a difference.

Take the case of the race for the U.S. House of Representatives seat in the 43rd District in Riverside, California. Absentee votes are the pivotal factor in deciding the winner. Before Saturday, November 7, 1992, Democrat Mark Takano was maintaining a 1,234 vote lead over Republican Kenneth Calvert. Following the count of absentee votes on that date, however, Calvert overtook Takano by a 397 vote margin. A total of 22,842 absentee ballots were cast in Riverside County. Presently, Calvert has 87,869 votes (46.4%) to Takano's 87,472 (46.4%). After official certification on November 25, 1992, candidates have five days to request a recount. The official result of this election will be declared after that date.

In Minnesota's 2nd Congressional district, less than 600 votes separated Republican Cal Ludeman from Democrat David Minge, out of a total of 263,000 votes cast. Ludeman conceded defeat on November 12.

In the eighth district race for State senate in Nevada, at last count, twenty-four votes separated Republican Mark James with 20,709 votes from Democrat Sandi Krenzer who was trailing with 20,685 ballots cast in her favor. However, the State had not received all absentee ballots and was counting on 122 absentee voting members of the Armed Forces and overseas citizens to determine the outcome of the race in this district which includes Las Vegas. All ballots received on or before November 17 at 5:00 pm will be counted.

Even more interesting is that not only will these absentee voters determine the outcome of the James-Krenzer race, they will also determine which party will have the majority in the Senate. Both Republicans and Democrats currently have ten seats each in the twenty-one member Nevada Senate, making participation by all 122 absentee voters even more critical. In another electoral cliff-hanger this year, the 18th district race between Lonny B. Winrick and Clare Carlson for the North Dakota State House of Representatives may be decided by a coin toss. The district, which includes part of Grand Forks Air Force Base, received a large number of absentee ballots.

Both contenders received an equal number of votes, 1,895. A date for a mandatory recount has not been assigned. However, if after the recount the contest is still tied, a coin toss will determine the winner.

In the Codington district race for State senate in neighboring South Dakota, out of 92,095 ballots cast, 1,238 were cast by absentee voters. In this race, Democrat Dale Howlett received 46,048 votes in his favor while his opponent, Republican Berdette Solum received 46,047, a difference of only one vote.

Official canvassing (counting) for this race will be completed on November 15. At that time the losing candidate can accept the official results or choose to file a petition with the State. In the latter case, a presiding judge, a referee and two members of the elections commission will conduct an official recount.

Absentee ballots accounted for 32% of the total 24,448 votes cast in the race for the 38th State senate seat in Texas. Challenger Jim Solis, a Democrat, edged out Republican incumbent Ken Sluriet by 34 votes. The 7,838 absentee ballots out of a total 24,448 votes cast proved that absentee voting again played a significant role.

INSIDE THE BELTWAY

Getting out the fax

Just as many recipients were about to declare Fax the biggest threat to sanity and human progress, what with unsolicited press releases and 27-page dissertations on Indonesian pottery overheating the machine, along comes someone with a socially redeeming value for the thing: "Vote by Fax."

The system, provided to the Pentagon by Election Technology Co. of Raleigh, N.C., will enable U.S. forces in Operation Desert Shield to vote in local, state and federal elections next month. Absentee ballots, provided by the GI's election board back home, will be faxed over to Saudi Arabia in a matter of minutes. The men and women fill out their ballots and either mail them back or, if they don't mind everyone along the way looking, can fax them back to election officials.

Ed Weems Jr., president of ETC, said 30 states and the District have already made use of "Vote by Fax" to send ballots over to the desert, and he expects the system eventually will be used by about 5,000 of the 200,000 troops there.

Lighten up

More than a dozen Republican members of the House crawled off to the Republican Cloak Room to try to unfrazzle themselves after too long a dose of Democrats debating the budget and taxes and how to spend more money. They have a television set with a VCR in there and amused themselves watching reruns of "12 O'Clock High." That's the series that Rep. Bob Dornan, back in his acting days, starred in as a co-pilot. In fact, as we hear it, Mr. Dornan was present during the showing of the reruns and provided a running commentary, pointing out eccentricities such as the scene in which a British Spitfire is shot down by American B-17s. Whoops.

