

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2


3685 HSTA HB 272 - HB 301

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Signature of Camera Operator


Date

HB

272

working/272

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
Bill/resolution No.: HB 272
Title: An act relating to
absentee voting
Sponsor: Sund
Requestor: Sund
Date of Request: 3-11-85

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FI 83	FI 84	FI 85	FI 86	FI 87	FI 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		1.5	0	1.8	0	2.2
300 CONTRACTUAL		6.6	165.6	8.0	200.4	9.7
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	8.1	165.6	9.8	200.4	11.9
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FI 83	FI 84	FI 85	FI 86	FI 87	FI 88
GENERAL FUND	0	8.1	165.6	9.8	200.4	11.9
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

	FI 83	FI 84	FI 85	FI 86	FI 87	FI 88
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

SEE ATTACHED SHEET.

Prepared By: Linda Edwards
Division: Division of Elections

Phone: 465-4011
Date: 3/12/85

Approved by Commissioner: Sandra Stout
Agency: Division of Elections
Office of St. Governor

Date: 3/12/85

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

Fiscal Note Analysis
HB 272
Division of Elections
March 12, 1985

At present, staffing and space acquisition for absentee voting stations prior to major elections is handled on what is primarily a volunteer basis. Mandating by statute the number of days and hours during which an absentee voting station will operate, requires a formalization of the recruitment and space acquisition process by which the state will implement this program. This fiscal note assumes the maximum costs if the conversion to a mandated standard precludes our options for relying on current volunteer outlets.

There are approximately 35 communities which would be impacted by this legislation during odd numbered fiscal years during which statewide primary and general elections would occur. Costs identified in these years include:

Space Rental	35 sites at \$30/day x 14 days x 2 elections
Station Workers	70 (2/site) at \$8/hour x 8 hours x 14 days x 2 elections
Misc. Admin.	35 sites @ \$50 (Misc. telephone/postage etc.) x 2 elections

In addition, every year an average of 3 special elections can be expected, each of which would involve 1 site. Travel and training costs which would already be covered in current operating budgets for general elections years, are specified in this fiscal note for those years in which no general elections is scheduled.

An inflationary factor of 10% is included each year.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

PHONE: (907) 586-6181

Statewide Statistical Average Relating to Absentee In Person Voting

What follows is a description of the formula used to determine an overall general average of In Person Voting that can be expected in Alaska for a community of 1000 residents. This formula does not represent a statistically perfect analysis but based on some limited data which is available can be used to provide a general overview.

Population	1000	
Eligible to Register	x .675	-----
Potential Voters		675
% Actually Registered	x .88	-----
Registered Voters		594
% Actually Voting	x .70	-----
Ballots Cast		415.8
% Ballots Cast by Absentee	x .12	-----
++ Absentee Ballots Cast		49.89

** Of the total ballots cast, 12% are cast by absentee, with 6.3% being cast by mail, and 5.7% being cast in person.

++	Absentee Ballots Cast	49.89
	% Cast in person	x .057
	TOTAL BALLOTS CAST IN PERSON	----- 23.69

ABSENTEE VOTING BY COMMUNITY

	<u>Total Ballots</u>	<u># of Absentee</u>	<u>By Mail</u>	<u>In Person</u>
Ketchikan	3,090	370	194	176
Kodiak	2,032	244	128	116
Sitka	1,802	216	108	108
Bethel	1,302	156	82	74
Delta Junction	375	45	24	21
Homer	1,280	154	81	73
Kotzebue	736	88	46	42
Palmer	378	45	24	21
Soldotna	1,271	152	80	72
Cordova	670	80	42	38
Juneau	13,265	1,997	836	1,161
Valdez	1,289	155	81	74
Dillingham	636	76	40	36
Kenai	1,937	232	122	110

Alaska State Legislature



House of Representatives

REPRESENTATIVE
JOHN L. SUND

Box 8440
KETCHIKAN, ALASKA 99901
(907) 225-5552

WHALE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4919

CHAIR, HOUSE SPECIAL COMMITTEE ON LOANS
VICE-CHAIR, JUDICIARY COMMITTEE
MEMBER, SPECIAL COMMITTEE ON OIL AND GAS
MEMBER, RESOURCES COMMITTEE

3/12/85

MEMORANDUM

FROM: Representative John Sund
TO: State Affairs Committee

RE: HB 272 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 bill 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.

It wouldn't be cost efficient to extend the voting hours in all of Alaska's small communities, so this bill makes provisions only for those cities with 1,000 residents.

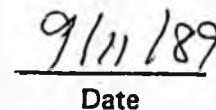
The majority of absentee voting in this state is being efficiently coordinated by city clerks, and complaints are usually directed toward those cities that handle it differently. It is for these exceptions that this legislation is directed.



