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3662 HSTA - HB 110

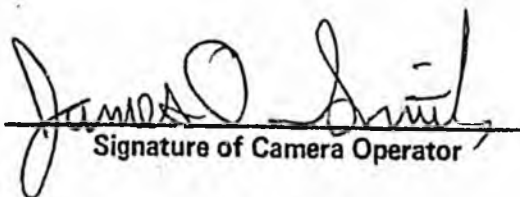
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Signature of Camera Operator


Date

HB

108



Official Business


Alaska State Legislature

House

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Rep. Katie Hurley, Chairman
State Affairs Committee

FROM: Rep. John Binkley 

DATE: January 28, 1985

RE: HB 108 Backup

JAN 29 1985

Enclosed are materials for backup to HB 108 which was introduced on January 23 and referred to to the State Affairs Committee. If you have further questions please feel free contact my office.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 2

REQUEST
 Bill/Resolution No.: HB 108
 Title: "..Participation of Former
 BIA School Administrators..."
 Sponsor: Binkley
 Requestor: Hurley
 Date of Request: 1/30/85

FISCAL DETAIL University of Alaska
 Agency Affected: Department of Education
 Program Category Affected: TRS
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

Operating	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
100 Personal Svcs						
100 Rtmnt & Bnfts		6.2	6.7	7.3	7.8	8.5
200 Travel						
300 Contractual						
400 Supplies						
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 TRS Match		36.1	39.0	42.1	45.5	49.1
TOTAL OPERATING	-0-	42.3	45.7	49.4	53.3	57.6

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		42.3	45.7	49.4	53.3	57.6
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	42.3	45.7	49.4	53.3	57.6

POSITIONS: -0- -0- -0- -0- -0- -0-

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared By: J.K. Humphreys, Director Phone: 465-4470
 Division: Retirement & Benefits Date: 1/31/85

Approved by Commissioner: Lisa Rudd Date: 2/3/85
 Agency: Department of Administration

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

House Bill 108
 Fiscal Note Analysis
 Prepared by Division of Retirement & Benefits
 Department of Administration

January 31, 1985

Analysis: Passage of this bill would expand the definition of "BIA service" to include those employees who were certificated and who worked in a full-time position that required a teaching certificate as a condition of employment. There is a deadline imposed for claiming this retroactive BIA service of December 31, 1985. After consultation with the BIA administrative office, we have been advised that this would involve approximately 10 people having an average of 6½ years of qualified service.

This is estimated to result in a .01735% increase the TRS Employer contribution rate. The FY 86 TRS State Match estimated payroll is \$416,297,654.00.

The estimated costs to School Districts are as follows:

FY 86	FY 87	FY 88	FY 89	FY 90
\$29.9	\$32.3	\$35.4	\$38.3	\$41.3

The present value of the cost of this bill is \$650,000.00; this would produce a .075% decrease in the TRS funding ratio



Official Business

Alaska State Legislature

House

Pouch V
State Capitol
Juneau, Alaska 99811

January 25, 1985

To: State Affairs, Health, Education & Social Services, and Finance
Committees

From: Representative John Binkley

A handwritten signature in black ink, appearing to read "John Binkley".

Re: HB 108 "An Act relating to the participation of former BIA
Certificated employees in the Teacher's Retirement System."

The intent behind this bill is to provide for participation of BIA certificated employees into the Alaska Teacher's Retirement System. Currently, under the statutes establishing the Teacher's Retirement System, only those teachers who taught in BIA schools can claim their years of service:

AS 14.25.107 Credit for BIA Service. A member who joins the system on or after July 1, 1978, who has Alaska BIA service may claim all of that service as credited service...

AS 14.25.220(8) "BIA service" means service, including partial years, as a teacher in a school operated by the Bureau of Indian Affairs. (emphasis added)

HB 108 amends this section to recognize those persons who worked in the BIA school system who were employed in positions that required a teaching certificate as a condition of employment, and who may not have worked in this capacity in the BIA schools. In the past six to seven years, there has only been one full-time principal in a BIA school in the Bethel area. This occurred at Chevak. In other BIA schools, one teacher would play a dual role as a teacher/principal. BIA operated offices throughout the state where certificated persons such as Education Specialists (Assistant Superintendents), Superintendents, Guidance Counselors, Department Heads, etc., who have provided service to the education of Alaskan Students throughout the years. There are 6 such people currently employed at the Bethel BIA district education office. In addition to them there may be about 15 people from other BIA education offices in the state that are now closed, and possibly an additional 10 people who have worked in the Mt. Edgecumbe BIA High School that could benefit from this bill.

Bethel, Alaska 99559
November 29, 1984

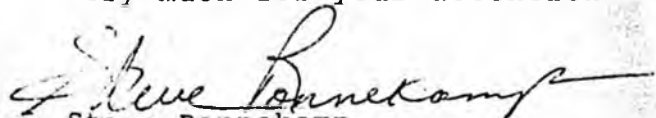
Johne Binkley
Box 1065
Bethel, Alaska 99559

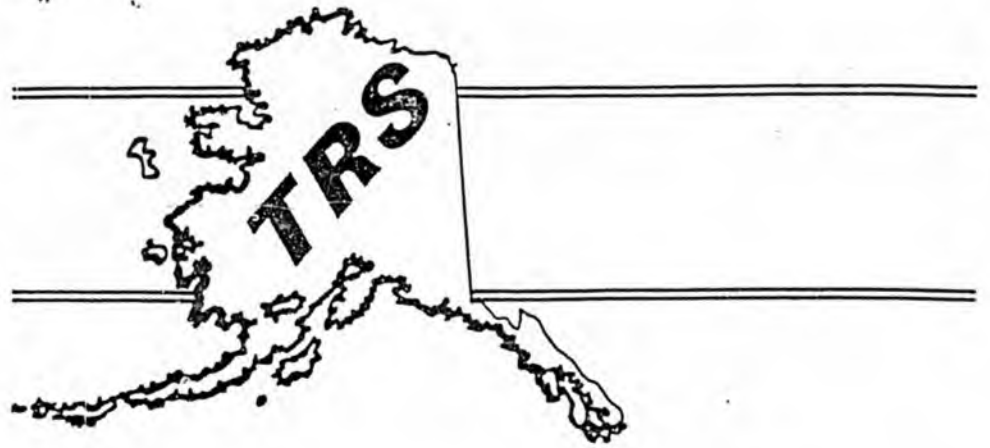
Dear Johne,

For your records and information I'll reiterate a problem several BIA administrators are having with the Alaska Teacher Retirement System. Under the statutes (copies enclosed) the only BIA years honored under ATRS are years actually taught in the classroom (Sec. 14.25.220.(8). This leaves we who have spent years as full time Principals, Education Specialists (Assistant Superintendent), and Superintendents for Education unable to claim these years of service to Alaskan students. Persons working for a State school district performing these jobs are members of the ATRS. Even those who have worked in school districts outside the State may buy in the years spent as administrators (Sec. 14.25.220.(25).

I would think that the definition of "BIA Service" in this section should include service to Alaskan students by State certificated BIA Administrators.

You may contact Jay Livey, Legislative Analyst/
House Research in Juneau at 465-3991 for his research on this subject. My work phone is 543-2748 if you need to contact me during the work day. Thank you very much for your attention to this matter Johne.


Steve Ronnekamp
Bbx 1247
Bethel, Ak 99559



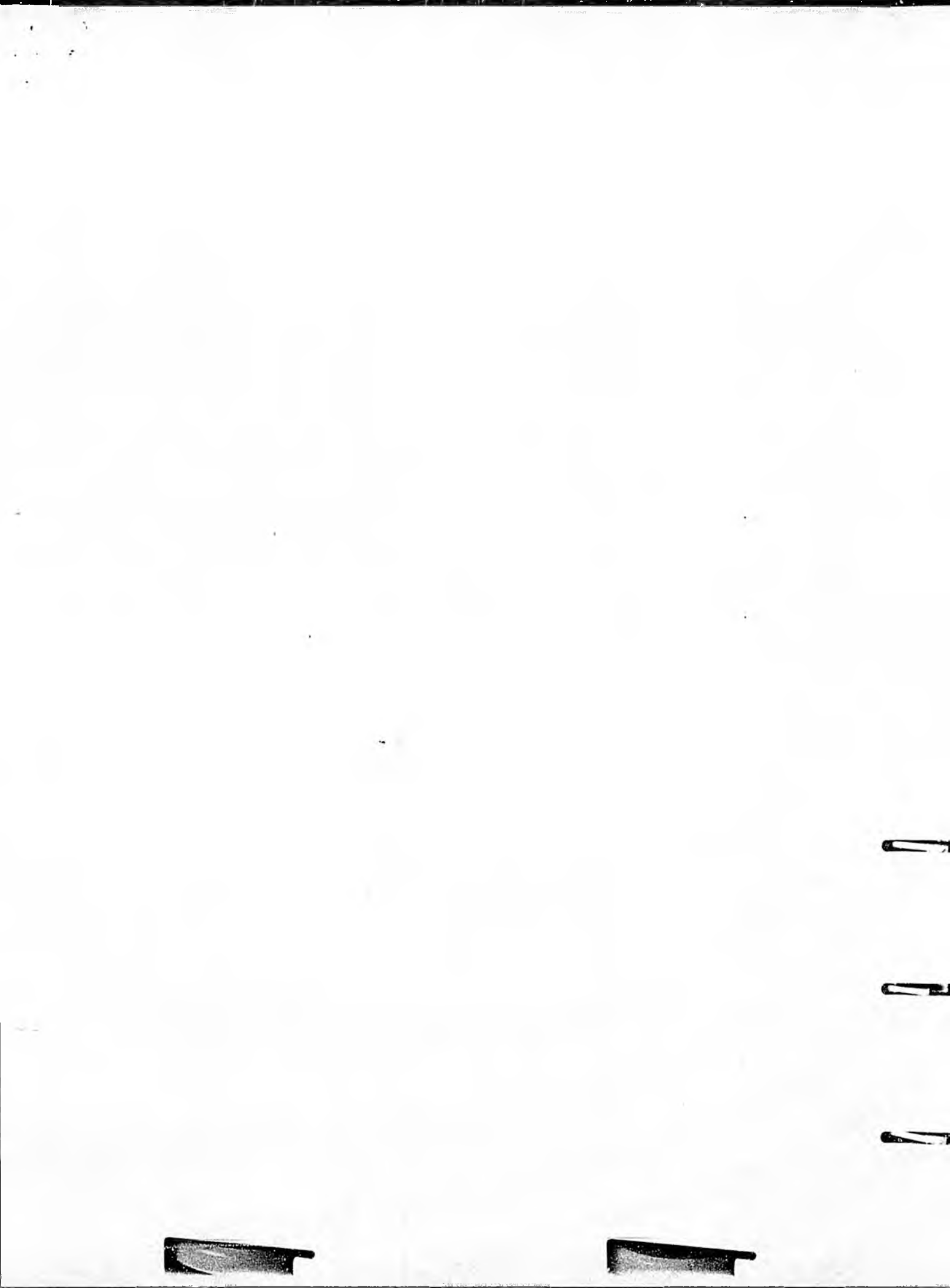
*Cover of book
where information
was obtained*

**ALASKA
TEACHERS'
RETIREMENT
SYSTEM**

**Including
GROUP HEALTH AND LIFE INSURANCE**

STATUTES

July 1, 1982



Effect of amendments. — The 1980 amendment rewrote the section.

