

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3343 HJUD HB 384 - HB 402

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RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

7/25/89
Date

H B

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STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

P.O. Box K
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

465-3603

March 26, 1986

Honorable Katherine T. Hurley
Chairman, State Affairs Committee
Alaska House of Representatives
P.O. Box V
Juneau, AK 99811

Re: Review of Comments by the
Court System to HB 384

Dear Representative Hurley:

The House State Affairs Committee has asked that we review comments regarding HB 384 made by Karla Forsythe in her letter of March 13, 1986 on behalf of the court system. We wish to make a number of observations regarding her comments.

We believe any land the court system would acquire under the authority of AS 22.05.015 would be subject to the bill's provisions. The court system's authority to construct its facilities under that statute does not make the court system any less a state instrumentality than a variety of other state agencies.

Ms. Forsythe raised two other concerns regarding the bill, i.e. its fiscal impact and the lack of staffing to provide the necessary relocation services.

Relocation payments made under existing law are seen as a cost of land acquisition which is incidental to the cost of the construction of a public work. We believe to the extent that the court system still has money available for construction (or land acquisition) it could be spent for relocation payments without an appropriation by the legislature for that particular purpose.

The problem of staffing to provide the necessary relocation services could be a real problem for the court system as Ms. Forsythe points out. However, there is a simple solution to that problem. The court system could contract with the Department of Transportation and Public Facilities (DOT/PF) to provide the necessary services. DOT/PF and its predecessors have

Honorable Katherine T. Hurley
Alaska House of Representatives

March 26, 1986
Page 2


been providing relocation assistance services for nearly 18 years since the passage of the Federal Aid Highway Act of 1968. The court system would, however, need to pay DOT/PF for these services out of project funds.

The court system's comments point to another problem with the bill. When we drafted the bill, it was anticipated that it would be effective a year after it was signed by the governor. The year following signature would have been used to complete projects for which no allowance had been made in project budgeting for relocation payments in prior capital appropriations. A solution to the difficulties the court system is experiencing with its projects, as well as other public agencies' capital projects, would be to amend the effective date to the bill to July 1, 1987.

If we may be of any further assistance on this matter, please contact me at your earliest convenience.

Sincerely yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: 
William F. Cummings
Assistant Attorney General

WFC:prm

cc: Karla Forsythe



Alaska State Legislature

House of Representatives

Committee on State Affairs

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

(307) 469-4863

TO: Representative Mike Miller
Chair, House Judiciary Committee

FROM: Representative Katie Hurley *AB for KH*
Chair, House State Affairs

DATE: April 2, 1986

SUBJ: House Bill 384

Enclosed is a memorandum that I requested from the Attorney General's Office clarifying the impact of House Bill 384 (relocation assistance) on the Alaska Court System.

House Bill 384 passed out of the House State Affairs Committee with the understanding that the Judiciary Committee would further review the concerns brought forth by the Court System.

Please take special note of the suggestion from the Attorney General's Office to change the effective date.

MAR 13 '86 13:02 ACR END JUD DIST FAX276-8342



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE
STAFF COUNSEL

303 F. Street
Anchorage, Alaska 99501

(907) 264-8228

March 13, 1986

Katie Hurley, Chair
House State Affairs Committee
P. O. Box V
Juneau, AK 99811

Dear Representative Hurley:

I am writing to bring to the attention of the committee some Court System concerns with House Bill 384, relating to relocation assistance and real property acquisition practices. It is my understanding that this bill is scheduled for hearing today.

This bill will require state agencies which displace a person or a business in the course of acquiring real property to pay actual moving expenses, actual direct losses of personal tangible property as a result of moving or discontinuing of business, and actual expenses in searching for a replacement business. Additionally, agencies are required to provide a relocation assistance advisory program, including services to determine the need for relocation assistance, current and continuing information on the availability of comparable commercial properties and locations, and active assistance in finding a suitable replacement location.

The bill as drafted applies to state agencies. "State agency" is defined in proposed Section 9 as "a department, agency, instrumentality, corporate authority of the state, or a political subdivision of the state, or a department, agency, instrumentality or authority of two or more political subdivisions of the state participating in land acquisition programs."

It is unclear whether this definition is intended to include the Alaska Court System. Under AS 22.05.025, the Supreme Court is authorized to undertake all matters relating to planning, design and construction of court facilities. However, the Court System is also required to cooperate with the Department of

MAR 13 '86 13:02 ACR 2ND JUD DIST FAX276-6342

Katie Hurley
March 13, 1986
Page 2

Transportation and Public Facilities so that facility construction projects are carried out in accordance with the statutes and regulations applicable to state public works projects.

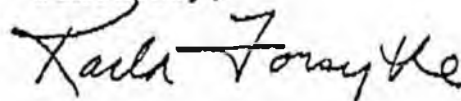
If this legislation applies to the Court System, it will have a financial impact on the Anchorage courthouse expansion project. The state has acquired Block 29 of the Anchorage Original Townsite, which is presently occupied by twelve businesses. These businesses will be required to relocate once the Court System obtains final conditional use approval from the Anchorage Planning and Zoning Commission (approval anticipated in June, 1986).

It is unclear whether the projections in the fiscal note submitted by the executive branch include relocation assistance for Court System projects, including the planned Anchorage expansion. No funds have been budgeted to the Alaska Court System which could be used to pay relocation expenses for the businesses on Block 29.

Additionally, the relocation assistance advisory program anticipated by this bill would place substantial new work requirements on the single administrative staff member who coordinates court construction projects. Since the level of activity needed to provide such a program could become disproportionate to the relatively small level of court construction, it would be more efficient for the executive branch to include Court System projects in its relocation assistance advisory program.

Thank you for the opportunity to bring these comments to the attention of the committee. If there are additional questions about the Court System's position, I will be glad to provide further information.

Sincerely,



Karla Forsythe
Staff Counsel

cc: Arthur H. Snowden, II
Gerry Dubie
Bob Fisher

STATE

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

MAR 23 1986

March 26, 1986

BILL SHEFFIELD, GOVERNOR

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Honorable Katherine T. Hurley
Alaska House of Representatives

March 26, 1986
Page 2

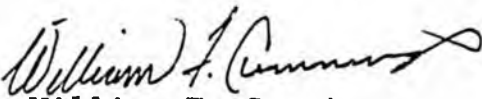
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Sincerely yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: 
William F. Cummings
Assistant Attorney General

WFC:prm

cc: Karla Forsythe



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James O. Smith
Signature of Camera Operator

7/25/89
Date

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STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary

5/1/85

1:30

**STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: 5/1/85

REQUEST

Bill/Resolution No.: HB 393
 Title: An Act Relating To Rights of Deaf, Blind, Disabled Persons
 Sponsor: House Judiciary
 Requestor: _____
 Date of Request: 5/1/85

FISCAL DETAIL

Agency Affected: ALASKA COURT SYSTEM
 Program Category Affected: _____
 Due Process
 BRU, Program or Subprogram(s) Affected: Trial Courts

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		4.1	4.3	4.6	4.9	5.2
300 CONTRACTUAL		9.9	10.5	11.1	11.8	12.5
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		14.0	14.8	15.7	16.7	17.7

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
General Fund		14.0	14.8	15.7	16.7	17.7
FEDERAL FUNDS						
OTHER						
TOTAL		14.0	14.8	15.7	16.7	17.7

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert G. Fisher
 Division: Fiscal Officer

Phone: 264-0561
 Date: 5/1/85

Approved by Commissioner: [Signature]
 Agency: ALASKA COURT SYSTEM

Date: 5/1/85

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

ALASKA COURT SYSTEM
HB 393 - RIGHTS OF DEAF, BLIND, AND DISABLED PERSONS
FISCAL IMPACT

This legislation allows deaf, blind, and disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. This legislation will impact the Court's travel, contractual, and leasehold improvements budget categories.

Historically, seven percent of all eligible persons are selected for jury service, which typically averages one and one-half days in length. The Division of Vocational Rehabilitation has estimated that 250 deaf persons would be eligible for jury duty. Based on past experience, approximately 17 deaf individuals would be called for service in a year. Each deaf juror would require an interpreter for all activities in the court. Interpreter fees are calculated to cost \$9,900 per year. Depending upon availability, interpreters may have to travel to the court locations around the state. This travel is estimated to cost \$4,100.

Cost estimates for subsequent fiscal years reflect inflation at the rate of six percent.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

MEMORANDUM

May 2, 1985

SUBJECT: CSHB 393 (Judiciary)

TO: Representative M.M. Miller
House Judiciary Committee

FROM: Michael F. Ford *M.F.*
Legislative Counsel

Your request for a new committee substitute contained instructions to delete section 4 from the 5/1/85 draft. By doing so, the bill retains the term "physically or mentally disabled" in both sections 2 and 3 but has no definition of the term. Also you should note that the existing definition of "physical handicap", AS 18.80.300(13), will need to be repealed should this bill become law.

Please contact me if you have any questions.

MFF:ojb
J14/072

Original sponsor: Judiciary Committee

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 393 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the rights of physically and
7 mentally disabled persons."

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

9 * Section 1. AS 09.20.010 is amended by adding new subsections to read:

10 (b) A person is not disqualified to act as a juror solely be-
11 cause of the loss of hearing or sight in any degree or a disability
12 that substantially impairs or interferes with the person's mobility.

13 (c) The court shall provide, and pay the cost of services of, an
14 interpreter or reader when necessary to enable a person with impaired
15 hearing or sight to act as a juror.

16 * Sec. 2. AS 18.06.040 is amended to read:

17 Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS].
18 Enforcement of this chapter shall be by the state Human Rights Commis-
19 sion under AS 18.80.010 - 18.80.145. A person who denies or inter-
20 feres with admittance to or enjoyment of the public facilities set out
21 in AS 18.06.020 or otherwise interferes with the rights of a physical-
22 ly or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE] disabled
23 person is guilty of a misdemeanor and upon conviction is punishable by
24 a fine of not more than \$1,000, or by imprisonment for not more than
25 60 days, or by both.