RECORDS CERTIFICATION

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Signature of Camera Operator


Date

HPB

2084

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9374

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."

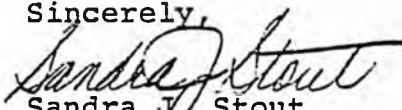
Dear Representative Hurley:

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 seq, which provides that voting and other election materials may be mailed from any Armed Forces post office in an overseas area, unless otherwise prohibited by a treaty or other agreement, free of postage. It stipulates that such ballots may be segregated from other forms of mail and placed in special bags marked with special tags printed and distributed by the Postmaster General for this purpose.

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

Potential Impact of Voter Paid Postage on Ballot Return Rate

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

indicate that this has not been detrimental.

While the Federal Election Commission reports that there are no solid figures recorded on the nationwide level, direct contact with western states does give us some information. Washington and Oregon for example, required voter paid postage. Each of them reports to us, however, an 85% to 90% return rate on absentee by mail ballots. California, on the other hand, prepays the postage. However in Los Angeles County, which they feel is representative of the state, they experienced a 35% return rate. It should be noted that about one month before the election, California sends each registered voter an application for an absentee ballot. Because of this mass mailing, their numbers of 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.

STATE OF ALASKA

DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

OFFICE OF THE GOVERNOR

PHONE: (907) 586-6181

Position Paper
House Bill 284
Prepared by
Division of Elections
April 8, 1985

The Division of Elections has reviewed House Bill 284, "An Act relating to elections," and supports the bill in its entirety.

The first substantive amendment proposed by this bill under Sec. 15.20.030, (Page 1, lines 23-25) eliminates pre-paid postage on absentee ballots returned to the division by mail. Rather, the amended language calls for the voter paying the postage on his or her return ballot.

We have researched the potential impact of such a change and have concluded that we could anticipate no negative affect.

Our research through personal contacts with several other states, and with the Federal Election Commission indicates that with very few exceptions the majority of states require the voters to pay their own postage. We were particularly interested in evaluating what affect such a measure would have on the return rate of absentee ballots if the voter paid postage. Based on the 1984 General Election, Alaska experienced an average 73% return rate of voted ballots from those individuals who originally applied. We were concerned that this rate might be lower if the postage was not pre-paid. We found, however, that in Oregon and Washington where voters pay their own postage, they experienced an 85% - 90% return rate. Conversely, in California where postage is pre-paid, they had a 39% return. It appears that the return rate is more seriously impacted by other considerations, and that postage in and of itself, has little or no impact.

By having the voter pay his or her own postage, the state could anticipate saving up to \$9,000.00 in major election years. We therefore support this change.

The next substantive amendment suggested by this bill, relates to AS 15.20.081 (d) (Page 2, lines 9 - 10) and calls for reducing the number of witnessing signatures on the voter's oath and affidavit envelope from two, to one.

It further requires the single witness to provide a full address where he or she can be contacted. We endorse this changes for several reasons.

- 1) Lack of proper witnessing under the current statutes is one of the most commonly enforced rules for challenging an individual's vote. Because of the current statute, a ballot that in all other ways is properly cast, is rejected if it isn't witnessed by an official authorized to administer an oath, or by 2 witnesses.
- 2) Requiring 2 witnesses puts an undue burden on remote voters who often have no access to such an official and are therefore required to get 2 witnessing signatures. In Alaska we have many people who live in such isolated conditions that often the only witness they have access to is the bush pilot who brings them their supplies and their mail. We have had several inquiries from such individuals who feel they are disenfranchised because of this requirement.
- 3) It is our understanding that the reason to require 2 signatures was to provide an extra layer of assurance that the voter voting the ballot is indeed eligible and properly identified. Right now, we require 2 signatures, but no other information from the witness. If we had reason to research the individual's identity, we would have virtually no way of doing so. With the addition of a full address, we feel the assurances we initially sought, are more readily available because there would be a way to track the individual who served as a witness.

Perhaps the most critical change to current law proposed by this bill, is that regarding AS 15.20.081(e) (Page 2, lines 14 - 18), requiring that absentee ballots cast by mail be received no later than 8:00 p.m. on Election Day in order to be counted. Our research in this area confirms that this requirement is indeed reasonable and feasible, and that the Election Day deadline is mandated in almost every other state. Alaska's current extended deadline is a rare exception.

One consideration deserving our attention was whether or not the lateness of our Primary, delaying the availability of general election ballots, would cause a severe handicap to voters voting by mail if we required an election day deadline for receipt. We found that virtually all states send out their ballots in relatively the same time period, regardless of the date of their Primary, specifically 3 to 4 weeks prior to the election. Such a state is Oregon, and even with the Election Day deadline, they enjoy a 90% return rate of ballots meeting the tight deadline.