Sec. 14.25.210. Penalty for false statements. A person who wilfully or knowingly makes a false statement, or falsifies or permits to be falsified any record of the retirement system, is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than \$500 or by imprisonment for not more than six months, or by both, and forfeits all rights under this chapter. (§ 20 ch 145 SLA 1955)

Sec. 14.25.220. Definitions. In this chapter, unless the context requires otherwise,

(1) "active member" means a member who is employed by an employer, is receiving compensation on a full-time or part-time basis and is making contributions to the system, or a member making contributions under AS 14.20.330 or 14.20.345;

(2) "actuarial adjustment" means equality in value of the aggregate expected payments under two different forms of pension payments, considering expected mortality and interest earnings on the basis of tables adopted from time to time by the board;

(3) "administrator" means the person appointed by the commissioner of administration under AS 14.25.015;

(4) "annuitant" means a retired member or a disabled member who is receiving a benefit under this system;

(5) "average base salary" means the result obtained by dividing the sum of the member's three highest years' base salary by three, or if a member does not have three years base salary, then by dividing the sum of all base salaries by the number of years of base salary; the base salary for a year in which credit is granted for disability totaling more than one-third of a year may not be used in the computation of the average base salary; the base salary in a school year for which the member receives compensation for less than two-thirds of a year may not be used in the computation of the average base salary; if compensation is received for more than two-thirds of a year, the full base salary for that school year shall be used in the computation of the average base salary;

(6) "base salary"

(A) means the total remuneration payable under contract for a full year of membership service, including addenda to the contract;

(B) has the same meaning as "compensation" under AS 39.35.680(8) when applied to a state legislator who elects membership under AS 14.25.040(b);

(7) "beneficiary" means a person designated by a member to receive benefits that may be due from the system upon the member's death;

(8) "BIA service" means service, including partial years, as a teacher in a school operated by the Bureau of Indian Affairs in Alaska;

(9) "compensation" means the total remuneration paid under contract to a member for services rendered during a school year, including cost-of-living differentials, payments for leave that is actually used by the member, the amount by which the member's wages are reduced under AS 39.30.150(c), and the amount deferred under an employer-sponsored deferred compensation plan or the tax shelter annuity plan approved by the Department of Education, but does not include retirement benefits, welfare benefits, per diem, expense allowances, workers' compensation payments, or payments for leave not used by the member, whether those leave payments are scheduled payments, lump-sum payments, donations, or cash-ins; for purposes of AS 14.25.050, compensation paid includes any payment made after June 30 of a school year for services rendered before the end of the school year;

(10) "credited service" means all membership service as provided in (20) of this section, territorial employment as defined in (41) of this section, plus outside, military, and Alaska BIA service, with outside and military service limited to 10 years except under the conditions set out in AS 14.25.100;

(11) "deferred vested member" means an inactive member who meets the service requirements of a vested member;

(12) "dependent child" means an unmarried child of a member, including an adopted child, who is dependent upon the member for support and who is either (A) less than 19 years old, or (B) less than 23 years old and registered at and attending on a full-time basis an accredited educational or technical institution recognized by the Department of Education; the age limits set out in this paragraph do not apply to a child who is totally and permanently disabled;

(13) "disabled member" means a member who is terminated, who has not received a refund from the system, and who is receiving a disability benefit from the system;

(14) "early retirement" means retirement under AS 14.25.110(b);

(15) "employer" means a public school district, the Board of Regents of the University of Alaska, the Department of Education, the National Education Association of Alaska, the Regional Resource Centers or the state legislature with respect to a state legislator who elects membership under AS 14.25.040(b);

(16) "former member" means a member who is terminated and who received a total refund of the balance of the mandatory contribution account, or who has requested in writing a refund of the balance of the mandatory contribution account;

(17) "full-time teacher" means a teacher occupying a position requiring teaching on a regular basis for the normal work period per day or week at a teaching assignment, excluding teaching as an assistant or graduate assistant or teaching on a substitute, temporary, or per diem basis;

(18) "inactive teacher or member" means a member who is terminated and who has not received a refund from the system or a member who is on leave of absence and who is not making contributions under AS 14.20.345;

(19) "member contribution account" means the total maintained by the system of the member's mandatory contributions, indebtedness principal and interest contributions, interest credited to each of those accounts, and adjustments to the account in accordance with AS 14.25.170;

(20) "membership service" means

(A) full or part-time service as a teacher in a public school in the Territory or State of Alaska, or both, under the supervision and control of the Territorial Board of Education or the Department of Education or the school board of a city, regional educational attendance area, or borough school district;

(B) full-time or part-time teaching at the University of Alaska or a full-time administrative position at the University of Alaska which requires academic standing and which has been approved for inclusion in the system by the administrator;

(C) any period during which the teacher receives a disability benefit under this system or is on an approved sabbatical leave granted in accordance with AS 14.20.310; or

(D) continuous service as a state legislator when performed by a state legislator who elects membership under AS 14.25.040(b), subject to the requirements of AS 14.25.040(c);

(21) "military service" means active duty in the armed forces of the United States;

(22) "nonpublic school" means a school established by an agency other than a state which is primarily supported by other than public funds, and operation of whose program rests with other than publicly elected or appointed officials, and is state approved or accredited;

(23) "non-vested member" means an active or inactive member who does not meet the requirements of a vested member or deferred vested member;

(24) "normal retirement" means retirement under AS 14.25.110(a);

(25) "outside service" means service

(A) as a certificated full-time elementary or secondary teacher or as a certificated person in a full-time position requiring a teaching certificate as a condition of employment in an out-of-state public school

within the United States, or in a school outside the United States supported by funds of the United States;

(B) as a certificated full-time elementary or secondary teacher or a certificated person in a full-time position requiring a teaching certificate as a condition of employment in an approved or accredited nonpublic school within the United States, or in a school outside the United States supported by funds of the United States;

(C) in a full-time position requiring academic standing in an out-of-state institution of higher learning accredited by a nationally recognized accrediting agency as listed in the Education Directory — Colleges and Universities by the National Center for Education Statistics;

(D) as a full-time teacher in an approved or accredited nonpublic institution of higher learning in Alaska;

(26) "part-time teacher" means a teacher occupying a position requiring teaching on a regular basis for at least 50 percent of the normal workweek at a teaching assignment, excluding teaching as an assistant or graduate assistant, or teaching on a substitute, temporary, or per diem basis;

(27) "permanent disability" means a physical or mental condition which, in the judgment of the administrator, based upon medical reports and other evidence satisfactory to the administrator, presumably prevents a member from satisfactorily performing the member's usual duties for the member's employer or the duties of another position or job which an employer makes available for which the member is qualified by training or education;

(28) "prescribed rate of interest" means the rate of interest used for computing employer contributions, for preparing actuarial tables used by the system, for crediting interest to members' contributions, and for charging interest on members' indebtedness accounts;

(29) "public school" means a school operated by publicly elected or appointed school officials in which the program and activities are under the control of those officials and which is supported by public funds;

(30) "retired teacher or member" means a member who is terminated, who has not received a refund from the system, and who is receiving a benefit, other than disability, from the system;

(31) "retirement" means that period of time from the first day of the month following

(A) the date of termination; and

(B) application for retirement in which a person is appointed to receive a retirement benefit, other than a disability benefit;

(32) "retirement benefit" means the annuity received by a retired member from the system;

JAN 22 1985

Bethel, Alaska 99559
January 18, 1984

Representative John Binkley
Pouch V
Juneau, Alaska 99811

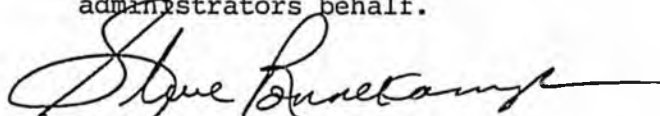
Dear John:

Greetings from Bethel and hope that the first week of getting your feet wet in actual session went well.

I have been doing some research and making some calls from here in Bethel in regards to being able to count BIA administrative years under the State Teachers' Retirement System. I learned that they want verification that BIA educators are required to have a certificate as a condition for employment. I am sending you a copy of several parts of our current BIA personnel manual which explicitly say that such a certificate is required. This information should be helpful to you or your aids when something is done to try to change the language in the TRS statutes about "BIA Service". I am also sending a copy to Senator Sackett and to Mr. Humphreys, the Director of the Retirement System.

I was offered the position of Personnel Director for LKSD a couple weeks ago and have accepted the job. I should begin work down there in a couple months. This is one reason I am critically interested in being able to transfer my BIA years over to LKSD.

Thank you for your attention and interest on my and other BIA administrators behalf.



Steve Ronnekamp
Box 1247
Bethel, Alaska 99559

Appointment of Educators
 Contract Documents and Requirements

4.15 State Certification. All professional employees shall be required to obtain appropriate state certification in the state where employed. If official documentation of such certification is not received by contract renewal time, the contract shall not be renewed. Such non-renewal is not grievable or appealable.

If the employee can demonstrate that he/she requested state certification within 10 days of appointment but has not received any response from the state, a copy of the documentation shall suffice for one contract renewal. Certification shall be required for any subsequent contract renewal.

4.16 Suitability Disqualifications. Employees in education positions will be assigned the task of helping to shape the lives and futures of Indian students. An applicant will be disqualified on a suitability basis when serious question is raised in reference to his/her character, reputation and fitness. An applicant may be denied appointment for the following reasons:

- A. Removal from employment for delinquency or misconduct;
- B. Criminal, infamous, dishonest, immoral or notoriously disgraceful conduct;
- C. Membership in an organization having as its objective the overthrow of the Constitutional government of the U.S. by force or violence and when membership is with the specific intent of furthering that objective.
- D. Intentional false statements, deception or fraud in examination or appointment;
- E. Refusal to furnish testimony as required by §5.3 of rule V;
- F. Habitual use of drugs, (including alcoholic beverages) affecting job performance;
- G. Any legal or other disqualification which makes the person unfit for the service.

In making suitability determinations, the following factors will be taken into account; (1) the kind of position involved; (2) the nature and seriousness of the conduct; (3) the circumstances surrounding the conduct; (4) the agency of the conduct; (5) the age of the applicant at the time of the conduct; (6) contributing social or environmental conditions; (7) the absence or presence of rehabilitation or efforts toward rehabilitation. Elimination of an applicant from employment consideration on suitability grounds requires a determination by the Agency Superintendent for Education that the applicant's conduct may interfere with his ability to function in the position or the Agency's ability to discharge its duties and responsibilities. An objection will document the existence of a rational and direct relationship between the conduct of the applicant and nature of the work involved in the position.

DEPARTMENT OF EDUCATION

APPENDIX A - PROCESSING CONTRACTS

1.1 Recruitment and appointment functions. Responsibilities of Education Management included in the recruitment and appointment functions for personnel actions are:

A. Applicant Lists

(1) Accepting applications;

(2) Review applications: The Education Position Categories and Qualifications Handbook contain the minimum standards used when filling positions established at Education positions. Professional educators (Teachers, Guidance Counselors, etc.,) must have appropriate state certification;

(3) Establishing lists according to job category and according to Indian preferences;

(4) Notifying applicants if qualified or not qualified. If applicant is not qualified, the application will be returned and reviewed;

(5) Referring qualified applicant to job holding office for review by selecting official and for consultation with the School Board;

(6) Notification of selection: Selectees will be notified by letter and supplied a new-employee package. This package will consist of the following:

(a) Copy of Contract. The contract, with addendum for Provisional Appointments when required, will be signed and returned within fifteen (15) days of the date on the notification letter.

(b) Employee Handbook. This handbook will cover such items as:

- i. Contract Renewal
- ii. Working Conditions
- iii. Employee Benefits
- iv. Employee Rights
- v. General Information

(7) Providing a pre-employment package to selectee. The package will consist of the following:

(a) Copy of Standard Form 85, National Agency Check Investigation Form (NACI) to be completed in draft form prior to the effective date of the appointment.

(b) Standard Form 77, Certificate of Medical Examination, to be completed by the selectee and returned to the selecting office for

1. POLICY.

Educators employed under the contract provisions of P.L. 85-501 will be paid on an hourly rate basis, computed on the basis of the relative value of the position and the education and experience of the individual contract employee. As a minimum, the professional educator qualification standards (teacher, guidance counselor, principal, etc.) will be equivalent to those requirements established by the appropriate certification authorities of the state in which the position is located or by the National Education Association, whichever is higher.

2. INSTRUCTIONS TO USERS.

The specific position categories and qualification standards to be used will depend on the duties of the position involved. Each standard has a general description of the duties and levels of responsibility of the position listed at the top of the standard.

3. CATEGORIES OF POSITIONS.

Current existing position descriptions will be reclassified into the new categories personnel system and will be compared to the qualification in relation to contract positions. A title change to an identified education position title will not constitute a change in position description and will not require reclassification. Categorization of positions will be the responsibility of the school supervisor and the Agency Superintendent for Education or the Area Education Programs Administrator (for off-reservation boarding school supervisors.) All positions presently classified will not be reviewed when the position changes or is changed in the contract system. It has been administratively determined that a change in position title does not constitute reason for reclassification of the position if there are no substantial changes in the duties and responsibilities of the position.

The Agency Superintendent for Education or the Area Education Programs Administrator (for off-reservation boarding schools) will determine the proper categorization of new and revised positions. The school supervisor will forward suggested adjustments of position descriptions according to the needs of the local education program to the Agency Superintendent for Education or the Area Education Programs Administrator (with respect to off-reservation boarding schools). All such will be reviewed and approved by the Agency Superintendent for Education or the Area Education Programs Administrator (with respect to off-reservation boarding schools) and will be placed into effect.

Form S-6233, Categories of Grades for Determining Pay of Education Positions initial page of each position description, replacing the (S-3).