26 * Sec. 3. AS 18.80.255 is amended to read:

27 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL
28 SUBDIVISIONS. It is unlawful for the state or any of its political
29 subdivisions

1 (1) to refuse, withhold from or deny to a person any local,
2 state or federal funds, services, goods, facilities, advantages or
3 privileges because of race, religion, sex, color or national origin;

4 (2) to publish, circulate, issue, display, post or mail a
5 written or printed communication, notice or advertisement which states
6 or implies that any local, state or federal funds, services, goods,
7 facilities, advantages or privileges of the office or agency will be
8 refused, withheld from or denied to a physically or mentally disabled
9 person or a person of a certain race, religion, sex, color or national
10 origin or that the patronage of a physically or mentally disabled
11 person or a person belonging to a particular race, creed, sex, color
12 or national origin is unwelcome, not desired or solicited; it is not
13 unlawful to post notice that facilities to accommodate the physically
14 or mentally disabled are not available;

15 (3) to refuse or deny to a person any local, state, or
16 federal funds, services, goods, facilities, advantages or privileges
17 because of physical or mental disability; however, this paragraph may
18 not be construed to require alteration or remodeling of buildings or
19 facilities owned or operated by the state or its political subdi-
20 visions to any extent not required by other law.

Original sponsor: Judiciary Committee

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IN THE HOUSE

BY THE JUDICIARY COMMITTEE

CS FOR HOUSE BILL NO. 393 (Judiciary)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the rights of physically and mentally disabled persons."

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

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* Sec. 2. AS 18.06.040 is amended to read:

Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS].
Enforcement of this chapter shall be by the state Human Rights Commission under AS 18.80.010 - 18.80.145. A person who denies or interferes with admittance to or enjoyment of the public facilities set out in AS 18.06.020 or otherwise interferes with the rights of a physically or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE] disabled person is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than 60 days, or by both.

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6 written or printed communication, notice or advertisement which states
7 or implies that any local, state or federal funds, services, goods,
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9 refused, withheld from or denied to a physically or mentally disabled
10 person or a person of a certain race, religion, sex, color or national
11 origin or that the patronage of a physically or mentally disabled
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14 unlawful to post notice that facilities to accommodate the physically
15 or mentally disabled are not available;

16 (3) to refuse or deny to a person any local, state, or
17 federal funds, services, goods, facilities, advantages or privileges
18 because of physical or mental disability; however, this paragraph may
19 not be construed to require alteration or remodeling of buildings or
20 facilities owned or operated by the state or its political
21 subdivisions. *to any extent not now required ^{under} existing law*

22 * Sec. 4. AS 18.80.300 is amended by adding new paragraphs to read:

23 (15) "major life activities" means functions such as caring
24 for one's self, performing manual tasks, walking, seeing, hearing,
25 speaking, breathing, learning, and working;

26 (16) "physical or mental disability" means

27 (A) a physical or mental impairment that substantially
28 limits one or more major life activities,

29 (B) a history of, or a misclassification as having, a
mental or physical impairment that substantially limits one or

1 more major life activities; or

2 (C) having

3 (i) a physical or mental impairment that does not
4 substantially limit a person's major life activities but
5 that is treated by the person as constituting such a limita-
6 tion;

7 (ii) a physical or mental impairment that sub-
8 stantially limits a person's major life activities only as a
9 result of the attitudes of others toward the impairment; or

10 (iii) none of the impairments defined in this
11 paragraph but being treated by others as having such an
12 impairment;

13 (D) a condition that may require the use of a prosthe-
14 sis, special equipment for mobility or service animal;

15 (17) "physical or mental impairment" means

16 (A) - physiological disorder or condition, cosmetic
17 disfigurement, or anatomical loss affecting one or more of the
18 following body systems: neurological, musculoskeletal, special
19 sense organs, respiratory including speech organs, cardiovascu-
20 lar, reproductive, digestive, genito-urinary, hemic and lymph-
21 atic, skin, and endocrine; or

22 (B) mental or psychological disorder, including mental
23 retardation, organic brain syndrome, emotional or mental illness,
24 and specific learning disabilities.
25
26
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28
29

Original sponsor: Judiciary Committee

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

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3 IN THE LEGISLATURE OF THE STATE OF ALASKA

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10 origin or that the patronage of a physically or mentally disabled
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20 visions to any extent not required by other law.

POSITION PAPER

HB 393

"An Act relating to the rights of physically and mentally disabled persons."

EFFECT OF HB 393:

This bill seeks to expand the rights of physically and mentally disabled persons in the following areas:

1. It would amend A.S. 09.20.010 to allow persons with visual, hearing and mobility impairments to serve as jurors and require courts to pay for interpreter and /or reader services as needed for such jurors.
2. AS. 18.06 is amended by adding a new section which would require any department, office, agency or other organizational unit of state government or a political subdivision of the state, including the University of Alaska , from which a deaf person seeks access to funds, services, goods, facilities, advantages, or privileges, to pay the costs of and provide an interpreter for the person.
3. 18.80.255 is amended by expanding the prohibition against discrimination in the provision, notice and advertisement of goods, services, funds, facilities and advantages, to include protection for physically and mentally disabled persons.
4. AS 18.80.300 is amended by adding definitions for "major life activities" and "physical or mental disability"

RECOMMENDATION:

The Department of Health and Social Services supports passage of HB 393.

Recommended by:



Mel Henry, Ph.D., M.P.A.

Date:

4/30/85

Approved by:



John Pugh, Commissioner

Date:

5-1-85

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 393
 Title: "An Act relating to the rights of physically and mentally disabled Person"
 Sponsor: Judiciary Committee
 Requestor: _____
 Date of Request: 4-30-85

FISCAL DETAIL

Department of Health
 Agency Affected: and Social Services
 Program Category Affected: Division of Mental Health
 BRU, Program or Subprogram(s) Affected: (and Developmental Disabilities
 Central Office Division of Mental Health and
 Developmental Disabilities

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

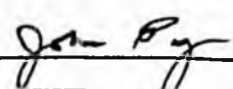
	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME none						
TEMPORARY required						

ANALYSIS: Attach a separate page if necessary

Prepared By: Mel Henry, Ph.D., M.P.A.  Phone: 465-3370
 Division: Mental Health and Developmental Disabilities Date: 4-30-85

Approved by Commissioner:  Date: 5-1-85
 Agency: _____

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 172
 Title: An Act Relating to Rights of Deaf, Blind, and Disabled
 Sponsor: Duncan/Collins/Gruenberg
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Alaska Court System
 Program Category Affected: _____
 Due Process
 GRU, Program or Subprogram(s) Affected: Trial Courts

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		4.1	4.3	4.6	4.9	5.2
300 CONTRACTUAL		9.9	10.5	11.1	11.8	12.5
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES		212.3				
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		226.3	14.8	15.7	16.7	17.7
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		226.3	14.8	15.7	16.7	17.7
FEDERAL FUNDS						
OTHER						
TOTAL		226.3	14.8	15.7	16.7	17.7

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert G. Fisher Phone: 264-0561
 Division: Alaska Court System Date: 3/20/85
 Approved by Commissioner: [Signature] Date: 3/20/85
 Agency: Alaska Court System

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

ALASKA COURT SYSTEM
CSHB 172 - RIGHTS OF DEAF, BLIND, AND DISABLED PERSONS
FISCAL IMPACT

This legislation allows deaf, blind, and disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. This legislation will impact the Court's travel, contractual, and leasehold improvements budget categories.

Historically, seven percent of all eligible persons are selected for jury service, which typically averages one and one-half days in length. The Division of Vocational Rehabilitation has estimated that 250 deaf persons would be eligible for jury duty. Based on past experience, approximately 17 deaf individuals could be called for service in a year. Each deaf juror would require an interpreter for all activities in the court. Interpreter fees are calculated to cost \$9,900 per year. Depending upon availability, interpreters may have to travel to the court locations around the state. This travel is estimated to cost \$4,100.

Providing access to court facilities and restrooms for disabled individuals will require remodeling of certain courts. The remodeling will provide barrier-free access routes to court buildings, expansion of jury boxes, and enlarged toilet facilities for individuals in wheelchairs. For those locations where remodeling is feasible, the cost is estimated at \$212,300. In a few locations, such as Nome, modifications cannot be made, except at a substantial cost. Many urban courts are already equipped to handle disabled persons.

Cost estimates for subsequent fiscal years reflect inflation at the rate of six percent.

POSITION PAPER

CS HB 172

"An Act relating to the rights of physically and mentally disabled persons."

EFFECT OF CS HB 172:

This bill seeks to expand the rights of physically and mentally disabled persons in three areas:

1. It would amend A.S. 09.20.010 to allow persons with visual, hearing and mobility impairments to serve as jurors and require courts to pay for interpreter and/or reader services as needed for such jurors.
2. A.S. 18.06 would be amended to expand protection currently offered to blind persons using guide dogs to "physically and mentally disabled" users of "service animals".
3. Under A.S 18.80, all areas of the Human Rights Law would be expanded to provide equal protection to "physically and mentally disabled persons" as defined.

RECOMMENDATION:

The Department of Health and Social Services supports passage of CS HB 172.

Recommended by:

Mel Henry

Mel Henry, Ph.D., M.P.A.

Date:

4-1-85

Approved by:

John Pugh

John Pugh, Commissioner

Date:

3/31/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

<p>REQUEST Bill/Resolution No.: <u>CS HB 172</u> Title: <u>"An Act relating to the rights of physically & mentally disabled persons"</u> Sponsor: <u>HESS</u> Requestor: _____ Date of Request: <u>3-22-85</u></p>	<p>FISCAL DETAIL Department of Health Agency Affected: <u>and Social Services</u> Program Category Affected: <u>Division of Mental Health and Developmental Disabilities</u> BRU, Program or Subprogram(s) Affected: <u>Community Developmental Disabilities</u></p>
--	---

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME N/A						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared by: Mei Henry, Ph.D., M.P.A. Phone: 465-3370
 Division: Mental Health & Developmental Disabilities Date: 3-28-85

Approved by Commissioner: John R. Poy Date: 3/31/85 *JCC*
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED

MAIN OFFICE
325 East 3rd, 2nd Floor
Anchorage, AK 99501
(907) 274-3658

**SOUTHEAST
REGIONAL OFFICE**
127 S. Franklin, Suite 2
Juneau, AK 99801
(907) 598-1627

**NORTHERN
REGIONAL OFFICE**
763 7th Ave.
Fairbanks, AK 99701
(907) 456-1070

April 30, 1985

Representative M. Mike Miller
Chairman House Judiciary Committee
Pouch V
Juneau, Alaska 99811

RE: HB 393

Dear Representative Miller:

Thank you for directing your staff to inform me about the Judiciary Committee's consideration of this bill. I cannot attend the hearing, so please include these comments in the record.