Lend me an ear

Ted Turner gave a Brazilian reporter a hard time when asked about the political leanings of his Cable News Network. Mr. Turner asked the reporter to repeat the question in "better" English and claimed to be "hard of hearing"

stand. Then a British reporter asked in perfect king's English when Mr. Turner planned to marry Jane Fonda. "Sorry, I don't understand that one either," Mr. Turner said, according to a report in the New York Post.



Take care when tangling on the Senate floor with Robert Byrd.

Levels of the game

Sen. Robert Byrd, West Virginia Democrat, undoubtedly wears of being described as gentlemanly, courtly, old-school and all the other compliments that make him sound as if he belongs in a display case. But you get the picture. He's also a master of the game. Witness an exchange when he asked for a little more time to continue his comments on budget matters:

Mr. Byrd: "I ask unanimous consent to proceed for such time as I may need."

Presiding officer: "Is there objection?"

Sen. John Chafee: "Well, Mr. President."

Mr. Byrd: "Do not worry, this senator will end it."

Presiding officer: "Is there an objection? Hearing none, it is so ordered."

Mr. Byrd (to Mr. Chafee, who had reconsidered his objection): "I thank you for your nice and the"

with in the Interior appropriations bill." [This remark referring to some favor bestowed brought laughter from the assembled senators.]

Mr. Chafee: "I had that in mind as I rose to my feet. [More laughter.] The reason I rose was I thought I wanted to assist you in any way I could in an extension of the time you wanted. [Further laughter.]

Mr. Byrd: "I say to the senator, wait until next year and he will write me a bigger card. I thank the senator."

Way off base

The chap from the Pentagon who said he'd get back to us on the cost of the trip to South America for the Air Force's 65-piece Serenade in Blue brass band has done so. Our source estimated the cost of the expedition at \$500,000, but the spokesman said that's too high. It will cost \$170,000 to feed and lodge the musical crew. The aircraft in question would have to be flying anyway to log in the hours assigned to it, he said. Byr if the flight were billed at an estimated cost of \$2,650 per hour, that cost would come to about \$118,000.

So it won't cost nearly as much as we predicted. Of course, that's what they said about the Hubble, and the S&L bailout, and ...

Inscrutable Bill

Rep. Bill Alexander, Arkansas Democrat, happens to agree with President Bush on most points regarding dialogue and commerce with China, and he has some ideas about the difficulty of understanding that country: "We must visit China in order to fully understand the importance of this relationship." Mr. Alexander said on the House floor the other day. "About 10 years ago, I had the opportunity to travel to the People's Republic of China on four separate occasions. Prior to my travel, I had little or no knowledge of the Orient. When I arrived there, I found it such a contrast to the United States that I was reminded of the statement by Mark Twain that 'East is East and West is West.'"

B

From

subst
(the d
says w
to cour

Ad:
cials
decad
volv:
coven
forts.
could
onage

"T

com
offic:
state
"stra
will
thre:
tiona

Tt

coun
U.S.:
natio
pres
liger
ficia

Sp
ishe
Unir
erat
caus
ser
Eur

"

the
tha:
Bui
age
gre

?

me
tha
the

ser

io:

I

—

B

—

to

c

o

f:

v

t

t

t

t

t

t

t

t

HB

50

HFIN

FILE

FISCAL NOTE

No. 1

Bill Version: CSHB 50 (L&C)

(H) Publish Date: 4/14/93

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____

Title: Authorization of Anchorage-Kenai and
Healy-Fairbanks Interities

Sponsor: Navarre et al.

Requestor: _____

Department Affected: Commerce and Economic Development

BRU: Alaska Energy Authority

Component: AEA Agency Operations

COMPONENT SERIAL NO. 7304010100

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	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	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
-------------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	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 (FY 93) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Project authorization by itself has no fiscal impact. See cost analysis for HB 51 for projection of fiscal impact due to construction and operation of Anchorage-Kenai and Healy-Fairbanks interities.

Prepared by: Richard Emerman

Phone: 561-7877

Division: Alaska Energy Authority

Date: 2/8/93

Approved by Commissioner: Paul Fuhs

Agency: Commerce and Economic Development

Date: 2-10-93

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

HB 51: Special appropriation for construction of Anchorage-Kenai and Healy-Fairbanks Interties.