A completed copy of the position description will be distributed to the following:

1. School Supervisor
2. Agency Superintendent for Education or Area Education Programs Administrator

and responsibility, as reflected by the position classification and category of responsibility.

9. CERTIFICATION REQUIREMENTS.

All professional educators must meet and maintain the certification standards for their position in the state where the position is located. If the state does not have certification requirement for a particular position, the qualification standard in this EIM supplement will apply as the minimum standard for certification for the job. If the state has a certification requirement for a position which is higher than the standard in this manual, the state certification standard is the minimum qualification requirement. If the state has a certification standard for a position which is lower than the standard required by this manual, the standard in this manual is the minimum qualification standard required for the job. Emergency and provisional state certification will be accepted for all positions as meeting state standards as long as the certificate is valid.

10. PROVISIONAL APPOINTMENT.

When a vacancy exists for which no fully qualified applicant can be found who meets the full performance level of a position, the following procedures may be used in filling the position:

- A. Applicants who will require the least amount of time to become fully qualified will be rated as the best qualified applicant.
- B. The incumbent will be required to make satisfactory progress toward certification requirements and/or EIM qualification standards. A memorandum of agreement will be attached to the employee contract listing the conditions of the appointment and the requirements placed upon the incumbent relative to eligibility for issuance of a new contract each consecutive year.
- C. The incumbent will be paid at a rate of pay based upon education positions with comparable qualifications as that held by the incumbent until the incumbent becomes fully qualified for the position held.
- D. The selected incumbent will not be replaced with a better qualified applicant unless they fail to make satisfactory progress toward full qualification standards or it is demonstrated that the program is suffering because of the lack of a qualified person. An appeal before the incumbent meets full qualification standards is not eligible or applicable.

10. AWARDING INCREMENTS FOR EDUCATION.

Increments will be awarded employees in accordance with E2 EIM 11.5. Examples: (1) a selected employee for an Education Aid position will receive one (1) increment for having a high school certificate even though a high school graduation is not one of the basic qualifications;

§31e.18 Certification.

(a) All Bureau educators shall be required to obtain and hold valid certificates established for their positions by the appropriate licensing and certification authorities of the State in which the positions are located within one year from the publication date of this Part unless the Director approves a written justification from the Agency superintendent for Education for extending the time limit.

(b) Cultural traditional leader positions in bilingual and/or bi-cultural programs may have this requirement waived by the appropriate school board.

§31e.19 Student enrollment.

The Agency Superintendent for Education, with the advice and consent of the agency school board, shall implement a mandatory student enrollment policy and procedure for schools under his/her jurisdiction which will include, but not be limited to, the following:

- (a) An eligibility criteria;
- (b) School enrollment boundaries; and
- (c) A standard application form.

§31e.20 Student attendance policy.

Each school shall have a written student attendance policy in compliance with the statutes of the State in which the school is located. However, for those enrolled students who are members of a Tribe having an attendance code, that Tribal Code shall take precedence for such students.

§31e.21 School year.

The length of the school year shall be, for all levels, no less than one hundred eighty (180) student instructional days.

§31e.22 School day.

Students shall be in school directed instructional activities, exclusive of lunch, in accordance with the following minimum clock hours:

<u>Level</u>	<u>Hours Day</u>
Kindergarten	3.0
Grades one to six	5.0
Junior high or middle school	5.5
High school	6.0

(b) Provide a base for special programs for exceptional children, coordinated with the required medical, dental, psychological, and social services as well as with parent education;

(c) Bilingual and multicultural education coordinated with parent education; and

(d) Educational programs for parents and the community which extend their role as educators of their children; as partners in the schooling experiences; and as decision makers and participants in the management of the early childhood pre-kindergarten program.

§31e.76 Accreditation.

Each pre-kindergarten program shall have official and current credentials which comply with not less than other like Federal (e.g., Headstart) and State agencies and tribal governments toward assurance of optimal educational opportunities based on the total development needs of the children.

§31e.77 Certification.

All pre-kindergarten educators shall be required to hold a valid certification in early childhood education by the appropriate licensing and certification authorities in the State, including Federal programs (e.g., Headstart, Child Development Associate).

§31e.78 Staff.

Each pre-kindergarten program shall have qualified staff with appropriate education and experience in the services provided in adequate numbers to meet program standards and assure effective delivery of comprehensive services.

§31e.79 School year.

The length of the school year shall be no less than one hundred and four (104) student instructional days.

§31e.80 School day.

Students shall be in directed instructional activities appropriate to their individual development level, exclusive of lunch, for a minimum of three clock hours daily.

§31e.81 Staffing patterns and ratios.

(a) Staffing patterns for each pre-kindergarten programs shall, at a minimum, meet applicable State or Tribal accreditation requirements.

(b) The size of the pre-kindergarten class for 3-4 year olds shall not exceed 15 students.

EDUCATION

Appointment of Educators
Contract Documents and Requirements

4.15 State Certification. All professional employees shall be required to obtain appropriate state certification in the state where employed. If official documentation of such certification is not received by contract renewal time, the contract shall not be renewed. Such non-renewal is not grievable or appealable.

If the employee can demonstrate that he/she requested state certification within 60 days of appointment but has not received any response from the state, a copy of the documentation shall suffice for one contract renewal. Certification shall be required for any subsequent contract renewal.

4.16 Suitability Disqualifications. Employees in education positions will be assigned the task of helping to shape the lives and futures of Indian students. An applicant will be disqualified on a suitability basis when serious question is raised in reference to his/her character, reputation and fitness. An applicant may be denied appointment for the following reasons:

- A. Removal from employment for delinquency or misconduct;
- B. Criminal, infamous, dishonest, immoral or notoriously disgraceful conduct;
- C. Membership in an organization having as its objective the overthrow of the Constitutional government of the U.S. by force or violence and when membership is with the specific intent of furthering that objective.
- D. Intentional false statements, deception or fraud in examination or appointment;
- E. Refusal to furnish testimony as required by §5.3 of rule V;
- F. Habitual use of drugs, (including alcoholic beverages) affecting job performance;
- G. Any legal or other disqualification which makes the person unfit for the service.

In making suitability determinations, the following factors will be taken into account; (1) the kind of position involved; (2) the nature and seriousness of the conduct; (3) the circumstances surrounding the conduct; (4) the recency of the conduct; (5) the age of the applicant at the time of the conduct; (6) contributing social or environmental conditions; and (7) the absence or presence of rehabilitation or efforts toward rehabilitation. Elimination of an applicant from employment consideration on suitability grounds requires a determination by the Agency Superintendent for Education that the applicant's conduct may interfere with his ability to function in the position or the Agency's ability to discharge its duties and responsibilities. An objection will document the existence of a rational and direct relationship between the conduct of the applicant and nature of the work involved in the position.

EDUCATION
Appointment of Educators

APPENDIX A - PROCESSING CONTRACTS

.1 Recruitment and appointment functions. Responsibilities of Education Management included in the recruitment and appointment functions for personnel actions are:

A. Applicant Lists

(1) Accepting applications;

(2) Rating applications: The Education Position Categories and Qualifications Handbook contains the minimum standards used when filling positions established as Education positions. Professional educators (Teachers, Guidance Counselors, etc.) must have appropriate state certification;

(3) Establishing lists according to job category and according to Indian preference;

(4) Notifying applicant if qualified or not qualified. If applicant is not qualified, the application will be so noted and returned;

(5) Referring qualified applicant to job holding office for review by selecting official and for consultation with the School Board;

(6) Notification of selection: Selectees will be notified by letter and supplied a new-employee package. This package will consist of the following:

(a) Copy of Contract. The contract, with addendum for Provisional Appointments when required, will be signed and returned within fifteen (15) days of the date on the notification letter.

(b) Employee Handbook. This handbook will cover such items as:

- i. Contract Renewal
- ii. Working Conditions
- iii. Employee Benefits
- iv. Employee Rights
- v. General Information

(7) Providing a pre-employment package to selectees. The package will consist of the following:

(a) Copy of Standard Form 85, National Agency Check Investigation Forms (NACI) to be completed in draft form prior to the effective date of the appointment.

(b) Standard Form 78, Certificate of Medical Examination, to be completed by selectee's medical doctor and returned to appointing office for review and approval prior to entry on duty.

EDUCATION
POSITION CATEGORIES AND QUALIFICATIONS

1. POLICY.

Educators employed under the contract provisions of P.L. 88-501 will be paid on an hourly rate basis, computed on the basis of the relative value of the position and the education and experience of the individual contract employee. As a minimum, the professional educator qualification standards (teacher, guidance counselor, principal, etc.) will be equivalent to those requirements established by the appropriate certification authorities of the state in regard to positions to be covered on the Bureau standard shown, whichever is higher.

2. INSTRUCTIONS TO USERS.

The specific position categories and qualification standard to be used will depend on the duties of the position involved. Each standard has a general description of the duties and levels of responsibility of the position listed at the top of the standard.

3. CATEGORIES OF POSITIONS.

Current existing position descriptions will be converted to the contract categories personnel system and will be exempt from further classification in relation to contract positions. A title conversion to an identified education position title will not constitute a change in position description and will not require reclassification. Categorization of positions will be the responsibility of the school supervisor and the Agency Superintendent for Education or the Area Education Programs Administrator (for off-reservation boarding school supervisors.) All positions presently classified will not be reviewed when the position converts or is changed to the contract system. It has been administratively determined that a change in position title does not constitute reason for reclassification of the position if there are no substantial changes in the duties and responsibilities of the position.

The Agency Superintendent for Education or the Area Education Programs Administrator (for off-reservation boarding schools) will determine the proper categorization of new and revised positions. The school supervisor will forward suggested adjustments of position descriptions according to the needs of the local education program to the Agency Superintendent for Education or the Area Education Programs Administrator (with respect to off-reservation boarding schools). Such changes will be reviewed and approved by the Agency Superintendent for Education or the Area Education Programs Administrator (with respect to off-reservation boarding schools) for categorization purposes before being placed into effect.

Form 5-6233, Categories of Duties for Determining Pay of Education Positions initial page of each position description, replacing the CF-8.

A completed copy of the position description will be distributed to the following:

1. employee
2. supervisor
3. administrative file
4. appropriate personnel file

- C. An increase in the qualifications of an individual does not automatically entitle the employee to advance to another Pay Level, unless he/she is assigned to a position of greater difficulty and responsibility as reflected by the position description and category of responsibility.

8. CERTIFICATION REQUIREMENTS.

All professional educators must meet and maintain the certification standards for their position in the state where the position is located. If the state does not have certification requirement for a particular position, the qualification standard in this BIAM supplement will apply as the minimum standard for qualification for the job. If the state has a certification requirement for a position which is higher than the standard in this manual, the state certification standard is the minimum qualification requirement. If the state has a certification standard for position which is lower than the standard required by this manual, the standard in this manual is the minimum qualification standard required for the job. Emergency and provisional state certification will be accepted for all positions as meeting state standards as long as the certificate is valid.

9. PROVISIONAL APPOINTMENT.

When a vacancy exists for which no available qualified applicant can be found who meets the full performance level of a position, the following procedures may be used in filling the position:

- A. Applicants who will require the least amount of time to become fully qualified will be rated as the best qualified applicant.
- B. The incumbent will be required to make satisfactory progress toward certification requirements and/or DIA qualification standards. A memorandum of agreement will be attached to the employee contract listing the conditions of the appointment and the requirements placed upon the incumbent relative to eligibility for issuance of a new contract each consecutive year.
- C. The incumbent will be paid at a rate of pay based upon education positions with comparable qualifications as that held by the incumbent until the incumbent becomes fully qualified for the position held.
- D. The selected incumbent will not be replaced with a better qualified applicant unless they fail to make satisfactory progress toward full qualification standards or it is demonstrated that the program is suffering because of the lack of a qualified person. Removal before the incumbent meets full qualification standards is not grievable or appealable.

10. AWARDING INCREMENTS FOR EDUCATION.

Increments will be awarded employees in accordance with 62 BIAM 11.5. Examples: (1) a selected employee for an Education Aid position will receive one (1) increment for having a high school certificate even though a high school education is required to meet basic qualifications; (2) a selected employee will receive increments for unrelated masters degrees at the BS level although the position requires a minimum education level for entry into the position.

§31e.18 Certification.

(a) All Bureau educators shall be required to obtain and hold valid certificates established for their positions by the appropriate licensing and certification authorities of the State in which the positions are located within one year from the publication date of this Part unless the Director approves a written justification from the Agency superintendent for Education for extending the time limit.