I believe it is essential that all sections of the bill become law. While they each have some fiscal impact, it is important to remember that each furthers an important element of what we all presume is involved in the concept of citizenship.

Being an American citizen presumes fulfillment of the responsibility of jury duty. Denying jury service to deaf, blind, and mobility impaired persons forecloses this important avenue of citizenship. It stigmatizes these disabled persons as second class citizens.

The only fiscal impact this bill should bear is the cost of interpreters for the deaf.(1) The court system has much experience using qualified interpreters for deaf parties and witnesses. New interpreters will have to be trained. Considering that there are only 200 deaf adults in Alaska, the actual number of deaf jurors should be quite small. Therefore, the cost of interpreters should be in the area of several thousand dollars per year. This is a small sum when compared to how the legislation will enhance both the dignity of the disabled and the integrity of the jury process.

(1) The court system's fiscal note of \$200,000 primarily deals with the cost of making buildings accessible to the mobility impaired. The court system is already required to render these buildings accessible under existing law. AS 35.10.015; AS 47.80.010; 17 AAC 50.10. Therefore HB 393 should not bear those cost.

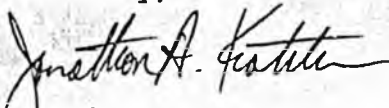
Section 3 of the bill addresses the Human Rights Commissions' jurisdiction over unlawful discrimination by the state and local governments. The Judiciary Committee deleted this section from CS HB 172 because of the fiscal impact. It would be inappropriate for the legislature to order private citizens to not discriminate against disabled persons, and yet allow the state to continue to discriminate.

I consider it ironic that when the state was awash in oil revenue, the community was politically unwilling to extend these protections to disabled persons. Now that the consciousness has been raised and the importance of these rights has been recognized, it is funding which is the stumbling block. It would be unthinkable for the legislature to say that due to diminishing revenue, discrimination on the basis of race is no longer prohibited. A legislative statement to the effect that disabled people are a minority deserving special protection from discrimination by private persons but not, due to funding, by the governments, should be likewise unthinkable. And, in light of the numerous essential services disabled people receive from the government, protection from this type of discrimination is even more critical.

Section 2 of HB 393 is also essential. Interpreters are an essential part of any deaf person's attempts to participate in the basic elements of citizenship. The absence of interpreters prevents deaf people from accessing all the programs and services that we have come to expect from our governments. Considering a deaf population of about 400 people, our state is not justified in failing to provide these services.

Thank you for this opportunity to present my comments on behalf of this important piece of legislation. I hope that the committee will pass out HB 393 intact. Please feel free to contact me if you have any questions or comments.

Sincerely,


Jonathon A. Katcher
Supervising Attorney

JAK:bk

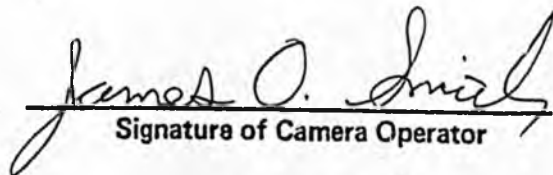
cc: Judiciary Committee Members

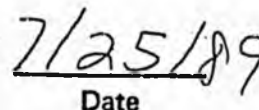


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

HB

402

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary 4/15/86 1:30 pm

**HOUSE
COMMITTEE REPORT**

(7)

Date referred: 3/26/86

FURTHER REFERRALS: FINANCE

DATE: _____

The JUDICIARY Committee has considered HB 402

"An Act relating to military and overseas voters."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 402 (JUDICIARY) same title
 new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Mark Hill
Chairman

Original sponsors: Martin and M.W.Miller

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 402 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to absentee voting."

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

8 * Section 1. AS 15.20.081(b) is amended to read:

9 (b) An application for an absentee ballot by mail must be post-
10 marked not [MORE THAN SIX MONTHS NOR] less than 14 [SEVEN] days before
11 the election for which the absentee ballot is sought. The application
12 for an absentee ballot shall permit the person to register to vote
13 under AS 15.07.070 and to request an absentee ballot for each state
14 election held that year in which the voter is eligible to vote.

15 * Sec. 2. AS 15.20 is amended by adding a new section to read:

16 Sec. 15.20.082. ABSENTEE VOTING BY MAIL FROM OUTSIDE THE UNITED
17 STATES. (a) The director shall prepare special absentee ballots
18 under this section for use in a state primary election, a state
19 general election, and a state special election when the voter notifies
20 the director in writing that the voter expects to be living, working,
21 or traveling outside the United States at the time of the election.
22 The director shall prepare the ballot so that it may be sent to the
23 absentee voter 60 days before the date of the election. The director
24 shall list on the ballot the different races to be voted on at the
25 particular election on a statewide basis and, if the director prepares
26 the ballot without the names of candidates printed on the ballot, the
27 director shall provide the voter with information described in (c) of
28 this section.

29 (b) A special state absentee ballot prepared for use under (a)

1 of this section shall contain each judicial retention election and
2 ballot proposition or question scheduled to appear on the particular
3 ballot.

4 (c) A special state absentee ballot prepared for the state
5 general election or for a state special election shall, if the names
6 of candidates are not yet certified, permit a voter to cast a ballot
7 for all the candidates of a particular political party that expects to
8 have candidates appear on the ballot; for this purpose, the director
9 shall prepare the ballot with party boxes and a blank line for each
10 office to be voted on in that election. The voter may vote for a
11 candidate for that office by writing in the name of a person and
12 marking the box to the right of that name or the voter may mark one of
13 the party boxes. If the voter puts a mark in a party box for that
14 office, the director shall count the mark as a vote cast for the
15 candidate for that office nominated by that party. If the voter
16 writes in a name for an office, the vote shall be counted as a write-
17 in vote for that office. The director shall count the ballots under
18 AS 15.15.360. The director shall provide the voter with the names of
19 each candidate appearing on the primary election ballot and the names
20 of any candidates who have qualified by petition to appear on the
21 general election ballot.

22 (d) The director shall prepare the regular absentee ballots as
23 soon as is reasonably possible and shall send the regular absentee
24 ballot to each person receiving a special absentee ballot under this
25 section. The director shall, if the regular absentee ballot is re-
26 ceived within the time required by law, count the regular absentee
27 ballot in preference to the special absentee ballot.
28
29

14-2
Bradley

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE CONCURRENT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 Suspending Uniform Rule 41(b) of the
6 Alaska State Legislature concerning
7 Senate Bill No. 252, a bill relating to
8 applications for absentee ballots, to
9 permit its amendment to a bill relating
10 to absentee voting.

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

12 That under Rule 54 of the Uniform Rules of the Alaska State Legisla-
13 ture the provisions of Rule 41(b) of the Uniform Rules are suspended in the
14 consideration of House amendments to Senate Bill No. 252 relating to appli-
15 cations for absentee voting to permit amendments relating to absentee
16 voting.



FEDERAL VOTING ASSISTANCE PROGRAM
OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

March 3, 1986

The Honorable Katherine Hurley
Chairman
House State Affairs Committee
State Capitol
Juneau, Alaska 99811

Dear Madam Chairman:

This office administers the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975. These statutes deal with the absentee voting rights of military personnel, their dependents and U.S. citizens overseas.

State legislatures have supported changes in their absentee voting laws to make it easier for military personnel and overseas citizens to vote absentee. Over the last four years tremendous progress has been made in achieving this goal. Particularly encouraging is the recent change in Alaska procedure in 1985, which allows the FPCA to serve as a simultaneous request for absentee ballot and registration if certain information is included.

Our survey of military and overseas citizens conducted after the 1984 Presidential election, indicates that the problem of mail ballot transit time continues to be a major barrier to successful absentee voting by military and overseas voters. Nearly sixteen percent of Alaska voters were unsuccessful because they did not receive their absentee ballot or received it too late to return it in time to be counted. We would appreciate your consideration and support to eliminate this problem and the remaining problem areas this session so that military and overseas voters will have a better opportunity to vote in November 1986. The legislative initiatives are listed in priority order.

Surveys of international and U.S. military postal services indicate a need for forty-five days transit time for absentee ballots sent through international mail or military overseas post offices to allow timely return of such ballots to local election officials. This transit time is necessary due to the remoteness of many military personnel and American citizens overseas. Alaska permits the counting of absentee ballots received as late as fifteen days after the election. Ballots are mailed anywhere from fifteen to thirty days prior to the election. While the outer limit affords adequate mailing time the fifteen day mailing is insufficient. We urge you to address this problem this session.

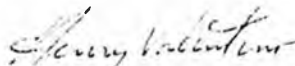
We also note Alaska has a specified period during which requests for absentee ballots may be received by the Director, Division of Elections. The "not earlier than" limitation causes considerable problems for these persons. Frequently, voting programs are held on military bases and various

other locations during an election year encouraging persons to submit registration and/or absentee ballot applications. On other occasions a candidate may address a large gathering of personnel to encourage them to register and vote. A voter motivated by these sessions will usually send an application at that time. In some cases, the application is returned to the voter because it was received too early. This can be very discouraging to first time voters. We recommend the "not earlier than" acceptance date be eliminated.

We also recommend Alaska provide for voting by military and other persons overseas who, due to military contingencies or special circumstances such as submariners, Peace Corps volunteers, or missionaries, will be out of communication for an extended period and cannot receive and return the normal absentee ballots within the regular mailing time. These voters could request a blank ballot ninety days in advance and write in the names of the candidates or party preferences. California, Connecticut, Georgia, Maine, Oregon and Washington have adopted such a ballot. (Sample enclosed)

Your support of these initiatives will improve the absentee voting process for military and overseas citizens. Please let me know if we may be of further assistance. You may contact my office at (202) 695-0663 for further information.