This bill would appropriate \$90 million from the Railbelt Intertie Reserve for design and construction of Anchorage-Kenai and Healy-Fairbanks 138 kV interties.

The Alaska Energy Authority (AEA) supports the use of the Railbelt Intertie Reserve for design and construction of these Railbelt intertie projects. We are concerned, however, that past efforts to appropriate amounts of this magnitude as grant contributions for these projects, without concurrent attention to long-term energy needs in other areas of the state, have not been successful. This has led us to the view that Railbelt intertie funding is more likely to be achieved if:

1. it is provided in the form of a low-interest loan with long-term payback to the State; and
2. it is combined with energy proposals that would provide long-term benefits in other major regions of the state.

WM/073pp.aea
021093a

Paul John
2-10-93

HB 51 Fiscal Note -- Analysis (prepared February 8, 1993)

HB 51 appropriates \$90 million as a State contribution for Railbelt intertie design and construction. Its companion bill, HB 50, provides that the State will pay 50 percent of the design and construction costs and the participating utilities will pay the other 50 percent. Therefore, if the total cost of the two interties is less than \$180 million, the State contribution will be less than \$90 million. Conversely, it should be recognized that the State contribution according to the provisions of HB 50 will exceed \$90 million if the total intertie cost exceeds \$180 million.

This fiscal note assumes that the actual cost will be \$180 million, and that State funds will be drawn upon for the first \$90 million expenditure according to the expected cash flow for the two projects. It is anticipated that the Energy Authority would issue bonds for the remaining \$90 million to be expended during the latter part of FY 97 and during FY 98. The first year of operation is assumed to be FY 99.

The Energy Authority expects to contract with the utilities for operations and maintenance (O&M) of the projects. Expected O&M costs for the first year are estimated at \$165,000 (in 1991 dollars) in the project feasibility study, and have been escalated to \$225,000 in the fiscal note to account for future inflation.

One additional position is provided within the Energy Authority during both the construction phase and operations phase. The Energy Authority anticipates contracting with the utilities for construction of the projects as well as operations and maintenance. The additional position would provide contract management and oversight. It is assumed that an experienced project manager would be appropriate for oversight of projects of this magnitude, with salary estimated at range 24C. In addition to salary and benefits for this position, overhead support including clerical, accounting, and other indirect costs is estimated at \$75,000 increasing with inflation. Travel is also included at \$25,000 increasing with inflation. Funding would come initially from the General Fund appropriation, then bond proceeds, and finally from program receipts (utility payments) during the operations phase.

It is assumed that financing costs associated with the bond issue would be recovered from bond proceeds. Such financing costs, including legal fees, financial advisor fees, Energy Authority staff time, and other costs of bond issuance are not shown in the fiscal note.

Back up



Reliable Railbelt Energy Through Intertie Upgrades

Intertie proposal

The railbelt electrical utilities, representing some 300,000 residential, commercial and industrial consumers, proposes that the state of Alaska provide substantial financing assistance for the construction of two new sections of 138 kilovolt (kV) transmission intertie line - one between the Kenai Peninsula and Anchorage and a section between Healy and Fairbanks.

The Alaska Energy Authority estimates both sections will cost \$152 million or \$160.7 million (depending on Kenai-Anchorage line routing) in 1991 dollars. An AEA feasibility study, released in early 1991, concludes that benefits would exceed costs for the two interties.

The 138 kV Kenai-Anchorage southern intertie would bring Bradley Lake hydroelectric power into the Railbelt grid system. The Healy-Fairbanks northern intertie would allow more low-cost power to flow throughout the Railbelt. Together, the new lines would add reliability to the whole grid.

Making it work

Last session, the Legislature put unappropriated funds from the Railbelt Energy Fund into an "Interties Reserve Account" within the General Fund. It contains \$100 million plus interest.

Utilities serving the Railbelt region are asking the Legislature to appropriate this account to the Alaska Energy Authority (AEA) for construction of the proposed intertie sections. Additional state funding or financing of \$25 million is also sought.

Railbelt utilities will sign an agreement with the Energy Authority to pay full debt service. The utilities will continue to make payments to the state after capital costs are paid during the useful life of the lines.

Also, the utilities will cover costs of maintenance

and operation over the life of the new interties under a separate agreement with AEA.