(b) Cultural traditional leader positions in bilingual and/or bi-cultural programs may have this requirement waived by the appropriate school board.

§31e.19 Student enrollment.

The Agency Superintendent for Education, with the advice and consent of the agency school board, shall implement a mandatory student enrollment policy and procedure for schools under his/her jurisdiction which will include, but not be limited to, the following:

- (a) An eligibility criteria;
- (b) School enrollment boundaries; and
- (c) A standard application form.

§31e.20 Student attendance policy.

Each school shall have a written student attendance policy in compliance with the statutes of the State in which the school is located. However, for those enrolled students who are members of a Tribe having an attendance code, that Tribal Code shall take precedence for such students.

§31e.21 School year.

The length of the school year shall be, for all levels, no less than one hundred eighty (180) student instructional days.

§31e.22 School day.

Students shall be in school directed instructional activities, exclusive of lunch, in accordance with the following minimum clock hours:

<u>Level</u>	<u>Hours Day</u>
Kindergarten	3.0
Grades one to six	5.0
Junior high or middle school	5.5
High school	6.0

(b) Provide a base for special programs for exceptional children, coordinated with the required medical, dental, psychological, and social services as well as with parent education;

(c) Bilingual and multicultural education coordinated with parent education; and

(d) Educational programs for parents and the community which extend their role as educators of their children; as partners in the schooling experiences; and as decision makers and participants in the management of the early childhood pre-kindergarten program.

§3le.76 Accreditation.

Each pre-kindergarten program shall have official and current credentials which comply with not less than other like Federal (e.g., Headstart) and State agencies and tribal governments toward assurance of optimal educational opportunities based on the total development needs of the children.

§3le.77 Certification.

All pre-kindergarten educators shall be required to hold a valid certification in early childhood education by the appropriate licensing and certification authorities in the State, including Federal programs (e.g., Headstart, Child Development Associate).

§3le.78 Staff.

Each pre-kindergarten program shall have qualified staff with appropriate education and experience in the services provided in adequate numbers to meet program standards and assure effective delivery of comprehensive services.

§3le.79 School year.

The length of the school year shall be no less than one hundred and four (104) student instructional days.

§3le.80 School day.

Students shall be in directed instructional activities appropriate to their individual development level, exclusive of lunch, for a minimum of three clock hours daily.

§3le.81 Staffing patterns and ratios.

(a) Staffing patterns for each pre-kindergarten programs shall, at a minimum, meet applicable State or Tribal accreditation requirements.

(b) The size of the pre-kindergarten class for 3-4 year olds shall not exceed 15 students.



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

110



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 23, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the conduct of state elections.

Sections 1 -- 9 propose modifications that correct problems identified by the division of elections in conducting the 1984 state elections. Many of these housekeeping measures remedy procedural difficulties that arise under current law. Sections 1 through 3 of the bill, for example, provide a more workable procedure to assure that persons convicted of a felony involving moral turpitude may not vote before their unconditional discharge. Current law purports to suspend their voting privileges, but in practice the current statutory scheme is exceedingly difficult, if not impossible, to properly implement.

Another procedural revision is set out in sec. 4. It allows the director to appoint more than one four-person team to assist in the state ballot counting review. While preserving the bipartisan quality of the state review, this provision will enable the division of elections to announce final election results in a more timely fashion.

Of a more substantive nature, sec. 6 eliminates the requirement that, in order for a questioned ballot to be counted, the voter's certificate must be attested by an election official. This requirement needlessly prevents an otherwise valid ballot from being counted where the voter has complied with all procedures but a harried election worker fails to countersign the voter's certificate.

Sections 9 -- 19 contain amendments required as a consequence of the Alaska Supreme Court decisions in Vogler v. Miller, 651 P.2d 1 (Alaska 1982), and Vogler v. Miller, 660 P.2d 1191 (Alaska 1983).

Maybe there is a way to avoid this situation.
How many in last election? ←
Not a very good argument

ok
Spokane
counting


In particular, the court held that AS 15.25.160 and AS 15.60.010(20) are unconstitutional as being unduly restrictive of ballot access and as to other consequences of "political party" status. AS 15.25.160 requires that a petition for the nomination of candidates for the office of governor, lieutenant governor, United States senator, and United States representative be signed by qualified voters equal in number to at least three percent of the number of votes cast in the preceding general election. AS 15.60.010(20) defines "political party" as a group of organized voters that represents a political program and that nominates a candidate for governor who received at least 10 percent of the vote cast at the preceding general election for governor.

The bill amends those two sections to reduce the required percentages to one percent and three percent, respectively. The bill also amends other sections to similarly reduce the required percentages in light of the Vogler decisions. Of less significance, and more in the nature of a housekeeping amendment, the bill amends the sections to refer to percentages of the number of ballots cast in the preceding general election, instead of the number of "votes" cast.

In the Vogler litigation, the superior court declared AS 15.25.180(10) unconstitutional, and that ruling was not part of the supreme court argument or decision. That section deals with the requirements for petitions for the nomination of candidates for the general election. Paragraph (10) requires that subscribers to petitions state that they "intend to vote for the candidate at the general election." Section 20 of the bill repeals AS 15.25.180(10).

I believe that this bill will provide greater clarity and more workable requirements, and, as a consequence, will improve the administration of state elections.

Sincerely,



Bill Sheffield
Governor

*Superior Court
Decision Requiring
Change*

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 110
 Title: Amending State Election
Laws
 Sponsor: Rules Committee
 Requestor: Governor
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Office of the Governor
 Program Category Affected: Division of Elections
 BRU, Program or Subprogram(s) Affected: Division of Elections

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	9.6	-0-	19.2	-0-	19.2	-0-
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	*9.6	-0-	19.2	-0-	19.2	-0-

CAPITAL						
----------------	--	--	--	--	--	--

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	9.6	-0-	19.2	-0-	19.2	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	*9.6	-0-	19.2	-0-	19.2	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

*Indicates the amount included in the FY85 budget for the State Canvassing Board.

This fiscal note does not identify the need for additional funds until FY87 when the next major statewide elections will be held. In FY87, \$19.2 has been identified to enlarge the existing Board from 4 to 8 members in order to speed up the certification process.

Prepared By: Sherry Valentine, Deputy Director Phone: 465-4611

Division: Division of Elections Date: 1/18/85

Approved by Commissioner: [Signature]

Agency: Lt. Gov.

Date: 1-18-85

Distribution (by Agency preparing fiscal note):

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

7/1/84

STATE OF ALASKA

OFFICE OF THE GOVERNOR

WORKING 110
DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

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."

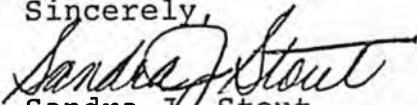
Dear Representative Hurley:

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

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

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

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/>
	\$ 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

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 sec, 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 applicants 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.

DIVISION OF ELECTIONS
ACTIVITY REPORT - FY85
(July 1, 1984 - December 31, 1984)

Since July 1, 1984, the Division of Elections has focused its primary attention on the conduct of 3 major statewide elections, the Primary, REAA and General, as well as 6 special elections involving liquor options, incorporations, and recalls. In the process, the Division has achieved several notable accomplishments. Since July, the Division has:

- Increased the number of registered voters by 41,865, to an all time high of 307,929. (This figure represents approximately 88% of the entire eligible population, giving Alaska one of the highest voter rates in the country, and exceeding the goal established for FY85 by 62%.)
- Processed and maintained records on 332 candidacy filings.
- Recruited, hired, and trained nearly 2000 poll workers, review board and counting team members, and equipped, supplied and administered 440 polling places statewide.
- Responded to Reapportionment by mapping, realigning, and filing regulations to reflect changes, and notifying 307,929 voters of their correct polling places.
- Prepared, printed, disseminated, counted, secured and accounted for nearly three quarters of a million voted ballots with a degree of accuracy which successfully passed the scrutiny of 7 recounts.
- Added Precinct Election Processing Systems (PEPS) to former hand-count areas resulting in computer counting for 75% of the State's vote, and coordinated with Legislative Information Offices for instant reporting of election returns from those areas.
- Increased the efficiency of election night counting and reporting systems to provide 85% of statewide results within 5 hours of the closing of the polls.
- Published and disseminated 5 versions of the Official Election Pamphlet, each over 100 pages in length, to 315,000 individuals, groups and institutions statewide, 5 days ahead of schedule.
- Processed 4 initiatives and petitions involving over 400 sponsors and verifications of 120,000 petition signatures.
- Published final election results in Statement of Vote booklets for both Primary and General Elections, each requiring the manual tallying, keypunch and verification of 65,000 separate mathematical entries.
- Designed and implemented new questioned ballot envelope to serve as automatic registration form for registering or correctly updating registration records for questioned voters.
- Completed extensive preliminary work, including contract negotiation and program study on conversion to direct, on-line computerized system for streamlining election process and voter record management.



1066 Thomas Jefferson St., N.W., Washington, DC 20007 (202) 337-0712

Martha Hartman, Executive Director

July 20, 1984

Ms Paula Ziegler, President
LWV of Alaska
307 Bawden Street
Ketchikan, AK 99901

Dear Ms Ziegler,

It will be several more months before we know whether more overseas citizens cast ballots in 1984 than in 1980. But we already know that not all those who wish to vote will be able to do so. That is why we are writing to you now to ask for the Alaska League's support for electoral reform designed to help the overseas voter.

Alaska absentee ballots are mailed only 30 days before an election. But it generally takes 40-45 days for the ballots to reach voters overseas and to be returned by them for counting. As a result many Alaska voters living abroad are disenfranchised.

It may be that, like many other states, Alaska would have to overhaul its entire election calendar in order to be able to prepare and mail ballots earlier. This could be difficult. We would therefore like to draw your attention to a special write-in ballot as an alternative solution which is being adopted by a growing number of states. Connecticut, for example, has just this year revised this procedure and will in future mail blank ballots, together with a list of candidates for all the offices on the ballot, to all overseas voters whose ballot requests are received more than 45 days before an election or before regular ballots become available.

Last winter Henry Valentino, Director of the Federal Voting Assistance Program in the Department of Defense, wrote to Alaska officials recommending introduction of a 90-day write-in ballot for voters in extremely remote areas. To the best of our knowledge there has been no response to Mr. Valentino's suggestion. We would warmly welcome your support for enactment of the measure he recommended.

Sincerely,
Ursula H. Shears
Ursula H. Shears
Voting Coordinator
6525 32nd St., NW
Washington, DC 20015

League of Women Voters of Alaska

February 19, 1985

Representative Katie Hurley
Chair
House State Affairs Committee
Juneau, Alaska

Dear Representative Hurley:

The League of Women Voters of Alaska supports the provisions in HB 110, making miscellaneous changes to the state's election laws.

It is our understanding that additional consideration may be given by your committee to absentee voting provisions. As a matter of principle, the League is strongly committed to making voting as easy as possible; however, we realize the potential for fraud can also exist, and we support efforts to tighten up the absentee voting procedures, as long as they do not appear to put an undue burden on a potential voter.

A letter written to the League this summer regarding a special class of absentee voters is enclosed. We had indicated to Ms. Shears that the League would do what we could to bring the problem she discusses to the attention of the appropriate policymakers. If HB 110 is going to be a vehicle for changes in the absentee voting mechanisms, we would appreciate your considering a solution to the problem she describes.

Sincerely,



Paula Ziegler
President
127 N. Franklin Street #909
Juneau, Alaska 99801


enc.

3/1'

MAR 1 1985

MEMORANDUM

FROM: Representative John Sund
TO: Representative Katie Hurley
RE: Absentee Voting



Absentee Voting has long been a problem in my district, and I've found this to be the result of inconsistency in scheduling. Last year in Ketchikan absentee voters were allowed only a few days to vote in both the primary and general elections. These days were not well advertised, and the scheduled hours and voting locations varied between elections.

This amendment will bring some stability to the process and allow voters who work long and unpredictable schedules, i.e., construction, fishing, logging; the convenience of a two week period of eight hour days to cast their vote.

A M E N D M E N T

Offered in the HOUSE

By Sund

To: HB 110

Page 3, following line 2, insert a new bill section to read:

"* Sec. 5. AS 15.20.048(a) is amended to read:

(a) The director shall supply each election supervisor with ballots for all districts in the state to be used for absentee voting in an election. Ballots for absentee voting in person shall be available in the offices of the election supervisors 15 days before the election through the day of the election. In a municipality with at least 1,000 residents, ballots for absentee voting in person shall be available in the offices of the election supervisors for eight hours a day, seven days a week for the two weeks that precede a primary, general, or special election of the state."