Sincerely,



Henry Valentino
Director

Enclosure

21-2-381.1. Procedures for voting with special write-in absentee ballot by qualified absentee electors.

(a) Notwithstanding any other provisions of this chapter, a qualified absentee elector, as defined in Code Section 21-2-380, may apply not earlier than 90 days before an election for a special write-in absentee ballot. This ballot shall be for presidential electors and United States senator or representative in Congress.

(b) The application for a special write-in absentee ballot may be made on the federal post card application form or on a form prescribed by the Secretary of State.

(c) In order to qualify for a special write-in absentee ballot, the voter must state that he or she is unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas or extremely remote areas of the world. This statement may be made on the federal post card application or on a form prepared by the Secretary of State and supplied and returned with the special write-in absentee ballot.

(d) Upon receipt of said application, the superintendent shall issue the special write-in absentee ballot which shall be prescribed and provided by the Secretary of State. Such ballot shall permit the elector to vote by writing in a party preference for each office, the names of specific candidates for each office, or the name of the person whom the voter prefers for each office. (Code 1981, § 21-2-381.1, enacted by Ga. L. 1984, p. 1, § 12.)

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN JACK SPRINGS
NUNAKA VALLEY
ELMENDORF AFB
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

MEMORANDUM

To: Representative Mike Miller, Chairman
House Judiciary Committee

From: Representative Terry Martin *T.M.M.*

Date: March 25, 1986

Subject: CS HB 402 State Affairs

"An Act relating to military and overseas voters."

Alaska's overseas and military voters need a simple process and adequate time to apply for and receive absentee ballots. This bill accomplishes both.

First, it backs up in statute procedures already established by the Division of Elections, which a) allow an absentee voter to send in one form to request absentee ballots for all state elections occurring in the following year; and, b) permit the voter to register to vote. All of these actions can be accomplished on one form, in one mailing.

Second, the bill allows a voter to request absentee ballots up to one year in advance of an election. Current law allows ballots to be requested no more than six months in advance, which means that if a voter desires an absentee ballot for both the primary and general elections, then the request can be made no more than three months before the primary, or else it will be more than six months before the general.

Third, the bill sets up a procedure so that absentee ballots can be mailed to voters earlier, giving military and overseas voters enough time to for, receive and return their ballots so that their votes can be counted.

Currently, absentee ballots are statutorily required to be prepared no later than 15 days before an election, and returned ballots can be accepted up to seven days after an election. This allows only 22 days for ballots to be mailed to voters, marked by the voter, and returned to Division of Elections.



If you've ever corresponded with anyone overseas, you know that it is not unusual for mail to take 15 days or more in one direction. Expecting overseas voters to receive and return ballots within three weeks is unrealistic.

On the other hand, using current practices, it would be difficult for Division of Elections to have regular ballots ready for mailing 60 days before an election, especially a general election, since the Division requires so much time to certify the primary election.

Therefore, HB 402 sets up a new system, similar to that used by Washington State and others.

A special absentee ballot will be prepared for each state general election. This ballot will show all ballot propositions or questions. The special ballot will contain party boxes and a blank line with a box, for each race, sort of like this:

<input type="checkbox"/>	Democrat	<input type="checkbox"/>	Republican	<input type="checkbox"/>	Libertarian
_____			<input type="checkbox"/>		

The absentee voter may then vote in one of two ways: 1) by marking one of the boxes, thereby voting for the candidate nominated by the party (the primary winner); or, 2) by writing in a candidate and checking the corresponding box. The Division of Elections will provide an enclosure with the special ballot which lists the names of all the qualified candidates that were in the primary race, as well as any candidates who qualify by petition to appear on the general election ballot.

When the regular ballots are prepared, Division of Elections will send one out to each voter who received a special absentee ballot. As this regular ballot will be complete, containing all the candidates' names, this ballot would be counted in preference to the special ballot if the regular ballot is received back in time to meet statutory deadlines. If the second ballot is not returned in time, the first (special) ballot would be counted.

The Division of Elections has given their support to this bill, and you will note that the fiscal note is minimal.

It is vital that you give careful consideration to this measure, in the interests of all Alaskan voters. I will be happy to provide additional information or to answer any questions.

REP. TERRY MARTIN



Alaska House of Representatives

MEMORANDUM

To: Representative Katie Hurley, Chair
House State Affairs Committee

From: Representative Terry Martin

Date: March 24, 1986

Re: HB 402--Proposed Amendments

After considerable consultation with the Division of Elections, we agreed that the attached amendments would enhance the purpose of the bill. The Division has indicated that they support all of the amendments; therefore, I request that the committee adopt the proposed changes. An explanation of the reasons for the amendments follows. For your ease in following the changes, I have numbered the various sections in the left column of the amendment.

1. Section 1 moves language from the statute dealing with voter registration to the statute dealing with absentee voting. Division of Elections felt this was more appropriate placement of the section. Voter registration is covered by a reference to AS 15.07.070.
2. Sections 2 and 3 clarify how a voter would notify the Division that the voter desires the special overseas/military ballot.
3. Sections 4, 5 and 6 specify how the Division should prepare the special ballot. Please notice that, at the Division's suggestion, section 6 changes the format of the special general election ballot from that proposed originally. In the original version of the bill, we suggested that the voter either write in the name of a candidate for each race, or vote a straight party ticket for the entire ballot by marking a party box at the top of the ballot. As no one was entirely satisfied with this method, the Division has suggested that the voter be given the write-in/party vote option for each race. That is, for every race, there will be party boxes and a blank. The Division will enclose a list of all the candidates who appeared on the primary ballot, as well as any candidates who have qualified by petition to appear on the general election ballot. The voter may then either write in the name of a candidate, in which case the vote will count only if that candidate is qualified to appear on the general election ballot; or the voter may mark off the party box for that particular race, in which case the candidate who is nominated by the party (as a result of the primary election) will receive the vote.

Representative Katie Hurley, Chair
House State Affairs Committee
March 24, 1986
Page 2

These changes should make it easier for the voter who does not desire to vote a straight party ticket for the whole ballot. It should be remembered that the Division will send out regular ballots as soon as they are ready, in which case the special ballot will be disregarded. However, for those voters whose regular ballots aren't received or returned in time to qualify to be counted, the special ballot does allow an opportunity to vote.

Subsection (d) (page 2, lines 15-22) is no longer necessary with the requested changes.

The Division should be commended for its suggestions and for the hard work to improve this bill. I strongly urge the Committee to adopt the proposed amendments and move the bill.

REP. TERRY MARTIN



Alaska House of Representatives

MEMORANDUM

To: Representative Katie Hurley, Chair
House State Affairs Committee

From: Representative Terry Martin

Date: March 24, 1986

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3. Sections 4, 5 and 6 specify how the Division should prepare the special ballot. Please notice that, at the Division's suggestion, section 6 changes the format of the special general election ballot from that proposed originally. In the original version of the bill, we suggested that the voter either write in the name of a candidate for each race, or vote a straight party ticket for the entire ballot by marking a party box at the top of the ballot. As no one was entirely satisfied with this method, the Division has suggested that the voter be given the write-in/party vote option for each race. That is, for every race, there will be party boxes and a blank. The Division will enclose a list of all the candidates who appeared on the primary ballot, as well as any candidates who have qualified by petition to appear on the general election ballot. The voter may then either write in the name of a candidate, in which case the vote will count only if that candidate is qualified to appear on the general election ballot; or the voter may mark off the party box for that particular race, in which case the candidate who is nominated by the party (as a result of the primary election) will receive the vote.

Representative Katie Hurley, Chair
House State Affairs Committee
March 24, 1986
Page 2

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Subsection (d) (page 2, lines 15-22) is no longer necessary with the requested changes.

The Division should be commended for its suggestions and for the hard work to improve this bill. I strongly urge the Committee to adopt the proposed amendments and move the bill.

A M E N D M E N T

Offered in the HOUSE

By Martin

TO: HB 402

Page 1, lines 8 - 15:

Delete existing material and insert a new bill section to read:

"* Section 1. AS 15.20.081(b) is amended to read:

(b) An application for an absentee ballot by mail must be post-marked not [MORE THAN SIX MONTHS NOR] less than seven days before the election for which the absentee ballot is sought. The application for an absentee ballot shall permit the person to register to vote under AS 15.07.070 and to request an absentee ballot for each state election held that year, *in which the voter is eligible to vote.*

Page 1, line 20, after "voter":

Insert: "notifies the director in writing that the voter"

Page 1, lines 22 - 23:

Delete: "and anticipates being unable to return the ballot by air mail within the time otherwise required by this chapter"

Page 1, line 25, after "election.":

Insert: "The director shall list on the ballot the different races to be voted on at the particular election on a statewide basis and, if the director prepares the ballot without the names of candidates printed on the

ballot, the director shall provide the voter with information described in (c) of this section."

⑤ Page 1, line 27, after "each":

Insert: "judicial retention election and"

Page 2, lines 5 - 22, delete all material and insert:

"shall prepare the ballot with party boxes and a blank line for each office to be voted on in that election. The voter may vote for a candidate for that office by writing in the name of a person ^{and marking the box to the right of that name} or the voter may mark one of the party boxes. If the voter puts a mark in a party box for that office, the director shall count the mark as a vote cast for the candidate for that office nominated by that party. If the voter writes in a name for an office, the vote shall be counted as a write-in vote for that office. The director shall count the ballots under AS 15.15.360. The director shall provide the voter with the names of each candidate appearing on the primary election ballot and the names of any candidates who have qualified by petition to appear on the general election ballot."

⑥

Reletter remaining subsection.

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN LACK SPRINGS
NUNAKA VALLEY
SILVER CREEK TRAIL
GREENSIDE
EAST ANCHORAGE



HOME
1960 REKA DRIVE SW
ANCHORAGE, AK 99508
PHONE 233-6990

DURING SESSION
POUCH 1
STATE CAPITOL BUILDING
JUNEAU, AK 99801
PHONE 465-3783

Alaska House of Representatives

MEMORANDUM

To: Representative Katie Hurley, Chairman
House State Affairs Committee

From: Representative Terry Martin

Date: January 22, 1986

Subject: HB 402

"An Act relating to military and overseas voters."