These agreements show the utilities' willingness to share intertie costs so this vital upgrade of the Railbelt energy system can be built in a timely manner - and without putting a cost burden on consumers or the state.

Interties make sense

Interties are solid energy projects that bear economic analysis while yielding measurable benefits for some three-fourths of Alaska's population.

Alaska is looking at a window of opportunity to make the best use of its hydro generation capacity and lock in energy security and reliability for the railbelt population center. The 90-megawatt Bradley Lake project will be on line in a matter of months.

The state has a major investment in this \$330 million hydro project. Upgrading the Railbelt intertie grid will allow Bradley Lake to reach its fullest potential.

The Legislature has specifically set aside a \$100 million account to make sure Bradley Lake achieves its highest and best use and that Alaskans have access to reliable, economical power.

The next step is to upgrade the intertie system so consumers from Homer to Fairbanks can be assured of a strong, stable power transmission system plus access to more low-cost generation. Also, commercial and industrial growth hinges on reliable, affordable energy.

Upgrading the interties through a state-utilities partnership makes economic sense. The state will pay not one penny of operations and maintenance costs for this energy infrastructure. Some 300,000 Railbelt consumers experience no rate shock from this project and reap long-term energy savings.

Now is the time to secure reliable energy delivery for the whole Railbelt region with state funding assistance for the interties.



Advantages of an Upgraded Railbelt Intertie System

- ✓ **Reliability** - Power outages can cost millions of dollars in repair expenses, loss of business and loss of product and perishable goods. Upgrading the Railbelt power grid with two new sections of 138 kilovolt line will ease the strain on the system and help decrease the number and severity of transmission and generation related outages.
- ✓ **Economy Energy Transfer** - An improved transmission system will allow energy produced at low cost in one area to displace higher-cost energy in another area. This "economy energy" interchange between Anchorage and Fairbanks, for example, is now limited by the capacity of the existing fully loaded intertie line.
- ✓ **Hydro-thermal Coordination** - Thermal power plants operate most efficiently at or near full loading but load demands don't always allow this. Bradley Lake hydro generation can be used to increase the efficiency of gas-fired plants in the Railbelt by adding to or subtracting from the natural Railbelt electricity demand. This is called reshaping demand. A new Kenai-Anchorage intertie will increase this hydro-thermal coordination capability, thus creating greater savings through efficient power generation.
- ✓ **Less Line Loss** - The upgraded intertie system can yield savings through more efficient transmission of electricity. This is because the normal loss of energy in the lines due to resistance is decreased.
- ✓ **Capacity Sharing** - Power generation plants serving Anchorage, Fairbanks and the Kenai Peninsula are designed to produce more power than is normally needed so as to meet peak loads and emergency situations. With the two new intertie sections in service, power producers could share each other's reserve generating capacity. This ability to share excess capacity defers or avoids the need to add new units or build expensive new power plants as energy needs increase. An associated benefit comes in savings on standby generation unit maintenance. Capacity sharing allows utilities to use standby units less often to meet peak loads so money is saved as units require less scheduled maintenance, last longer, and use less fuel.

Associated Benefits

- ✓ **Utility Coordination** - With a stronger, more efficient transmission grid in place, Railbelt utilities can better coordinate operations and planning functions. Power providers working in harmony can lower costs for consumers.
- ✓ **Fuel Supply Competition** - An upgraded transmission system that handles loads better will allow electric utilities to access a variety of energy sources, thus boosting competition among fuels and suppliers.

Summary

Building the two new intertie sections in a timely manner will create a stable, reliable and more economical power delivery system to serve Alaska's major population and support economic growth within the region for decades to come.