Renumber remaining sections.

Introduced: 1/25/85
Referred: State Affairs,
Judiciary and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 110

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending the election laws of the state; and
7 providing for an effective date."

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

9 * Section 1. AS 15.05.030 is amended to read:

10 Sec. 15.05.030. LOSS AND RESTORATION OF VOTING RIGHTS. (a) A
11 person convicted of a crime that constitutes a felony involving moral
12 turpitude under state law may not vote in a state or a municipal
13 election from the date of the conviction through the date of the
14 [RESTORATION OF VOTING RIGHTS UNDER THIS SECTION. THE RIGHT TO VOTE
15 WITHDRAWN UNDER THIS SECTION IS AUTOMATICALLY RESTORED UPON THE]
16 unconditional discharge of the person. Upon the unconditional dis-
17 charge, the person may register under AS 15.07.

18 (b) The commissioner of corrections shall establish procedures
19 by which a person unconditionally discharged is advised of the voter
20 registration requirements and procedures [RESTORATION OF VOTING RIGHTS
21 WITHDRAWN BY A CONVICTION].

22 * Sec. 2. AS 15.07.135 is amended to read:

23 Sec. 15.07.135. CANCELLATION [SUSPENSION] OF REGISTRATION OF
24 CONVICTED PERSONS. The director shall make reasonable efforts to ob-
25 tain the names of persons convicted of a felony involving moral turpi-
26 tude. [THE DIRECTOR SHALL ALSO MAKE REASONABLE EFFORTS TO OBTAIN THE
27 NAMES OF PERSONS UNCONDITIONALLY DISCHARGED FROM CUSTODY.] The direc-
28 tor shall cancel [SUSPEND] the registration of a person convicted of a
29 felony involving moral turpitude. Upon presenting proof that [UNTIL]

1 the person is unconditionally discharged from custody, the person may
2 register. The director must make reasonable efforts to verify the
3 unconditional discharge of persons applying for registration under
4 this section.

5 * Sec. 3. AS 15.07.160 is amended to read:

6 Sec. 15.07.160. UNLAWFUL ACTION. (a) Except as provided in
7 AS 15.07.135, it [IT] is unlawful for a registration official to re-
8 fuse to register a person who is qualified to vote under provisions of
9 AS 15.05.010(1) -- (4).

10 (b) It is unlawful for a person to register who knows he is not
11 qualified to vote under provisions of AS 15.05.010(1) -- (4) or 15.-
12 05.030.

13 (c) [Repealed by sec. 231, ch. 100, SLA 1980.]

14 * Sec. 4. AS 15.10.180 is amended to read:

15 Sec. 15.10.180. APPOINTMENT OF PARTY REPRESENTATIVE FOR STATE
16 BALLOT COUNTING REVIEW. The director shall appoint [TWO] persons from
17 each political party to serve on teams to participate in the state
18 ballot counting review. The director may determine the number of
19 teams to be appointed; however, each team must have members from at
20 least two political parties. Each person who is appointed and serves
21 is entitled to compensation as provided in AS 15.15.380. Each politi-
22 cal party may present to the director a list of three or more names
23 from which the director shall select the persons to represent the
24 party. The list of names may be submitted in writing at least 30 days
25 before the date of the election. The persons to represent the party
26 on the state ballot counting review board may be selected by the state
27 party central committee or in any other manner prescribed by the
28 bylaws of the party. The list of names must [SHALL] be certified by
29 the chairman of the state central committee of the party or by the

1 person authorized by the party bylaws to act in the absence of the
2 chairman.

3 * Sec. 5. AS 15.20.081(d) is amended to read:

4 (d) Upon receipt of an absentee ballot by mail, the voter, in
5 the presence of a notary public, commissioned officer of the armed
6 forces including the National Guard, district judge or magistrate,
7 United States postal official, registration official, or other person
8 qualified to administer oaths, may proceed to mark the ballot in
9 secret, to place the ballot in the small envelope, to place the small
10 envelope in the larger envelope, and to sign the voter's certificate
11 on the back of the larger envelope in the presence of an official
12 listed in this subsection who shall sign as attesting official and
13 shall date the signature. If none of the officials listed in this
14 subsection is reasonably accessible, an absentee voter shall have the
15 ballot witnessed by two persons over the age of 18 years and, in
16 addition, shall provide the certification prescribed in AS 09.63.020.

17 * Sec. 6. AS 15.20.207(b) is amended to read:

18 (b) A questioned ballot may not be counted if

19 (1) the voter has failed to properly execute the certifi-
20 cate; or

21 (2) [AN OFFICIAL OR THE WITNESSES AUTHORIZED BY LAW TO
22 ATTEST THE VOTER'S CERTIFICATE FAIL TO EXECUTE THE CERTIFICATE; OR]

23 (3) the voter did not enclose the marked ballot inside the
24 small envelope.

25 * Sec. 7. AS 15.20.440(a) is amended to read:

26 (a) The application shall state in substance the basis of the
27 belief that a mistake has been made, the particular election precinct
28 or election district for which the recount is to be held, the particu-
29 lar office, proposition, or question for which the recount is to be

1 held, and that the person making the application is a candidate or
2 that the 10 persons making the application are qualified voters. The
3 candidate or persons making the application shall designate by full
4 name and mailing address two persons who shall represent the applicant
5 and be present and assist during the recount. Any person may be named
6 representative, including the candidate himself or any person signing
7 the application[, AND THE REPRESENTATIVES SHALL BE PAID IN THE SAME
8 AMOUNT AND MANNER AS ELECTION JUDGES]. Applications by 10 qualified
9 voters must [SHALL] also include the designation of one of the number
10 as chairman. The candidate or persons making the application shall
11 sign the application and shall print or type their full name and
12 mailing address.

13 * Sec. 8. AS 15.20 is amended by adding a new section to Article 5 to
14 read:

15 Sec. 15.20.580. SUPERVISION OF PUNCH-CARD VOTING. In accordance
16 with AS 15.15.010, the director shall supervise punch-card voting
17 procedures and the counting of punch-card ballots.

18 * Sec. 9. AS 15.25.050(a) is amended to read:

19 (a) At the time the declaration is filed, each candidate shall
20 pay a nonrefundable filing fee to the director. The filing fee for
21 candidates for office of governor, lieutenant governor, United States
22 senator, and United States representative is \$100. The filing fee for
23 candidates for office of state senator and state representative is
24 \$30. [SUBJECT TO LEGISLATIVE APPROPRIATION, THE DIRECTOR SHALL PAY
25 THE FILING FEE COLLECTED FROM A CANDIDATE UNDER THIS SECTION TO THE
26 CENTRAL COMMITTEE OF THE POLITICAL PARTY OF THAT CANDIDATE.]

27 * Sec. 10. AS 15.25.160 is amended to read:

28 Sec. 15.25.160. REQUIRED NUMBER OF SIGNATURES FOR STATEWIDE
29 OFFICE. Petitions for the nomination of candidates for the office of

*should
be
most*

1 governor, lieutenant governor, United States senator and United States
2 representative must [SHALL] be signed by qualified voters of the state
3 equal in number to at least one [THREE] percent of the number of
4 ballots [VOTES] cast in the preceding general election. Candidates
5 for the office of governor and lieutenant governor shall file jointly.

6 * Sec. 11. AS 15.25.170 is amended to read:

7 Sec. 15.25.170. REQUIRED NUMBER OF SIGNATURES FOR DISTRICT-WIDE
8 OFFICE. Petitions for the nomination of candidates for the office of
9 state senator or state representative must [SHALL] be signed by qual-
10 ified voters of the election or senate district in which the proposed
11 nominee desires to be a candidate equal in number to at least one
12 [THREE] percent of the number of ballots [VOTES] cast in the proposed
13 nominee's [HIS] respective election or senate district in the preced-
14 ing general election. However, [PROVIDED THAT] no nominating petition
15 [NEED CONTAIN MORE THAN 200 SIGNATURES NOR] may [IT] contain less than
16 50 signatures for any district.

17 * Sec. 12. AS 15.25.240(a) is amended to read:

18 (a) Supporters of a candidate for nomination for President of
19 the United States may file a petition to have the name of the candi-
20 date of their choice on the ballot. A petition under this section
21 must be filed by the last Tuesday in February of a presidential elec-
22 tion year and must contain the signatures of qualified voters residing
23 in no less than two-thirds of the election districts of the state
24 equal in number to three [FIVE] percent of the number of ballots
25 [VOTES] cast [FOR THE CANDIDATES FOR GOVERNOR] in the preceding elec-
26 tion for governor. A petition under this section must [SHALL] include
27 (1) the full name of the candidate; (2) the name of the political
28 group supporting the candidate; (3) the name of the political party in
29 which the candidate is registered; (4) a statement that the

1 subscribers are qualified voters of the state; and (5) a statement
2 that the subscribers request that the candidate's name be placed on
3 the ballot. The signature sheets must [SHALL] also contain the print-
4 ed name and residence address of each qualified voter whose signature
5 appears on the petition.

6 * Sec. 13. AS 15.30.025(a) is amended to read:

7 (a) A limited political party may be organized for the purpose
8 of selecting candidates for electors of President and Vice President
9 of the United States by filing [A PETITION] with the director at least
10 90 days before a presidential general election a petition signed by
11 qualified voters of this state equaling in number at least one [THREE]
12 percent of Alaska's total vote for President at the last presidential
13 election. The petition must [SHALL] state that the signers intend to
14 organize a limited political party, that they intend to select candi-
15 dates for electors of President and Vice President of the United
16 States at the next succeeding presidential election, and the name of
17 the limited political party.

18 * Sec. 14. AS 15.30.025(c) is amended to read:

19 (c) A limited political party organized under this section
20 ceases [SHALL CEASE] to be a limited political party if [WHENEVER] its
21 presidential candidate fails to receive at least three [10] percent of
22 the total Alaskan vote cast for the office of President at a presiden-
23 tial election.

24 * Sec. 15. AS 15.40.100 is amended to read:

25 Sec. 15.40.100. REQUIREMENTS OF PETITION FOR NO-PARTY CANDI-
26 DATES. Petitions for the nomination of candidates not representing a
27 political party must [SHALL] be signed by qualified voters of the
28 state equal in number to at least one [THREE] percent of the number
29 [NUMBERS] of ballots [VOTES] cast in the preceding general election,

1 and must [SHALL] state in substance that which is required in peti-
2 tions for nomination for general elections provided in AS 15.25.180.

3 * Sec. 16. AS 15.40.190 is amended to read:

4 Sec. 15.40.190. REQUIREMENTS OF PETITION FOR [OF] NO-PARTY
5 CANDIDATES. Petitions for the nomination of candidates not represent-
6 ing a political party must [SHALL] be signed by qualified voters of
7 the state equal in number to at least one [THREE] percent of the
8 number of ballots [VOTES] cast in the preceding general election and
9 must [SHALL] state in substance that which is required for nomination
10 petitions by AS 15.25.180.

11 * Sec. 17. AS 15.40.280 is amended to read:

12 Sec. 15.40.280. REQUIREMENTS OF PETITION FOR [OF] NO-PARTY
13 CANDIDATES. Petitions for the nomination of candidates not represent-
14 ing a political party must [SHALL] be signed by qualified voters of
15 the state equal in number to at least one [THREE] percent of the
16 number of ballots [VOTES] cast in the preceding general election, must
17 [SHALL] include nominees for the office of governor and lieutenant
18 governor, and must [SHALL] state in substance that which is required
19 for nomination petitions by AS 15.25.180.

20 * Sec. 18. AS 15.40.440 is amended to read:

21 Sec. 15.40.440. REQUIREMENTS OF PETITION FOR NO-PARTY CANDI-
22 DATES. Petitions for the nomination of candidates not representing a
23 political party must [SHALL] be signed qualified voters equal in
24 number to at least one [THREE] percent of the number of ballots
25 [VOTES] cast in the proposed nominee's [HIS] respective election or
26 senate district in the preceding general election. However, [PROVIDED
27 THAT] no nominating petition [NEED CONTAIN MORE THAN 200 SIGNATURES
28 NOR] may [IT] contain less than 50 signatures for any district, and
29 must [SHALL] state in substance that which is required in petitions

1 for nomination for general elections provided in AS 15.25.180.

2 * Sec. 19. AS 15.60.010(20) is amended to read:

3 (20) "political party" means an organized [A] group of
4 [ORGANIZED] voters that [WHICH] represents a political program and
5 that [WHICH] nominated a candidate for governor who received at least
6 three [10] percent of the total ballots [VOTE] cast at the preceding
7 general election for governor;

8 * Sec. 20. AS 15.25.180(10) is repealed.