Alaska's overseas and military voters need a simple process and adequate time to apply for and receive absentee ballots. This bill accomplishes both.

First, it backs up in statute procedures already established by the Division of Elections, which a) allow an absentee voter to send in one form to request absentee ballots for all state elections occurring in the following year; and, b) permit the voter to register to vote. All of these actions can be accomplished on one form, in one mailing.

Second, the bill sets up a procedure so that absentee ballots can be mailed out to voters earlier, giving military and overseas voters enough time to apply for, receive and return their ballots so that their votes can be counted.

Currently, absentee ballots are statutorily required to be prepared no later than 15 days before an election, and returned ballots can be accepted up to seven days after an election. This allows only 22 days for ballots to be mailed to voters, marked by the voter, and returned to Division of Elections.

If you've ever corresponded with anyone overseas, you know that it is not unusual for mail to take 15 days or more in one direction. Expecting overseas voters to receive and return ballots within three weeks is unrealistic.

On the other hand, using current practices, it would be difficult for Division of Elections to have regular ballots ready for mailing 60 days before an election, especially a general election, since the Division requires so much time to certify the primary election.

Therefore, HB 402 sets up a new system, similar to that used by Washington State and others.

A special absentee ballot will be prepared for each state election. This ballot will show all ballot propositions or questions. In addition, all candidates that are sure to appear on the regular ballot will be listed. Blanks will be left for the absentee voter to write in the candidate of choice, in those cases where there is some question about whether a particular candidate will appear on the regular ballot.

The absentee voter may then vote in one of two ways: 1) by marking a special box at the top of the list of candidates, in effect voting a straight party ticket; or, 2) by marking or writing in each candidate, as would be done on a regular ballot.

When the regular ballots are prepared, Division of Elections will send one out to each voter who received a special absentee ballot. As this regular ballot will be complete, containing all the candidates' names, this ballot would be counted in preference to the special ballot if the regular ballot is received back in time to meet statutory deadlines. If the second ballot is not returned in time, the first (special) ballot would be counted.

It is important to note that, although this will create some additional work for Division of Elections, that effort is secondary to the necessity of ensuring the absentee voter's right to vote. In conversation with the Federal Election Commission (FEC), I was informed that many states don't hold their primary elections until September; yet those states manage to prepare and distribute their absentee ballots a minimum of 40 days before the general election. It was suggested to me that, if our state can't manage this with an August primary, it would behoove us to examine our election procedures and find out why we have such an incredible delay.

You may also be interested in knowing that Mr. Henry Valentino of the Federal Voting Assistance Program, Department of Defense, has, according to the FEC, successfully sued states which provide less than 45 days lead time for absentee ballots. Do we want to be sued for disenfranchising the absentee voter of the right to vote?

It is vital that you give careful consideration to this measure, in the interests of all Alaskan voters. I will be happy to provide additional information or to answer any questions.

POSITION PAPER

House Bill 402

Prepared by Division of Elections

March 5, 1986

The Division of Elections has reviewed House Bill 402 and supports its overall intent. In analyzing the technicalities presented in each of the bill's sections, the Division would like to offer the following comments for further consideration by members of the committee.

Section 1 provides that forms utilized for purposes of applying for an absentee ballot also allow a voter to register to vote at the same time. The Division is already implementing this provision and the revised dual purpose form will be available for this year's major elections.

This section also allows the director to accept a single application from a person for each state election held within that year. The division supports this amendment wholeheartedly. Under current statute, a voter may apply for all elections simultaneously, but no earlier than 6 months prior to each election. Very frequently, therefore, a voter applies in the correct timeframe for the primary but

too early for the general. This means the voter must be notified that another application must be submitted at a later date for the general election.

The Division suggests that the entire amendment proposed by Section I should fall under As 15.20.081. This is the section covering absentee by mail. This proposed language, then, would appropriately repeal and be reenacted under subpart (b) of the section which provides for the current 6 month application period. AS 15.07.070 regarding registration procedures could be referenced in the provision as clarification.

Section 2 specifies the particulars in the use and preparation of a special absentee ballot to be sent to voters who expect to be outside the United States at the time of the election, 60 days in advance of that election. The Division supports such a concept and believes a program of this kind could be administered efficiently at minimal cost.

The Division does raise the following concerns with regard to the specific procedures outlined in this bill.

Subpart (a) specifies which voters would be eligible to receive a special ballot. The bill does not state clearly, however, the method by which the Division would know

which voters actually want to receive the special ballot. We suggest that additional language be added to make it clear that, notwithstanding the regular application process, the voter must notify the Division by any written means, of his or her desire to receive the special advance ballot because they will indeed be overseas. In our contact with other states who have adopted such a program, we have found that this kind of language has been included in their statutes.

Subparts (c) and (d) of the bill relate to the specific format of the ballot and how the ballot is to be marked and counted. Our major concern regards the preparation of the ballot itself. While creating a special ballot for the primary which fairly represents all candidates who have successfully filed, creates few problems, that is not the case in creating an equally fair ballot for the general election. Because our primary is so late in the year it is unlikely that winners of the primary will have been certified by the time the special absentee ballot is to be sent to qualified voters for the general election. As written, the bill seeks to solve the problem in two ways. First it allows the voter to mark a special party box at the head of the column, by which the voter would cast a single vote for all winning candidates subsequently certified in the primary of that party. The bill further stipulates that the voter is precluded then from casting a vote in any

particular race for a candidate of any other party.

The Division is concerned that the "straight party ticket" method of voting may not be appropriate in Alaska. Over half the registered voters in our state have traditionally registered as non-partisan, and voting trends appear to support that Alaskans cast votes that cross party lines from race to race.

The bill also provides that names of candidates who have been certified will appear on the special ballot, while those that have not been certified would not appear. In the interest of equity, the Division hesitates to support such a provision. We are concerned that such an approach could give distinct advantage to candidates and parties where the specific primary race was not close, while candidates of an opposing party, who are involved in recount situations would not be fairly served if their names were absent from the ballot. (It should be noted that the bill does not specify whether judicial retention candidates would also appear on the special ballot.)

For these reasons the Division feels the provisions of subpart (c) deserve additional consideration. We believe there are alternative suggestions which would alleviate these specific concerns while still fulfilling the intent of this bill.

Presenting all candidates to the voter for the primary election raises little difficulty. It is in dealing with the general election special ballot that alternatives might be reviewed. The optimum approach should seek to provide a special ballot that gives maximum benefit to the voter and greatest equity to the candidates. One suggestion would be to provide the voter an option of party vote or write-in candidate vote in each race. The voter would be provided the names of all candidates who have filed successfully. There would also be party preference boxes provided on the ballot under each separate race. The voter could opt to write in a specific candidate's name from the listing provided, or opt to mark the party preference box. Exercising the first option, the person's vote would be counted like any other write-in vote. By exercising the party option in a given race the vote would be counted for whichever candidate for that party successfully won the nomination for that race in the primary.

This alternative allows all candidates to have their names before the voter, but also allows the voter to select the method by which he or she casts a vote when the final slate of successful primary candidate is still unknown.

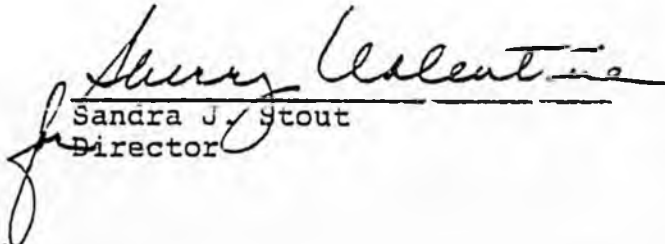
As an additional comment on a practical note, analysis of 1984 absentee voting patterns indicate that we could

anticipate that the program would be utilized by only approximately 15 voters per district in each election. In dealing with these very small quantities it would be economically unsound to try to print a separate ballot for each district. We would therefore recommend that the ballot itself be a generic, handmark, write-in ballot listing all the different races to be voted upon. A listing of candidates by district would be provided as an enclosure. In checking with other states who have implemented similar special ballot programs, this is the approach that has been utilized.

Subsection (e) in this bill specifies that each voter receiving the special ballot would also receive the official ballot. While there is always some concern when a single voter receives more than one ballot, we believe the newly created computer program for accommodating absentee voting by mail, could handle this procedure with relatively minor program modifications.

Notwithstanding the concerns we have expressed, the Division supports this bill, and appreciates the opportunity to work with the sponsor and the committee on the issues it addresses.

3/10/86
Date


Sandra J. Stout
Director

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No.: HB 402
 Title: An Act relating to Military and Overseas voters
 Sponsor: Martin
 Requestor: House State Affairs
 Date of Request: 2/28/86

FISCAL DETAIL

Agency Affected: Office of the Governor
 BRU: Elections
 Components: Primary and General

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		5.4		1.1		1.2
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		5.4	-0-	1.1	-0-	1.2
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND		5.4	-0-	1.2	-0-	1.5
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary. The costs reflected in this fiscal note cover printing and postage of the special absentee ballot based on the number of voters anticipated to avail themselves of the program. In FY87, the one time additional costs cover modifying the existing computer system to accommodate the special ballot program.

Prepared by: Linda Edgeworth Phone: 465-4611
 Division: Elections Date: 3/6/86
 Approved by Commissioner: *Sandra Strait* Date: 3/10/86
 Agency: Division of Elections

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

OFFICE OF THE GOVERNOR

PHONE: (907) 586-6181

February 20, 1985

The Honorable Katie Hurley
Chairperson
State Affairs Committee
Alaska State House of Representatives
Pouch AF
Juneau, AK 99801

Subject: Comments in support of House Bill 110, "An Act amending the elections laws of the state; and providing for an effective date."

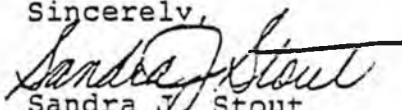
Dear Representative Hurley:

Enclosed for the information and review of your committee are comments in support of HB 110 which is scheduled to be heard on Thursday, February 21, 1985. They include a brief description of the specific amendments being proposed, as well as some discussion of the rationale behind these changes. Many of the changes are housekeeping measures but there are a few which are more substantive in nature.