Railbelt Energy Chronology

- Mid 1970s** Alaska State Legislature develops energy agenda, focusing attention in the Railbelt section of the state on the Susitna hydro project. Alaska Power Authority created to manage energy projects.
- 1979-1984** Legislature appropriates more than one billion dollars to proposed hydro projects, including \$300 million toward construction of Susitna. Most of the other funds appropriated paid for power generation projects at Ketchikan, Sitka, Petersburg-Wrangell, Valdez and Kodiak.
- 1985** Oil prices drop. Susitna determined to be too costly. Licensing application withdrawn. Project closed out.
- 1986** Legislature creates Railbelt Energy Fund for left over Susitna appropriations. Fund earmarked for energy projects in the Railbelt. Amount: \$285 million. Governor empowers Railbelt Energy Council to develop region-wide energy plans.
- 1987** Council recommends construction of intertie between Kenai Peninsula and Anchorage and capacity upgrade of transmission intertie between Anchorage and Fairbanks.
- 1987** Intertie construction bill introduced, passes Senate, dies in House Resources Committee. Fund balance cut to \$235 million through change of funding source and \$50 million set aside for Bradley Lake hydro project.
- 1989** Railbelt Intertie Feasibility Study commissioned by Alaska Energy Authority (formerly APA) showing low benefit-to-cost ratios at proposed line rating of 230 kilovolts.
- Late 1989** Railbelt utilities release new analysis of state's feasibility study. Analysis done by same research firm using same data and assumptions but this time based on 138 kV ratings. Benefit-cost ratios show as positive for both intertie sections with this lower kilovolt line rating.
- 1990** ARECA and Railbelt members begin concerted effort to win legislative support for construction of 138 kV interties.
- May 1990** Interties construction legislation passes Senate, stalled in House. Railbelt Energy Fund tapped for capital projects. Legislature votes in compromise measure to put \$100 million in unappropriated Railbelt Energy fund monies into Interties Reserve Account within general fund. Money earmarked for interties construction.
- Oct. 1990** Energy Authority begins research and regulatory work on proposed interties as required by law on all energy project developments.
- Dec. 1990** ARECA and member co-ops renew efforts to win legislative support for state funding assistance and authorization to build 138 kV interties.
- Jan. 1991** Energy Authority study estimates interties cost at between \$152 million and \$160.7 million in 1991 dollars. House bills are introduced to authorize interties construction and state funding at \$125 million.





Alaska Energy Authority

A Public Corporation

FINANCIAL RESTRUCTURING OF THE ALASKA ENERGY AUTHORITY

On October 12, 1992 the Board of Directors of the Alaska Energy Authority voted unanimously in favor of financially restructuring the Authority. That vote of support came after months of work by utilities around the state and the Authority to develop a plan to position Alaska to meet future energy needs during a time of declining state revenue.

The following day, Governor Walter J. Hickel gave the effort his strong support and said he would propose legislation in January to implement the financial restructuring. The legislative package is designed to serve two major goals: promote economic diversification by expanding the availability of reliable and affordable power, and provide continuing support for rural village economies by extending the Power Cost Equalization (PCE) program.

The financial restructuring would establish the Alaska Energy Authority Revolving Fund. The Fund and its earnings would provide the financial structure needed to construct four proposed intertie projects: one between the Kenai Peninsula and Anchorage, a second between Healy and Fairbanks, a third between the Copper River Valley and the Railbelt, and a fourth in Southeast Alaska to tap the underutilized power of the Tyee hydroelectric project. In addition, it would provide an annuity of \$17 million annually for 20 years to assure reasonable power costs in rural areas through Power Cost Equalization (PCE) or more efficient energy projects. It would also support a continuing budget of about \$3.5 million per year for rural technical assistance, small capital projects and conservation efforts.

The new Fund's beginning balance would be \$154.8 million. It would be composed of \$2.8 million currently in the Railbelt Energy Fund, \$100 million in the Railbelt Intertie Reserve Fund, \$21 million in interest on the Railbelt Intertie Reserve Fund, a Bradley Lake construction surplus of \$11 million and an additional State contribution of \$20 million. Annual revenues, such as repayment of the State loan for construction of the Four Dam Pool, would be deposited in the Fund as received.

With the exception of an annual General Fund appropriation (which would decline to zero over a seven-year period) to help support the PCE program, and any additional appropriations the Legislature may choose to make for specific purposes, the Authority would become self-supporting.

The restructuring would have a beneficial impact on the Authority's overall operations because it would make the structural changes necessary to establish accounts and prepare financial forecasts on a multi-year basis based on its kilowatt hour sales and investment income in keeping with normal practice in the utility industry. The legislation would propose specific language to authorize the establishment of reserve accounts for renewals and replacements, self-insurance, and capitalization to support and preserve operating projects. This would allow for long-range commitment of funds which, in turn, would allow long-range planning to occur. Currently, the Authority is limited in its ability to engage in long-