9 * Sec. 21. This Act takes effect immediately in accordance with AS 01.-
10 10.070(c).

COMMITTEE REPORT
HOUSE

715

JUDICIARY

(7)

FURTHER: FINANCE

1/25/85

Date: March 13, 1985

The Committee on STATE AFFAIRS has had HB 110

"An Act amending the election laws of the state; and providing for an effective date."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

CHAIRMAN

STATE OF ALASKA

OFFICE OF THE GOVERNOR

WORKING / 110
DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

PHONE: (907) 586-6181

March 21, 1985

MAR 22 1985

The Honorable Katie Hurley
Chairperson
State Affairs Committee
Alaska State House of Representatives
Pouch V
Juneau, AK 99811

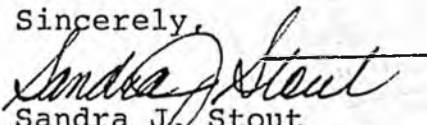
Dear Representative Hurley:

I just wanted to take a brief moment to thank you and the members of the committee for your generous consideration and quick passage of House Bill 110. Your responsiveness, commitment, and overall support encourage us as to the future of this bill, which if enacted will assist us greatly in the administration of the election process in Alaska.

Special note should be made of the competence and courtesy of the committee staff. Their efforts in working with us during the hearing process were greatly appreciated.

Please do not hesitate to call on us if we can be of any assistance in the future.

Sincerely,


Sandra J. Stout
Director

Stout

~~COMMENTS IN SUPPORT OF HB 110~~

Submitted By:

~~Division of Elections~~
February 18, 1985

The recommended changes to Title 15 of the Alaska Statutes, which are proposed in House Bill 110 reflect modifications to correct problems identified by the division of elections in conducting the 1984 elections. Many of the recommendations are housekeeping measures and offer remedies to procedural difficulties which arise under current statutes. Others are more substantive in nature.

Sections 1 - 3

These sections of the proposed bill relate to the provisions of the Title which are in place to assure that persons convicted of felonies involving moral turpitude are prevented from voting prior to their unconditional discharge. Under current law upon release of the convicted person from the authority of the court, their voting rights are to be restored automatically by the division, with no action required by the individual. Not only does this create an almost impossible recordkeeping and tracking chore for the division and the Department of Corrections, it affords the individual purged for felonious conviction a convenience not offered the ordinary purged voter. A purged voter whose only omission is no voting activity in two consecutive years must reapply to be reinstated as a registered voter. It is our purpose to also require convicted felons to initiate their own re-registrations.

Section 4

In this section we are suggesting an amendment which allows the director to appoint more than one four-person team to assist in the certification process. As the state has grown and registration rolls and voter turnout have dramatically increased, the certification process has become more and more difficult to complete in a reasonable amount of time. It is estimated that certification requires the review of nearly 65,000 mathematical calculations over 440 precincts statewide. This amendment would allow the director to appoint additional teams as needed to assure that the process can continue to be completed in a reasonable amount of time. The criteria for selecting and appointing these teams would not change.

Section 5

*Convenience
measure*

The amendment suggested under this section adds a registration official to the list of individuals eligible to serve as sole witnesses to the affidavits of voters voting by mail. Often voters assume that a registrar, as an election official, is authorized to be a witness. In many cases in Alaska's smaller communities registrars know the voter personally. In addition, at absentee-in-person voting stations the election worker is the witness. The purpose of adding registrars to the list for by mail voters is to offer greater convenience to the voter.

Section 6

This section relates to questioned ballots, and proposes to delete the omission of an authorized witness's execution of the voter's certificate as a justification for not counting the ballot. Because questioned ballots are voted in person, there are safeguards in place to assure that the ballot is cast legitimately. The witness attesting the certification filled out and signed by the voter is an election worker. Under the current statute, the requirement needlessly prevents an otherwise valid ballot from being counted where the voter has complied with all procedures, but a harried election worker fails to countersign the ballot. In the 1984 General Election, while this circumstance was not the rule, 16 voters were disenfranchised through no fault of their own. While it is not the intent of the division that the requirement be eliminated altogether, it is recommended that this omission, in and of itself, should not be grounds for challenging a vote.

Section 7

Under current statutes, a candidate requesting a recount may select representatives to observe and participate in the recount process. Often candidates choose to represent themselves. These observers and candidates are currently paid for this participation at the same rate as the counting team members. In essence, the candidate pays the nominal fee of \$250, as appropriate, and is then repaid for participating.

Section 8

The addition of this section formalizes the authority of the director to supervise punch-card voting and counting procedures as necessary. This formal placement of final authority is critical, especially under emergency circumstances which often occur during the counting of ballots on election night. An example of such a circumstance was the failure of the

mainframe computer in Anchorage during the 1984 Primary Election, when the decision to go to the back up system had to be made quickly. This addition will clarify the role of the director in making such decisions while coordinating the work of the Data Processing Review Boards otherwise responsible for testing and implementing the actual computer counting of ballots. Timely and responsive decisions by a single authority is required to see that the counting process continues to proceed smoothly and efficiently.

Section 9

The amendment seeks to make the filing fees paid by candidates non-refundable. In addition it deletes the provision that these fees be paid to the central committee of the political party of that candidate.

Sections 10-19

The proposed amendments to these sections are in response to an Alaska Supreme Court decision in Vogler v. Miller, 651, P.2d 1 (Alaska 1982), and Vogler v. Miller, 660 P.2d 1191 (Alaska 1983).

In particular, the court held that AS 15.25.160 and AS 15.60.010(20) are unconstitutional as being unduly restrictive of ballot access and as to other consequences of "political party" status. AS 15.25.160 requires that a petition for the nomination of candidates for the office of governor, lieutenant governor, United States senator and representative be signed by qualified voters equal in number to at least three percent of the number of votes cast in the preceding general election. AS 15.60.010 (20) defines "political party" as a group of organized voters that represents a political program and that nominates a candidate for governor who received at least 10 percent of the vote cast at the preceding general elections for governor.

The bill amends those two sections to reduce the required percentages to one percent and three percent, respectively. The bill also amends other sections to similarly reduce the required percentages in light of the Vogler decision.

Of less significance, and more in the nature of a housekeeping amendment, the bill also amends the sections to refer to percentages of the number of "ballots" rather than the number of "votes" cast. While in a specific district the number of ballots cast will remain constant, the number of votes may vary from race to race or issue to issue. This amendment merely simplifies the computing of the number of signatures required.

In the Vogler litigation, the superior court declared AS 15.25.180(10) unconstitutional, and that ruling was not part of the supreme court argument or decision. That section deals with the requirements for petitions for the nomination of candidates for the general election. Paragraph (10) requires that subscribers to petitions state their intent to vote for the candidate at the general election. The bill repeals this section.

WORKING 110

STATE OF ALASKA
THE LEGISLATURE

FEB 22 1985

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 22, 1985

SUBJECT: Amendment to election laws of the state
(HB 110)

TO: Representative Katie Hurley

FROM: Richard A. Bradley B
Legislative Counsel

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 of the bill amends AS 15.05.030. The section deals with the implications for a voter convicted of a felony involving moral turpitude. Recall that the Alaska Constitution (Article V, sec. 2) provides that it is only the conviction of a felony involving moral turpitude that disenfranchises the voter; other convictions are not disabling and the voter may vote, even from prison. Sec. 30 now provides for an implicit suspension of voting rights on the conviction; the governor's bill would cancel the voting rights on conviction and permit the individual to reregister when the former voter is unconditionally discharged. I believe that the phrase "unconditionally discharged" is understood to mean released from parole or probation. This section should be read with sec. 2 of the bill.

Section 2 of the bill amends AS 15.07.135. It further implements the amendment in sec. 1. It relieves the director from the burden of making "reasonable efforts to obtain the names of persons unconditionally discharged from custody." When this section was last amended, it was

understood that the director would not have any difficulty learning about the discharge of prisoners released from the Alaska system but would have problems dealing with the incarceration of Alaskans in either Federal prisons or the prisons of other states. Since the approach of the proposal is to cancel on conviction and to permit reregistration on discharge, the burden is shifted somewhat. Now the director would only have to worry about the identity of voters convicted of a felony involving moral turpitude.

It should be understood that the very practical problem that the director has is in even knowing about the conviction; in the past it has only been the conscientious felon who called these problems to the attention of the voting judges or registrars. I confess that I do not wholly know what the burden should be on the director under the last sentence if the former felon presents papers indicating a release.

Section 3 of the bill amends AS 15.07.150. The amendments to the section reflect the changes made in secs. 1 and 2 of the bill and seem appropriate.

I note that the pronoun "he" appears in (b) of the section and it should be removed in any committee substitute; since the language in (b) is presently somewhat awkward, it could benefit from a rewriting.

Section 4 of the bill amends AS 15.10.180. It seems designed to permit the appointment of "teams" concerned with the state ballot counting review. It permits the director to determine the number of teams to be appointed and requires members to be from at least "two" political parties.

Section 5 of the bill amends AS 15.20.081(d). The amendments adds "registration official" to the list of those entitled to witness an absentee voter's signature.

Section 6 of the bill amends AS 15.20.207(b) by repealing paragraph (2). The provision repealed prevented an absentee voter's vote from being counted if an "official or the witnesses" attesting the voter's certificate fail in their duties, the unstated premise apparently being that if the voter does everything correctly, it is somehow unfair for someone else's fault to cause the voter to lose the right to vote.

Section 7 of the bill amends AS 15.20.440(a). It repeals the phrase providing for the compensation of "representatives" of a candidate in an election recount; it had provided that they would be paid the same pay as election judges. The apparent implication of the change is that "representatives" of a candidate would not earn compensation from the state and the result seems not unreasonable.

Section 8 of the bill adds a new AS 15.20.580. The section provides that the director shall supervise "punch-card voting procedures." The section refers back to AS 15.15.010 which itself seems to suggest that the new section is not necessary. It presents no problems.

Section 9 of the bill amends AS 15.25.050(a). The amendments to the section seem to achieve two goals. They provide that the candidate's filing fee is nonrefundable. The section also contained a derelict, of sorts, that suggested that, "subject to legislative appropriation," filing fees received would be paid to the central committees of the political parties. I believe that the legislature has never made such an appropriation and, as such, the deletion seems appropriate.

Section 10 of the bill amends AS 15.25.160. It reduces from three percent of the qualified voters of the state to one percent the number of signatures necessary on nominating petitions for candidates for governor, lieutenant governor, U.S. senator, and U.S. representative.

Section 11 of the bill amends AS 15.25.170. It reduced from three percent of the qualified voters of the appropriate election district to one percent the number of signatures necessary on nominating petitions for candidates for state senator or state representative.

Section 12 of the bill seeks to amend AS 15.25.240(a). The amendment fails because the section was repealed by ch. 2, SLA 1984; even apart from ch. 2, pre-existing law would have repealed the section July 1, 1985. The section should be deleted from the bill.

Section 13 of the bill amends AS 15.30.025(a). It reduced from three percent of the qualified voters of the state to one percent the number of signatures necessary on the request of a "limited political party" for the selection of

electors for President and Vice-President of the United States.

Section 14 of the bill amends AS 15.30.025(c). It provides that a limited political party ceases to exist when its candidate for the office of President receives less than three percent of the votes cast for President; existing law requires ten percent.

Section 15 of the bill amends AS 15.40.100. It reduces from three percent of the ballots cast in the preceding general election to one percent the number of signatures necessary on the "no party" nominating petitions for candidates for U.S. senator.

Section 16 of the bill amends AS 15.40.190. It reduced from three percent of the ballots cast in the preceding general election to one percent the number of signatures necessary on the "no party" nominating petitions for candidates for U.S. representative.

Section 17 of the bill amends AS 15.40.280. It reduced from three percent of the ballots cast in the preceding general election to one percent the number of signatures necessary on the "no party" nominating petitions for candidates for governor and lieutenant governor.

Section 18 of the bill amends AS 15.40.440. It reduced from three percent of the ballots cast in the preceding general election in the relevant election district to one percent the number of signatures necessary on the "no party" nominating petitions for candidates for the state senate and the state house of representatives. It eliminates the upper requirements of 200 signatures but not the lower requirements of 50 signatures now contained in the law.

Section 19 of the bill amends AS 15.60.010(20). The amendment deals with the section defining "political party." It lowers from ten percent of the ballots cast at the preceding election for governor to three percent of the ballots if the party is to continue to receive the status of a political party under the election code.