As you also requested, in addition to the comments we are submitting regarding HB 110 as it currently exists, I am offering some input on your proposed addition which would require a postmark on all absentee ballots cast by mail. We recognize the importance of the concerns you have raised in this vital area. At this point, our research indicates that the solutions may not be simple ones, and are looking forward to working with you and the committee on developing workable solutions.

We appreciate your personal interest in this bill. Please feel free to contact me if you or your committee would like additional information. Thank you for placing our bill on your agenda.

Sincerely,


Sandra J. Stout
Director

Enclosure

DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

OFFICE OF THE GOVERNOR

PHONE: (907) 586-6181

REQUIRED POSTMARKS: ABSENTEE BALLOTS BY MAIL

Prepared For

The Honorable Katie Hurley
Alaska State House of Representatives

February 20, 1985

Current Absentee By Mail Procedures

Under current election policies and procedures in Alaska, voters wishing to vote by mail are required to have their ballots marked and attested on or before the date of the election. Further, it is provided in AS 15.20.081(e), that the voter who returns the ballot by mail will use the most expeditious mail service, and mail the ballot not later than the date of the election. Finally, this statute mandates that "if the ballot is postmarked, it must be postmarked on or before election day."

Concern has been expressed that in the last part of the provision, the statute as written creates a potential for fraudulent or unethical use of the system. Specifically, since this part of the law only requires the election date stamped, if the ballot is postmarked, but does not require the postmark on all mailed absentee ballots, candidates could respond to election night returns by soliciting absentee voters who have not mailed in their ballots to do so in the few days right after the election. Because no postmark is required for counting, and because absentee ballots may be received in the mail for 15 days after the election, these late voters could still cast their ballots after the legal deadline. The concern has been raised that the division would have no way of knowing that the ballots were cast after election day. In the instances of close races these late ballots might have an impact on the outcome.

The division's first response to this concern is that both the voter and the attesting witnesses are required to stipulate the date of their signing the absentee affidavit. When no postmark appears on the envelope, it is this date that is

a computerized pull apart self-mailer which would eliminate most of the steps associated with the manual system used in the past. As a computerized mailing packet, there would be no need for any of the manual preparation steps described. The computer would automatically print the mailing address, and district and precinct of the voter, as well as the return of the appropriate regional supervisor based on the voting district, on the self-mailer in which all required materials are already enclosed. All that would be necessary at that point is to slip the ballots inside, and seal.

Requiring the manual placement of a postage stamp on the return envelope in order to assure that the ballot is postmarked would eliminate the possibility of using this streamlined and computerized mailer. Below are some of the costs incurred in the postage and manual preparation of the mailing packet based on an estimated 25,000 absentee by mail applicants anticipated for the 1986 General Election.

Printing of Materials	\$ 3,318
Postage @ .25 each	6,250*
Labor - manual preparation based on 50 packets per hour per employee @ Range 8 = 500 man hours	4,683
	<hr/>
	\$ 14,251

* With an estimated 27% of the ballots never returned, there is a waste of \$1,687 in postage not actually used for voting.

On the other hand, the computerized self-mailer would incur the following estimated costs.

Printing of Mailer Form	\$ 7,000
Postage based on a 73% return rate actually billed by Post Office	4,562
	<hr/>
	\$ 11,562

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

OFFICE OF THE GOVERNOR

PHONE: (907) 586-6181

REQUIRED POSTMARKS: ABSENTEE BALLOTS BY MAIL

Prepared For

The Honorable Katie Hurley
Alaska State House of Representatives

February 20, 1985

Current Absentee Bv Mail Procedures

Under current election policies and procedures in Alaska, voters wishing to vote by mail are required to have their ballots marked and attested on or before the date of the election. Further, it is provided in AS 15.20.081(e), that the voter who returns the ballot by mail will use the most expeditious mail service, and mail the ballot not later than the date of the election. Finally, this statute mandates that "if the ballot is postmarked, it must be postmarked on or before election day."

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The division's first response to this concern is that both the voter and the attesting witnesses are required to stipulate the date of their signing the absentee affidavit. When no postmark appears on the envelope, it is this date that is

used to verify that the ballot was cast on or before election day. Assuming that in all other ways the ballot appears to be legitimately cast, and that it is received within the 15 day period, the ballot is counted.

U.S. Postal Service Policy

According to Mabel O'Connell, Assistant General Counsel, General Administrative Law, for the Postmaster General in Washington, D.C., current regulations require that on all first class mail, a postmark be affixed which by law will include full name of the post office handling the piece, state abbreviation, zip code, date of mailing, and a.m. or p.m. There are exceptions with regard to the first class mail requirement. Mail that is prepaid with a postal permit, even though it is for first class postage, will not be postmarked. Rather the post office processing the prepaid piece merely cancels the letter. This cancellation serves as a registration of postal usage for which the entity owning the permit will be charged for postage. Under this system the permit owner is charged only for the mail actually returned. Current estimates indicate that 27% of the ballots requested by mail in Alaska are not returned at all.

It has been the policy in Alaska to prepay return postage under a first class permit. Therefore, for the most part we would not expect a postmark on the majority of ballots submitted by mail.

Required Postmarks

In order to assure that to the greatest degree possible, all mailed absentee ballots are postmarked, the State would have to change its procedures to include requiring affixing a postage stamp to the return envelopes, rather than pre-printing the postal permit stamp as is currently being done. Two options are available.

State Pays Postage: If the State is to continue paying for postage on ballot returns, manual stamping will incur some additional costs. The process of preparing mailing packets for the voter (even before addressing, inserting ballots, coding, sealing and mailing occurs) consists of collating instructions, secrecy envelopes and manually folded return envelopes, which are then inserted in the outer mailer. These packets are also sorted by regional office to which the voter will eventually mail his or her ballots.

In keeping with its conversion to an automated data entry system which will take place by fall of 1985, the division is in the process of researching and designing

a computerized pull apart self-mailer which would eliminate most of the steps associated with the manual system used in the past. As a computerized mailing packet, there would be no need for any of the manual preparation steps described. The computer would automatically print the mailing address, and district and precinct of the voter, as well as the return of the appropriate regional supervisor based on the voting district, on the self-mailer in which all required materials are already enclosed. All that would be necessary at that point is to slip the ballots inside, and seal.

Requiring the manual placement of a postage stamp on the return envelope in order to assure that the ballot is postmarked would eliminate the possibility of using this streamlined and computerized mailer. Below are some of the costs incurred in the postage and manual preparation of the mailing packet based on an estimated 25,000 absentee by mail applicants anticipated for the 1986 General Election.

Printing of Materials	\$ 3,318
Postage @ .25 each	6,250*
Labor - manual preparation based on 50 packets per hour per employee @ Range 8 = 500 man hours	4,683
	<hr/>
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* With an estimated 27% of the ballots never returned, there is a waste of \$1,687 in postage not actually used for voting.

On the other hand, the computerized self-mailer would incur the following estimated costs.

Printing of Mailer Form	\$ 7,000
Postage based on a 73% return rate actually billed by Post Office	4,562
	<hr/>
	\$ 11,562

This represents a savings in just the preparation phase of \$2,599 over the manual system.

In addition, because the computer system would be linked directly to the mainframe registration program, the potential error factor would be reduced especially in the area of districting and precincting.

Voter Pays Postage: While this policy has not been utilized by the State of Alaska in the past, it should be explored for adoption in the future. Research indicates that in most states this is the norm. According to the Federal Election Commission in Washington, D.C. the vast majority of states require the voter to pay the postage. Of the western states contacted directly only California prepays postage.

Adopting this policy would obviously save the state from \$4,683 to \$6,250 based on 25,000 absentee applicants.

It should be noted however that many states require only civilian and in-country voters to pay their own postage, while military and overseas voters are allotted prepay returns. States making these allowances often do so under the provisions of the Overseas Citizens Voting Rights Act of 1975, which appears generally as 42 USC ss 1973dd et seq, which provides that voting and other election materials may be mailed from any Armed Forces post office in an overseas area, unless otherwise prohibited by a treaty or other agreement, free of postage. It stipulates that such ballots may be segregated from other forms of mail and placed in special bags marked with special tags printed and distributed by the Postmaster General for this purpose.

At the present moment Alaska does not record the numbers of military voters voting by mail, as this information is not required on registration documents and no other system has been implemented for tracking this data. Even if the state were to continue to prepay ballot postage, use of this Federal provision would result in savings to the State.

Potential Impact of Voter Paid Postage on Ballot Return Rate

Consideration should be given to determining if there would be any negative impact resulting from voter paid postage requirements. As of the 1984 General Election, a sampling of a cross section of diversified districts throughout the State indicates that Alaska is averaging a 73% return rate of the absentee by mail ballots requested. It is difficult to say how this figure would decline if the voter was required to pay the postage, however, discussions with other states

indicate that this has not been detrimental.

While the Federal Election Commission reports that there are no solid figures recorded on the nationwide level, direct contact with western states does give us some information. Washington and Oregon for example, required voter paid postage. Each of them reports to us, however, an 85% to 90% return rate on absentee by mail ballots. California, on the other hand, prepays the postage. However in Los Angeles County, which they feel is representative of the state, they experienced a 35% return rate. It should be noted that about one month before the election, California sends each registered voter an application for an absentee ballot. Because of this mass mailing, their numbers of applicant are exaggerated to well beyond what would be considered average. Most of the states we contacted experienced an applicant rate of approximately 10%. In California it is believed that because they receive an application in the mail, more voters return them than actually intend or need to vote by mail. That could account for the low return rate of ballots.

Irregularities in Post Office Procedure

One of the elements which would have to be considered if the state were to require a postmark on all absentee by mail ballots as prerequisite for counting, is the lack of uniformity in the postmarking procedures actually implemented by individual post offices across the nation. There is no doubt that even on mail hand stamped with a postage stamp, there is a very good chance that no readable postmark will appear. In some cases it will merely be an omission on the part of the postal clerk, on others a voter will pay full postage but stamp it though a postage machine, while on still others a particular postal station just doesn't postmark at all. Based on discussions with the Federal Election Commission there is even a general understanding that the use of a date bearing postmark may be on the way out altogether.

No matter what the circumstances, attention would have to be given to the countability of ballots on which no readable postmark appears. We would have to ask ourselves if the postmark was a criteria for counting the ballot, how many legitimate voters would be disenfranchised through no fault of their own. One option would be to revert back to the verification of the date signed and attested by the voter and the witnesses, as we are currently doing.

Impact of Legislation Currently Being Considered in Congress

It should be noted that on January 24, 1985, House Resolution 639, and House Resolution 640 were introduced in Congress

which would amend the Federal election laws to provide that all absentee ballots be mailed free of postage. It calls for "any envelope or other cover containing such a ballot shall bear the words "Free Postage--Absentee Ballot" (or words to that effect specified by the Postal Service) in the upper right-hand corner". While this wording is duplicated in both, other issues are addressed in each of the separate resolutions.

If either of these resolutions were to pass, the free postage imprint on the envelope would most likely circumvent the necessity of any postmark as defined by current post office policy, therefore voiding our use of such a mark as a verification of timely mailing and a criteria for counting.

Alternative Safeguards to Assure Timely Voting

As an option to the required postmark as verification of timely voting which may only prove marginally feasible, we might want to give some thoughtful consideration to a more substantive change in our current election laws. That change would be in the deadline by which an absentee ballot would have to be received by the division, in order to be eligible for counting.

Specifically, the most sure way of avoiding the potential for fraudulent or unethical submission of late ballots which initiated our research into this area, is to require that all absentee ballots be received in the elections office by the close of the polls on election day. There is input from other states which supports this action as a reasonable and acceptable requirement.

With the exception of Washington, all other western states contacted directly reported that the election day deadline was a requirement in their statutes. Confirmation was also received from the Federal Election Commission, that this is the case in the vast preponderance of all states, and that extended deadlines such as that afforded voters in Alaska is the rare exception.

One consideration which seems relevant in determining the feasibility of this more restrictive deadline in Alaska is the possible impact of mail turnaround time, based on our very late primary election and the availability of general election ballots for distribution. It appears that most states regardless of their primary date, mail out their ballots in relatively the same time period as we do in Alaska, specifically, 3 to 4 weeks before the election.

In Oregon, for example, even with the tight deadline, they enjoy a 90% return rate.

It would be difficult to say how our own 73% return rate would be impacted by such a change in our laws, however, a cursory estimate from our regional supervisors indicates that even with our extended deadlines, approximately 80-85% of our absentee ballots are received by election day. In Anchorage it appeared that the percentage may be slightly lower. Of those ballots received after election day, there is no way to anticipate with accuracy how many are sent later specifically because of the extended deadline, or how many of them would be mailed earlier if the election day deadline for receipt were mandated.

Extended Deadline for Military and Overseas Voters Only

It is important to note an exception which appears to be becoming the trend across the nation. Because of test cases through the court brought by the Department of Defense, it is becoming clear that exceptions to the election day deadline will be built into the statutes of states requiring such a restriction. For example, Colorado whose statutes are very clear about the election day deadline is currently under a restraining order to extend the deadline for military and overseas voters by ten days. While Colorado has been reluctant to make such an exception many other states are embracing it willingly. Because of the slow turnaround mail time we experience for overseas and APO/FPO voters, Alaska would probably want to incorporate this exception into its laws if we were to adopt an election day deadline.

Advantages to an Election Day Deadline

The major advantages to such a deadline change are two. First, the possibility of untimely ballots being included in the count would be eliminated. Secondly, the new deadline would certainly enhance the faster announcement of election results. The two week delay while we await the receipt of absentee ballots would no longer exist. Candidates, particularly in close races, would know the outcome much more quickly. In addition, the certification process could also be completed many days sooner.

Absentee Deadlines Involved in Recounts

If changes were considered in the deadlines for receipt of absentee ballots, another area which should be reviewed is that of absentee ballots which under current law may be included in recount totals if received even later than the 15 day extended deadline, but before a recount. In very close races where one, two or three votes may separate the candidates, the inclusion of these very late ballots add all

new data to the recounted totals. In such races, the winner may be decided based on the sole impact of these previously uncounted ballots received too late to be included in certified results. If the purpose of a recount is to verify the accuracy of the vote count just completed, some thought might be given to the appropriateness of changing those results by introducing new data.

VOTING INFORMATION-84

Prepared by: Federal Voting Assistance Program, Office of the Secretary of Defense, Pentagon, Washington, D.C. 20305



NUMBER: 97

DATE: August 23, 1984

FIVE STATES PROVIDE SPECIAL WRITE-IN BALLOTS FOR CERTAIN ABSENTEE VOTERS

Five states, California, Connecticut, Georgia, Maine and Washington, provide special procedures for certain individuals unable to vote by regular absentee ballot or in person due to living or working in remote areas.

California:

Californians, who are members of the U.S. Armed Forces, Merchant Marine, and their spouses and dependents, or U.S. citizens temporarily residing outside the U.S., who will not be able to vote in California during the course of an election because they can not meet mailing deadlines or because of military or other contingencies may utilize the write-in ballot. The eligible person should send a written statement requesting a write-in absentee ballot explaining the reasons why it is not possible to vote within the regular deadlines and should include the reason why a write-in absentee ballot is necessary. Such a request will be accepted not earlier than 60 days before the election for which the ballot is being requested. A special write-in absentee ballot will be sent to the voter which must be completed and returned before the close of polls on election day.

Connecticut:

Connecticut provides a special procedure for a general election write-in absentee ballot for those members of the U.S. Armed Forces and their spouses and dependents residing with or accompanying them who, due to military contingencies, cannot follow the regular application procedures.

To request a special write-in absentee ballot, voters should write to their town clerk for the prescribed form. On the written request the applicant should state that "due to military contingencies, the regular application procedures for an absentee ballot cannot be followed."

Application for the Connecticut special write-in absentee ballot may not be made earlier than 90 days before the general election. The special write-in absentee ballot will contain the following offices: presidential electors and Representative in Congress.

Georgia:

Georgia has adopted a special write-in ballot for general elections for use by persons who are unable to vote by regular absentee ballot or in person due to military service or due to living in isolated areas or extremely remote areas of the world.

This ballot is available 90 days before an election. The ballot is limited to general elections for presidential electors, United States Senators and Representatives for Congress.

Application for this ballot may be made by using the FPCA by checking Item 10 as follows: Check only one of the following - Check 10a, 10b, 10c,

WHEN PEOPLE VOTE, PEOPLE LISTEN

Telephone AC (202) 694-4928/4960 Autovon 224-4928/4960

10d, 10e, 10f, or 10g as appropriate - and check 10h SPECIAL, writing in the blank "I request the special write-in ballot."

Upon receipt of the application, the voter will be sent a ballot which permits the voter to vote by writing a party preference for each office, the names of specific candidates for each office, or the name of the person whom the voter prefers for each office.

Maine:

Maine's special write-in ballot for Armed Forces members will be similar to regular ballots except no candidate's name will appear on them. Instead, it will list all offices to be selected with a space after each for the voter to write in a candidate's name. Application for the ballot may be made anytime prior to an election.

Maine law defines Armed Forces members as members of the U.S. Armed Forces while in active service and Merchant Marine, and their spouses and dependents, civilian employees of the United States serving outside the U.S. and their spouses and dependents who are with them, members of religious groups or welfare agencies who are officially attached to and serving with the U.S. Armed Forces, and their spouses and dependents who are with them.

Washington:

The State of Washington provides a special write-in absentee ballot for voters who will be residing, working, or stationed outside the continental United States and thus unable to vote and return a regular absentee ballot within the period normally provided.

The write-in ballot is available 90 days prior to each state primary and general election. It can be obtained by writing the County Auditor in the county of voting residence (Department of Records and Elections in King County) stating voter's last Washington address, voter's current mailing address, the qualifying facts as an Absentee Service Voter or Overseas Elector, and a statement that the voter will be residing, stationed or working outside the continental United States and will be unable to vote and return a regular absentee ballot by formal mail delivery within the period provided for regular absentee ballots. An FPCA may be used to obtain the ballot if the above statement is written on the FPCA.

The special ballot will list the offices, but not the candidates' names. The voter must write in the name. Along with the ballot will be sent a list of the candidates who have filed for office as of the time the request for the ballot is received.

Questions a voter might have on the special write-in procedures for the five states, or on any other aspect of absentee voting can be answered by visiting a voting assistance office or any U.S. embassy or consulate. If the answers are not available at the local level write Director, Federal Voting Assistance Program, Office of the Secretary of Defense, Rm1B457, Pentagon, Washington, D.C. 20301 or call autovon 224-4928/4960 or commercial (202) 694-4928/4960.

END

Dear Jerry,

I am most interested in seeing what military personnel stationed in Alaska know every opportunity, to participate in elections.

Since I receive copies of all Sunlight's correspondence, I am up to date on the issue.

If there is anything I can do to help you (and you are doing a fine job) please let me know.

Sincerely,

Diana Green-Harned
CAPT, USCG RET

701 G Street
Anchorage, AK 99501

U.S. ARMY ALASKA RETIRED COUNCIL
FORT RICHARDSON, ALASKA 99505-5158

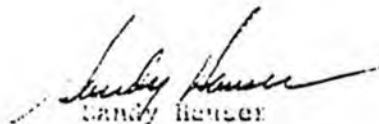
October 30, 1985

Lieutenant Governor Stephan McAlpine
Pouch A-A
Juneau, Alaska 99811

Dear Lieutenant Governor McAlpine:

The U.S. Army Retiree's Council for Alaska would like to indicate its strong support for HB 402 which reduces the administrative hassle and makes it logical and easier for absentee military members to vote within the State of Alaska. Representative Terry Martin has appeared before the Council and discussed the bill's provisions with us. We believe that passing the bill will allow absentee Alaskan voters to better participate in local, state and national government.