Section 20 of the bill repeals AS 15.25.180(10). The section now provides, in part:

Representative Katie Hurley
February 22, 1985
Page 5

Sec. 15.25.180. REQUIREMENTS FOR PETITION. The
petition shall state in substance

* * *

(10) that the subscribers intend to vote for the
candidate at the general election,

Section 21 of the bill establishes an immediate effective
date.

If I may be of further assistance, please advise.

RAB:ojb
J12/008

~~HOUSE STATE AFFAIRS~~
STANDING COMMITTEE
~~February 21, 1985~~
3:00 p.m.

Members Present: Representative Katie Hurley, Chair
Representative Mike Navarre, Vice-Chair
Representative Red Boucher
Representative Bette Cato
Representative Roger Jenkins

Members Absent: Representative Virginia Collin
Representative Mike M. Miller

COMMITTEE CALENDAR

HB 110 "An Act amending the election laws of the state; and providing for an effective date."

WITNESS REGISTER

Linda Edgeworth
Information Officer
Division of Elections
Pouch AF
Juneau, Alaska 99811
465-4611
Position Statement: Testified in favor of the legislation.

Rose Palmquist
Box 294
Wasilla, Alaska
376-6201
Position Statement: Provided suggestions for amendment.

Representative Uehling
Alaska State Legislature
Pouch V
Juneau, Alaska 99811
465-4821
Position Statement: Participated in committee discussion.

PREVIOUS ACTION

No previous action to record.

ACTION NARRATIVE

TAPE #21, SIDE ONE

Recording
Number 000

Representative Hurley brought the meeting to order at 3:00 p.m. Members absent were Representatives Boucher, Miller and Collins.

HB 110 was brought before committee for consideration.

Number 037

Representative Boucher arrived at 3:05 p.m.

Number 047

Rose Palmquist presented a brief statement in favor of the bill. She suggested that it include a provision to correlate local elections requirements and statute requirements for state elections especially in the area of party representation on election boards. She also voiced concern about machine voting and pointed out that it has not sped up public knowledge of election outcomes. She recommended that pollwatching be open to party members, voters and students.

Number 209

Linda Edgeworth, Information Officer, for the Division of Elections presented an extensive sectional analysis of HB 110. Copies are available in the committee bill file.

Number 445

Representative Navarre expressed concern over the criteria for payment in an election recount.

Number 490

Representative Boucher expressed his support for absentee deadline on election dates.

Number 513

Representative Hurley stated that she had several absentee ballot issues she wanted to see addressed. Committee discussion on absentee voting.

CHANGE TAPE #24, SIDE TWO

Number 000

Edgeworth continued presenting a sectional analysis of the bill.

Number 129

Committee discussion on the number of observers required for an election recount.

Number 376

Representative Hurley after Linda Edgeworth's presentation that HB 110 would probably be taken up the week after next.

Number 381

Representative Boucher stated that the

office of elections should be isolated from
the political process.

Number 435

Meeting adjourned at 4:20 p.m.

walkers / 110

possible legislation
by KATIE

WORK DRAFT

WORK DRAFT

discussed
w/ Bacher

WORK DRAFT

F-note

ack →

14-0163
Bradley/
Dierdorff
12/28/84 ✓

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IN THE HOUSE

BY HURLEY

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to absentee ballots."

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

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

(e) An absentee ballot must be marked and attested on or before the date of the election. A [IF THE] voter who returns the ballot by mail [, HE] shall use the most expeditious mail service and mail the ballot not later than the day of the election to the election supervisor in the voter's [HIS] election district. If the voter returns the ballot by mail [BALLOT IS POSTMARKED], it must be postmarked on or before election day.

Chapter 20. Special Procedures for Elections.

Article

1. Absentee Voting (§ 15.20.081)

Article 1. Absentee Voting.

Section

§1. Absentee voting by mail

Sec. 15.20.081. Absentee voting by mail. (a) A qualified voter may apply by mail to the director for an absentee ballot. The application shall include the address to which the absentee ballot is to be returned, the applicant's full Alaska residence address, and the applicant's signature. Persons residing outside the United States and applying to vote absentee in federal elections in accordance with AS 15.05.011 need not include an Alaska residence address in the application.

(b) An application for an absentee ballot by mail must be postmarked not more than six months nor less than seven days before the election for which the absentee ballot is sought.

(c) After receipt of an application by mail, the director shall send the absentee ballot and other absentee voting material to the applicant by the most expeditious mail service. The material shall be sent as soon as they are ready for distribution. The return envelope sent with the materials shall be addressed to the election supervisor in the district in which the voter is a resident.

(d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary public, commissioned officer of the armed forces including the National Guard, district judge or magistrate, United States postal official, or other person qualified to administer oaths, may proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the back of the larger envelope in the presence of an official listed in this subsection who shall sign as attesting official and shall date the signature. If none of the officials listed in this subsection is reasonably accessible, an absentee voter shall have the ballot witnessed by two persons over the age of 18 years and, in addition, shall provide the certification prescribed in AS 09.63.020.

(e) An absentee ballot must be marked and attested on or before the date of the election. If the voter returns the ballot by mail, he shall use the most expeditious mail service and mail the ballot not later than the day of the election to the election supervisor in his election district. If the ballot is postmarked, it must be postmarked on or before election day.

(f) The director may require a voter casting an absentee ballot by mail to provide proof of identification or other information to aid in the establishment of his identity as prescribed by regulations adopted under the Administrative Procedure Act (AS 44.62).

(g) The director whom an absentee on which the ballot received by the election was executed and (SLA 1984)

Effect of amendment, effective

Chapter

Article

3. Presidential Party

Sec. 15.25.030

Applied in Vogler Op. No. 2562 (File No. 1982).

Sec. 15.25.05

Cited in Vogler v. No. 2639 (File No. 1983).

Sec. 15.25.10 ballot.

Quoted in Vogler No. 2639 (File No. 1983).

Sec. 15.25.11

Applied in Vogler Op. No. 2562 (File No. 1982).

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

PHONE: (907) 586-6181

February 27, 1985

The Honorable Red Boucher
Alaska State House of Representatives
Pouch V
Juneau, AK 99811


Dear Representative Boucher:

As requested by Linda Hangar of your staff, I am providing a list of a few issues which you may want to consider in reviewing the statutory provisions for absentee voting in Alaska.

1. Deadlines for receipt of absentee by mail ballots.
 - a. If a more restrictive deadline is considered, allowances should be made for overseas and military voters, pursuant to recent court cases regarding this issue.
2. Deadlines for applications for absentee by mail ballots. The 7 day provision makes processing and turnaround time unrealistic.
3. Number of witnesses signatures required on absentee by mail return envelopes. It might be more meaningful to have a single witness requirement but also require that individual to include a contact address. A name by itself makes any attempt at verification impossible.
4. Payment of postage on return envelopes.

I hope this input will be helpful to you and your staff. If we can be of any assistance, please do not hesitate to call.

Sincerely,


Sherry Valentine
Deputy Director

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

PHONE: (907) 586-6181

March 8, 1984

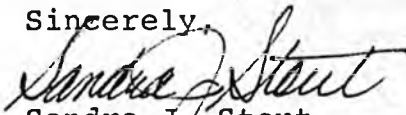
The Honorable Katie Hurley, Chairperson
House State Affairs Committee
Alaska State House of Representatives
Pouch V
Juneau, AK 99811

Dear Representative Hurley:

Enclosed for your review is suggested language regarding a change in the statutory deadline for receipt of absentee ballots voted by mail. While we have attempted to address the various sections of Title 15 which would be impacted by such a change, the language we have submitted has not been reviewed by the Department of Law. We have assumed that upon your review of our suggestions, any amendment which may result will be revised and finalized by a legislative attorney.

We are most appreciative of the interest expressed by you and members of your committee in the election process, and look forward to working with you. Should you or your staff require additional information or clarification, please feel free to contact me.

Sincerely,


Sandra J. Stout
Director

Enclosure

SUGGESTED STATUTORY LANGUAGE
AMENDING ABSENTEE VOTING BY MAIL DEADLINES

Prepared by
Division of Elections
March 8, 1985

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

Section 1. AS 15.20.081(e) is amended to read:

(e) An absentee ballot must be marked and attested on or before the date of the election. (IF THE VOTER RETURNS THE BALLOT BY MAIL, HE SHALL USE THE MOST EXPEDITIOUS MAIL SERVICE AND MAIL THE BALLOT NOT LATER THAN THE DAY OF THE ELECTION TO THE ELECTION SUPERVISOR IN HIS ELECTION DISTRICT.) The absentee voter may return the marked ballot by any appropriate means. Except as otherwise provided in AS 15.20.081(h), the ballot must be received by the election supervisor for the election district in which the voter seeks to vote, not later than 8:00 p.m. on the day of the election. (IF THE BALLOT IS POSTMARKED, IT MUST BE POSTMARKED ON OR BEFORE ELECTION DAY.)

Section 2. AS 15.20.081 is amended by adding a new subsection to read:

(h) Absentee ballots returned by mail from outside the United States, or from any military APO or FPO address, which have been marked and attested, and mailed not later than election day, must be received by the election supervisor not later than 4:00 p.m. on the 10th day following the election.

Section 3. AS 15.20.201 is amended to read:

(a) On the seventh day preceding the day of the election, the election supervisor or his designee, in the presence and with the assistance of the district absentee ballot counting board, shall review all voter certificates of absentee ballots received by that date. The review of absentee ballots shall continue at times designated by the election supervisor until completed (AND SHALL INCLUDE ALL ABSENTEE BALLOTS RECEIVED IN THE OFFICE OF THE ELECTION SUPERVISOR BY 4:00 P.M. ON THE SEVENTH DAY FOLLOWING THE ELECTION).

(c) On the (EIGHTH) tenth day following the day of the election, the district absentee ballot counting board shall certify the absentee ballot review.

(d) is repealed.

Section 4. AS 15.20.480 is amended to read:

Sec. 15.20.480. PROCEDURE FOR RECOUNT. In conducting the recount, the director or his or her appointed representative shall review all ballots whether the ballots were counted at the precinct or by computer or by the district absentee counting board or the questioned ballot counting board to determine which ballots, or part of ballots, were properly marked and which ballots are to be counted in the recount, and shall check the accuracy of the original count, the precinct certificate and the review. The director shall check the number of ballots and questioned ballots cast in a precinct against the registers and shall check absentee ballots voted against absentee ballots distributed. (THE DIRECTOR SHALL COUNT ABSENTEE BALLOTS RECEIVED AFTER 4:00 P.M. ON THE 15TH DAY FOLLOWING THE ELECTION AND BEFORE THE COMPLETION OF THE RECOUNT.) For administrative purposes, the director may join and include two or more applications in a single review and count of votes. The rules in AS 15.15.360 governing the counting of hand-marked ballots and the rules in AS 15.20.730 governing the counting of punch-card ballots shall be followed in the

recount. The ballots and other election materials shall remain in the custody of the director during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within 10 days. The director may employ additional personnel necessary to assist in the recount. (ss 4.76 ch 83 SLA 1960; am ss 98 ch 100 SLA 1980)

Introduced: 1/25/85
Referred: State Affairs,
Judiciary and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2

HOUSE BILL NO. 110

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act amending the election laws of the state; and
7 providing for an effective date."

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

9 * Section 1. AS 15.05.030 is amended to read:

10 Sec. 15.05.030. LOSS AND RESTORATION OF VOTING RIGHTS. (a) A
11 person convicted of a crime that constitutes a felony involving moral
12 turpitude under state law may not vote in a state or a municipal
13 election from the date of the conviction through the date of the
14 [RESTORATION OF VOTING RIGHTS UNDER THIS SECTION. THE RIGHT TO VOTE
15 WITHDRAWN UNDER THIS SECTION IS AUTOMATICALLY RESTORED UPON THE]
16 unconditional discharge of the person. Upon the unconditional dis-
17 charge, the person may register under AS 15.07.

18 (b) The commissioner of corrections shall establish procedures
19 by which a person unconditionally discharged is advised of the voter
20 registration requirements and procedures [RESTORATION OF VOTING RIGHTS
21 WITHDRAWN BY A CONVICTION].

22 * Sec. 2. AS 15.07.135 is amended to read:

23 Sec. 15.07.135. CANCELLATION [SUSPENSION] OF REGISTRATION OF
24 CONVICTED PERSONS. The director shall make reasonable efforts to ob-
25 tain the names of persons convicted of a felony involving moral turpi-
26 tude. [THE DIRECTOR SHALL ALSO MAKE REASONABLE EFFORTS TO OBTAIN THE
27 NAMES OF PERSONS UNCONDITIONALLY DISCHARGED FROM CUSTODY.] The direc-
28 tor shall cancel [SUSPEND] the registration of a person convicted of a
29 felony involving moral turpitude. Upon presenting proof that [UNTIL]

1 the person is unconditionally discharged from custody, the person may
2 register. The director must make reasonable efforts to verify the
3 unconditional discharge of persons applying for registration under
4 this section.