Sincerely,



Randy Heuser
SFC(17), U.S. Army Retired
Chairman, U.S. Army Alaska Retiree Council

✓ CC: Terry Martin
1024 W. 6th Ave.
Anchorage, AK 99501

U.S. ARMY ALASKA RETIREE COUNCIL
FORT RICHARDSON, ALASKA. 99505-5158

October 30, 1965

Representative Katie Hurley
1024 West 6th
Anchorage, Alaska 99501

Dear Representative Hurley:

The U.S. Army Retiree's Council for Alaska would like to indicate its strong support for HB402 which reduces the administrative hassle and makes it logical and easier for absentee military members to vote within the State of Alaska. Representative Terry Martin has appeared before the Council and discussed the bill's provisions with us. We believe that passing the bill will allow absentee Alaskan voters to better participate in local, state and national government.

Sincerely,



Sandy Hauser
SPC(E7), U.S. Army Retired
Chairman, U.S. Army Alaska Retiree Council

CC: Terry Martin
1024 W. 6th Ave.
Anchorage, AK 99501

Royce O. Chapman, TSgt., USAF
5191-C Koyuk
Eielson AFB, Alaska 99702

Representative Mike Miller
District 18
Pouch V
Juneau, Alaska 99811

The Honorable Mike Miller,

I would like to take this opportunity to thank you for your efforts to assure military members an opportunity to vote in all Alaska elections even when stationed overseas. Many people do not realize the difficulties a member of the military faces when trying to vote absentee. House Bill 402 is an excellent piece of legislation which will make voting much easier.

I would like to offer one suggestion concerning HB 402. In Sec. 15.20.082, I feel it would be of great assistance if the ballots were available to those outside the state of Alaska rather than "outside the United States."

Even for those Alaska residents who are stationed at bases in the Lower-48 voting absentee can be difficult. If a ballot is mailed to the member 15-days prior to the election and will not be counted if not received within seven days after the election, this allows only 22 days for the ballot to arrive, be completed and returned. My experience has shown that it takes at least three to five days for mail to be received "Outside" and another five days in getting back. While this leaves approximately 10 days to two weeks, many other factors can delay the mail, i.e., weather.

Another reason for extending the legislation to those outside Alaska is, A person may be on temporary duty for several days or more and the extra time (60-days) would increase the possibilities of the member being able to vote.

Myself and many other military members feel strongly about our responsibility to vote in all elections, national as well as state and local. Any assistance given which helps us meet our responsibility is greatly appreciated.

In closing, I would like to thank you again for giving me the opportunity to make a comment. I appreciate your efforts on my behalf and wish you the best during this session. Again, than you.

Sincerely,



Royce O. Chapman, TSgt

PETITION TO GOVERNOR AND LEGISLATURE TO TAKE ACTION
PERTAINING TO MILITARY AND OVERSEAS VOTERS

We, the undersigned registered voters, believe in helping our military families to be able to vote by absentee ballots. Therefore, we urge our legislators to implement the steps necessary to ensure our Alaskan citizens throughout the world their right in selecting their elected officials. House Bill 402 amends current laws that are deficient in assuring receipt of ballots in adequate time to participate in any elections.

Signature	Print Name	Mailing Address	City/Zip	Phone #
<i>Robert O. Bowen</i>	ROBERT O. BOWEN	1226 R ST	ANCHORAGE 99501	274-1063
<i>Janaan D. Kitchen</i>	JANAAN D. KITCHEN	109 EAST	ANCHORAGE, 99501	274-4125
<i>Forrest A. Moore</i>	FORREST A. MOORE	P.O. BOX 54	HOPE, AK 99605	782-3432
<i>Linda Lu Graham</i>	LINDA LU GRAHAM	P.O. BOX 11	HOPE, AK 99605	782-3371
<i>T. Kagimoto</i>	T. KAGIMOTO	P.O. BOX 49	HOPE, AK 99605	782-3070
<i>R. J. Polak</i>	R. J. POLAK	4938 CASTLE CT.	ANCH. AK 99508	333-0910
<i>Susan Anderson</i>	SUSAN ANDERSON	P.O. BOX 65	HOPE, AK 99605	NONE
<i>Larry W. Anderson</i>	LARRY W. ANDERSON	P.O. BOX 65	HOPE, AK 99605	NONE
<i>James Puller</i>	JAMES PULLER	P.O. BOX 116	HOPE AK 99605	NONE
<i>Eunice L. Puller</i>	EUNICE L. PULLER	P.O. BOX 116	HOPE, AK 99605	NONE
<i>Ronald O. Johnson</i>	RONALD O. JOHNSON	BOX 83	HOPE, AK	NONE

PLEASE RETURN COMPLETED FORM TO REPRESENTATIVE TERRY MARTIN, 1024 W. 6TH AVENUE, ANCHORAGE AK 99501

PETITION TO GOVERNOR AND LEGISLATURE TO TAKE ACTION
PERTAINING TO MILITARY AND OVERSEAS VOTERS

We, the undersigned registered voters, believe in helping our military families to be able to vote by absentee ballots. Therefore, we urge our legislators to implement the steps necessary to ensure Alaskan citizens throughout the world their right in selecting their elected officials. House Bill 402 amends current laws that are deficient in receipt of ballots in adequate time to participate in any elections.

Signature	Print Name	Mailing Address	City/Zip	Phone #
<i>Gene A. Corbin</i>	GENE A. CORBIN	P.O. BOX 870441	WASILLA 99687	376-2164
<i>David E. Rounds</i>	DAVID E. ROUNDS	SR BOX 5552	WASILLA, 99687	376-5637
<i>Claude L. Johnson Jr.</i>	CLAUDE L. JOHNSON JR.	P.O. Box ⁸⁷¹⁰⁰⁵ 991605 ^{Ed}	WASILLA 99687	376 5769
<i>Eldon E. Jordan</i>	EIDON E. JORDAN	P.O. Box 872782	WASILLA 99687	376-8098
<i>Everett K. Erickson</i>	EVERETT K. ERICKSON	Box 2504 Anchorage, AK	ANCHORAGE, 99545	745-5364
<i>Leo Nunley</i>	LEO NUNLEY	Box 870058	WASILLA, ^{AK} 99687	376-5513
<i>Charles P. Palmer</i>	CHARLES P. PALMER	SR BOX 12795	WASILLA ^{AK} 99687	376-5505
<i>Joe DeFerd</i>	Joseph A. DeFerd	P.O. Box 8520 787	Big Lake AL	376-0631
<i>Richard J. Cottle</i>	Richard J. Cottle	P.O. Box 870387	WASILLA AK	376-2892
<i>Maurice H. Rounds</i>	MAURICE H. ROUNDS	SR Box 5552	WASILLA, AK	376-6883
<i>Mark Francis Jones</i>	MARK FRANCIS JONES	PO 874014	WASILLA AK	376-1547

PLEASE RETURN COMPLETED FORM TO REPRESENTATIVE TERRY HARTIN, 1024 W. 6TH AVENUE, ANCHORAGE AK 99501

PETITION TO GOVERNOR AND LEGISLATURE TO TAKE ACTION
PERTAINING TO MILITARY AND OVERSEAS VOTERS

We, the undersigned registered voters, believe in helping our military families to be able to vote by ballots. Therefore, we urge our legislators to implement the steps necessary to ensure our Alaskan citizens throughout the world their in selecting their elected officials. House Bill 402 amends current laws that are deficient in assuring receipt of ballots in adequate time to participate in any elections.

Signature	Print Name	Mailing Address	City/Zip	Phone #
<i>David J Tremont</i>	DAVID J TREMONT	10131 Nantucket Loop	Anchorage, AK 99507	349-7478
<i>Robert M. Aiken</i>	Robert M. Aiken	Box 4-560	Anchorage, 99509	688-2123
<i>Toni M Reupke</i>	Toni M Reupke	8530 E 10 th Ave	Anch 99504	333-0117
<i>Jay A. Brunner</i>	JAY A. BRUNNER	SRA Box 5067	CHUGIAK, 99522	688-3157
<i>John Gliva</i>	JOHN GLIVA	3540 TANGLEWOOD PL.	ANCH 99503	293-5194
<i>Elizabeth A. Banson</i>	Elizabeth A. Banson	828 "C" Pl.	Anch. 99501	
<i>Wayne E Marshall</i>	Wayne E Marshall	SR 9113 Hinkel Road	Eagle River 99577	694-8211
<i>Nelda J. Warkentin</i>	NELDA J. WARKENTIN	1130 W. 6th, #7	Anchorage 99501	279-0707
<i>James C Sanders</i>	JAMES C SANDERS	7130 Augustine Drive P.O.	Anchorage, 99511	338-2069
<i>Bessie Ransom Mosley</i>	BESSIE RANSOM-MOSLEY	Box 8838	Anchorage 99503	972-3846
<i>Gerald Trigg</i>	Gerald Trigg	P.O. Box 4-404	Anchorage 99509	293-6846
<i>Ike O. Wait</i>	Ike O. Wait	Box 200, Anchorage, AK 99500		274-0471

PLEASE RETURN COMPLETED FORM TO REPRESENTATIVE TERRY MARTIN, 1024 W. 6TH AVENUE, ANCHORAGE AK 99501

PETITION TO GOVERNMENT AND LEGISLATURE TO TAKE ACTION
PERTAINING TO MILITARY AND OVERSEAS VOTERS

We, the undersigned registered voters, believe in helping our military families to be able to vote by absentee ballots. Therefore, we urge our legislators to implement the steps necessary to ensure our Alaskan citizens throughout the world their right in selecting their elected officials. House Bill 402 amends current laws that are deficient in assuring receipt of ballots in adequate time to participate in any elections.

Signature	Print Name	Mailing Address	City/Zip	Phone #
<i>Arthur R. Moincs</i>	Arthur R. Moincs	128 1st St.	Eagle River 99577	674-3183
<i>George W. Peterson</i>	George W. Peterson	425 Jackson Hold Ct.	Eagle River 99577	6999730
<i>Mitchell A. Actell</i>	Mitchell A. Actell	Box 1 Dawn St	Eagle River 99577	6745409
<i>Beryl L. Blumenthal</i>	BLUMENTHAL, Beryl L.	PO Box 106	Elmendorf AFB 99506	338-6114
<i>Andrew Hercha III</i>	ANDREW HERCHA III	STAR RT. BOX 364	EAGLE RIVER 99577	688-2357

PLEASE RETURN COMPLETED FORM TO REPRESENTATIVE TERRY MARTIN, 1024 W. 6TH AVENUE, ANCHORAGE AK 99501