5 * Sec. 3. AS 15.07.160 is amended to read:

6 Sec. 15.07.160. UNLAWFUL ACTION. (a) Except as provided in
7 AS 15.07.135, it [IT] is unlawful for a registration official to re-
8 fuse to register a person who is qualified to vote under provisions of
9 AS 15.05.010(1) -- (4).

10 (b) It is unlawful for a person to register who knows he is not
11 qualified to vote under provisions of AS 15.05.010(1) -- (4) or 15.-
12 05.030.

13 (c) [Repealed by sec. 231, ch. 100, SLA 1980.]

14 * Sec. 4. AS 15.10.180 is amended to read:

15 Sec. 15.10.180. APPOINTMENT OF PARTY REPRESENTATIVE FOR STATE
16 BALLOT COUNTING REVIEW. The director shall app int [TWO] persons from
17 each political party to serve on teams to participate in the state
18 ballot counting review. The director may determine the number of
19 teams to be appointed; however, each team must have members from a
20 least two political parties. Each person who is appointed and serves
21 is entitled to compensation as provided in AS 15.15.380. Each politi-
22 cal party may present to the director a list of three or more names
23 from which the director shall select the persons to represent the
24 party. The list of names may be submitted in writing at least 30 days
25 before the date of the election. The persons to represent the party
26 on the state ballot counting review board may be selected by the state
27 party central committee or in any other manner prescribed by the
28 bylaws of the party. The list of names must [SHALL] be certified by
29 the chairman of the state central committee of the party or by the

1 person authorized by the party bylaws to act in the absence of the
2 chairman.

3 * Sec. 5. AS 15.20.081(d) is amended to read:

4 (d) Upon receipt of an absentee ballot by mail, the voter, in
5 the presence of a notary public, commissioned officer of the armed
6 forces including the National Guard, district judge or magistrate,
7 United States postal official, registration official, or other person
8 qualified to administer oaths, may proceed to mark the ballot in
9 secret, to place the ballot in the small envelope, to place the small
10 envelope in the larger envelope, and to sign the voter's certificate
11 on the back of the larger envelope in the presence of an official
12 listed in this subsection who shall sign as attesting official and
13 shall date the signature. If none of the officials listed in this
14 subsection is reasonably accessible, an absentee voter shall have the
15 ballot witnessed by two persons over the age of 18 years and, in
16 addition, shall provide the certification prescribed in AS 09.63.020.

who is that

17 * Sec. 6. AS 15.20.207(b) is amended to read:

18 (b) A questioned ballot may not be counted if

19 (1) the voter has failed to properly execute the certifi-
20 cate; or

21 (2) [AN OFFICIAL OR THE WITNESSES AUTHORIZED BY LAW TO
22 ATTEST THE VOTER'S CERTIFICATE FAIL TO EXECUTE THE CERTIFICATE; OR]

23 (3) the voter did not enclose the marked ballot inside the
24 small envelope.

25 * Sec. 7. AS 15.20.440(a) is amended to read:

26 (a) The application shall state in substance the basis of the
27 belief that a mistake has been made, the particular election precinct
28 or election district for which the recount is to be held, the particu-
29 lar office, proposition, or question for which the recount is to be

*Not a good
argument.
Can delete
this section.
See Letter*

1 held, and that the person making the application is a candidate or
2 that the 10 persons making the application are qualified voters. The
3 candidate or persons making the application shall designate by full
4 name and mailing address two persons who shall represent the applicant
5 and be present and assist during the recount. Any person may be named
6 representative, including the candidate himself or any person signing
7 the application[, AND THE REPRESENTATIVES SHALL BE PAID IN THE SAME
8 AMOUNT AND MANNER AS ELECTION JUDGES]. Applications by 10 qualified
9 voters must [SHALL] also include the designation of one of the number
10 as chairman. The candidate or persons making the application shall
11 sign the application and shall print or type their full name and
12 mailing address.

13 * Sec. 8. AS 15.20 is amended by adding a new section to Article 5 to
14 read:

15 Sec. 15.20.580. SUPERVISION OF PUNCH-CARD VOTING. In accordance
16 with AS 15.15.010, the director shall supervise punch-card voting
17 procedures and the counting of punch card ballots.

18 Sec. 9. AS 15.25.050(a) is amended to read:

19 (a) At the time the declaration is filed, each candidate shall
20 pay a nonrefundable filing fee to the director. The filing fee for
21 candidates for office of governor, lieutenant governor, United States
22 senator, and United States representative is \$100. The filing fee for
23 candidates for office of state senator and state representative is
24 \$30. [SUBJECT TO LEGISLATIVE APPROPRIATION, THE DIRECTOR SHALL PAY
25 THE FILING FEE COLLECTED FROM A CANDIDATE UNDER THIS SECTION TO THE
26 CENTRAL COMMITTEE OF THE POLITICAL PARTY OF THAT CANDIDATE.]

27 * Sec. 10. AS 15.25.160 is amended to read:

28 Sec. 15.25.160. REQUIRED NUMBER OF SIGNATURES FOR STATEWIDE
29 OFFICE. Petitions for the nomination of candidates for the office of

1 governor, lieutenant governor, United States senator and United States
2 representative must [SHALL] be signed by qualified voters of the state
3 equal in number to at least one [THREE] percent of the number of
4 ballots [VOTES] cast in the preceding general election. Candidates
5 for the office of governor and lieutenant governor shall file jointly.

6 * Sec. 11. AS 15.25.170 is amended to read:

7 Sec. 15.25.170. REQUIRED NUMBER OF SIGNATURES FOR DISTRICT-WIDE
8 OFFICE. Petitions for the nomination of candidates for the office of
9 state senator or state representative must [SHALL] be signed by qual-
10 ified voters of the election or senate district in which the proposed
11 nominee desires to be a candidate equal in number to at least one
12 [THREE] percent of the number of ballots [VOTES] cast in the proposed
13 nominee's [HIS] respective election or senate district in the preced-
14 ing general election. However, [PROVIDED THAT] no nominating petition
15 [NEED CONTAIN MORE THAN 200 SIGNATURES NOR] may [IT] contain less than
16 50 signatures for any district.

17 * Sec. 12. AS 15.25.240(a) is amended to read:

18 (a) Supporters of a candidate for nomination for President of
19 the United States may file a petition to have the name of the candi-
20 date of their choice on the ballot. A petition under this section
21 must be filed by the last Tuesday in February of a presidential elec-
22 tion year and must contain the signatures of qualified voters residing
23 in no less than two-thirds of the election districts of the state
24 equal in number to three [FIVE] percent of the number of ballots
25 [VOTES] cast [FOR THE CANDIDATES FOR GOVERNOR] in the preceding elec-
26 tion for governor. A petition under this section must [SHALL] include
27 (1) the full name of the candidate; (2) the name of the political
28 group supporting the candidate; (3) the name of the political party in
29 which the candidate is registered; (4) a statement that the

From 3/11
to 1/11

1 subscribers are qualified voters of the state; and (5) a statement
2 that the subscribers request that the candidate's name be placed on
3 the ballot. The signature sheets must [SHALL] also contain the print-
4 ed name and residence address of each qualified voter whose signature
5 appears on the petition.

6 * Sec. 13. AS 15.30.025(a) is amended to read:

7 (a) A limited political party may be organized for the purpose
8 of selecting candidates for electors of President and Vice President
9 of the United States by filing [A PETITION] with the director at least
10 90 days before a presidential general election a petition signed by
11 qualified voters of this state equaling in number at least one [THREE]
12 percent of Alaska's total vote for President at the last presidential
13 election. The petition must [SHALL] state that the signers intend to
14 organize a limited political party, that they intend to select candi-
15 dates for electors of President and Vice President of the United
16 States at the next succeeding presidential election, and the name of
17 the limited political party.

18 * Sec. 14. AS 15.30.025(c) is amended to read:

19 (c) A limited political party organized under this section
20 ceases [SHALL CEASE] to be a limited political party if [WHENEVER] its
21 presidential candidate fails to receive at least three [10] percent of
22 the total Alaskan vote cast for the office of President at a presiden-
23 tial election.

24 * Sec. 15. AS 15.40.100 is amended to read:

25 Sec. 15.40.100. REQUIREMENTS OF PETITION FOR NO-PARTY CANDI-
26 DATES. Petitions for the nomination of candidates not representing a
27 political party must [SHALL] be signed by qualified voters of the
28 state equal in number to at least one [THREE] percent of the number
29 [NUMBERS] of ballots [VOTES] cast in the preceding general election,

1 and must [SHALL] state in substance that which is required in peti-
2 tions for nomination for general elections provided in AS 15.25.180.

3 * Sec. 16. AS 15.40.190 is amended to read:

4 Sec. 15.40.190. REQUIREMENTS OF PETITION FOR [OF] NO-PARTY
5 CANDIDATES. Petitions for the nomination of candidates not represent-
6 ing a political party must [SHALL] be signed by qualified voters of
7 the state equal in number to at least one [THREE] percent of the
8 number of ballots [VOTES] cast in the preceding general election and
9 must [SHALL] state in substance that which is required for nomination
10 petitions by AS 15.25.180.

11 * Sec. 17. AS 15.40.280 is amended to read:

12 Sec. 15.40.280. REQUIREMENTS OF PETITION FOR [OF] NO-PARTY
13 CANDIDATES. Petitions for the nomination of candidates not represent-
14 ing a political party must [SHALL] be signed by qualified voters of
15 the state equal in number to at least one [THREE] percent of the
16 number of ballots [VOTES] cast in the preceding general election, must
17 [SHALL] include nominees for the office of governor and lieutenant
18 governor, and must [SHALL] state in substance that which is required
19 for nomination petitions by AS 15.25.180.

20 * Sec. 18. AS 15.40.440 is amended to read:

21 Sec. 15.40.440. REQUIREMENTS OF PETITION FOR NO-PARTY CANDI-
22 DATES. Petitions for the nomination of candidates not representing a
23 political party must [SHALL] be signed by qualified voters equal in
24 number to at least one [THREE] percent of the number of ballots
25 [VOTES] cast in the proposed nominee's [HIS] respective election or
26 senate district in the preceding general election. However, [PROVIDED
27 THAT] no nominating petition [NEED CONTAIN MORE THAN 200 SIGNATURES
28 NOR] may [IT] contain less than 50 signatures for any district, and
29 must [SHALL] state in substance that which is required in petitions

1 for nomination for general elections provided in AS 15.25.180.

2 * Sec. 19. AS 15.60.010(20) is amended to read:

3 (20) "political party" means an organized [A] group of
4 [ORGANIZED] voters that [WHICH] represents a political program and
5 that [WHICH] nominated a candidate for governor who received at least
6 three [10] percent of the total ballots [VOTE] cast at the preceding
7 general election for governor;

8 * Sec. 20. AS 15.25.180(10) is repealed.

9 * Sec. 21. This Act takes effect immediately in accordance with AS 01.-
10 10.070(c).

League of Women Voters of Alaska

February 19, 1985

Representative Katie Hurley
Chair
House State Affairs Committee
Juneau, Alaska

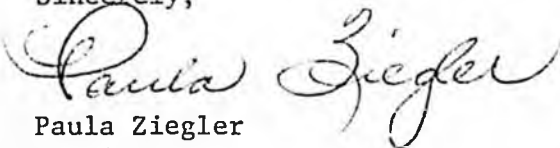
Dear Representative Hurley:

The League of Women Voters of Alaska supports the provisions in HB 110, making miscellaneous changes to the state's election laws.

It is our understanding that additional consideration may be given by your committee to absentee voting provisions. As a matter of principle, the League is strongly committed to making voting as easy as possible; however, we realize the potential for fraud can also exist, and we support efforts to tighten up the absentee voting procedures, as long as they do not appear to put an undue burden on a potential voter.

A letter written to the League this summer regarding a special class of absentee voters is enclosed. We had indicated to Ms. Shears that the League would do what we could to bring the problem she discusses to the attention of the appropriate policymakers. If HB 110 is going to be a vehicle for changes in the absentee voting mechanisms, we would appreciate your considering a solution to the problem she describes.

Sincerely,



Paula Ziegler
President
127 N. Franklin Street #909
Juneau, Alaska 99801

enc.