It would be difficult to say how our 73% return would be impacted if the deadline were changed, however, a cursory estimate from our regional supervisors indicates that 80% - 85% of all absentee by mail ballots received, did arrive by Election Day. In Anchorage that percentage seems to be slightly lower. Of those ballots received after Election Day, there is no way to anticipate with accuracy how many were sent later specifically because of the extended deadline, or how many would have been mailed earlier if the Election Day deadline had been in effect.

We feel that the added section AS 15.20.081 (h) (Page 2, lines 24 - 28) protect the primary sector upon whom the tightening of the deadline would have the greatest effect, military and overseas voters. This section provides an extended deadline specifically for these individuals. Many states with the Election Day deadline are now adding such provisions to their statutes.

The advantages of the deadline changes called for in this bill, with the extension provided for by (h), are two.

- 1) At the moment, all absentee ballots may be accepted up to 15 days after the election. Concern has been expressed that since current statutes mandate, that "if the ballot is postmarked, it must be postmarked on or before election day", there is a potential for fraudulent or unethical use of the system. Specifically, since this part of the statute requires the election day stamp if the ballot is postmarked, but does not require it on all 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, these ballots cast after the election, but received within the 15 day period, could be included in the totals. In close races, these late votes could impact the outcome.

Our research show that requiring a postmark on all ballots is not feasible because of irregularities in the postal systems worldwide. We feel because of these irregularities, many voters could find their votes challenged through no fault of their own, if a postmark didn't appear.

It is our opinion that an Election day deadline could limit the potential for fraud, and would address these concerns.


- 2) Finally, an election day deadline would enhance the faster announcement of election results. The two week deadline while we await receipt of the final absentee ballots would be greatly minimized. Candidates, particularly in close races, would know the outcome more quickly as certification of election results could be completed many days sooner.

Amendments to AS 15.20.201 (a) and (c) merely make appropriate changes in the counting schedule pursuant to the change in the deadline for receipt of voted ballots.

With regard to amendments in the fees payable to the state for recounts, the division supports the changes. The estimated costs for conducting a recount for a single district is approximately \$1,700.00. The current fee of \$250.00 for recounts in races outside the margin allowing for a recount free of charge, obviously does not begin to cover the expenses.

Finally, the bill seeks to amend AS 15.20.480 (Page 4, lines 19 - 21) by eliminating the inclusion of absentee ballots received after the 15 day deadline, in recount totals. We agree with the intent of this

provision, because the introduction of these very late ballots, adds new data to the materials being recounted. Therefore, we may change the original totals automatically by introducing new ballots that have not been counted before. Such additions may be inappropriate if the purpose of the recount is to verify the accuracy of the original count.

A handwritten signature in cursive script, reading "Sandra J. Stout", is written over a horizontal line.

Sandra J. Stout
Director

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 284
 Title: An Act relating to
elections
 Sponsor: Rep. Boucher
 Requestor: House State Affairs
 Date of Request: 3/29/85

FISCAL DETAIL

Agency Affected: Office of the Governor
 Program Category Affected: _____
Division of Elections
 BRU, Program or Subprogram(s) Affected: _____
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						
400 SUPPLIES		-0-	(9.5)	-0-	(10.5)	-0-
500 EQUIPMENT						
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	(9.5)	-0-	(10.5)	-0-

CAPITAL						
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REVENUE			(9.5)		(10.5)	
---------	--	--	-------	--	--------	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The negative costs reflected in this fiscal note reflect the estimated savings to the state if postage on absentee by mail ballots were paid by the voter rather than prepaid by the state. There is a 10% increase included for FY89 to cover the increase expected in the number of absentee voters in the 1988 Election.

Prepared By: Linda Edgeworth Phone: 465-4611
 Division: Elections Date: 4/8/85

Approved by Commissioner: *Linda Stout* Date: 4/8/85
 Agency: Office of the Governor

Distribution (by Agency preparing fiscal note):

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

7/1/84

HOUSE BILL 284

Fiscal Note

Page 2

Special note should be made that the bill also would result in increased fees paid to the state for recounts of election returns. Those fees do not impact the division's operating budget and therefore are not indicated on the face of this fiscal note. However, additional monies deposited to the general fund would be substantially increased. A comparison is provided noting the increase.

	<u>Current Statutes</u>	<u>HB 284</u>
Primary Election Recounts	3 @ \$250 = \$750	3 @ \$1500 = \$4,500
General Election Recounts	5 @ \$250 = \$1,250	5 @ \$1500 = \$7,500
TOTAL FEES TO GENERAL FUND	\$2,000	\$12,000

In fiscal years FY87 and FY89, based on these assumed number of recounts the net increase benefitting the state would be \$10,000 each year.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 1, 1985

SUBJECT: Elections (HB 284)
TO: Representative Red Boucher
FROM: Richard A. Bradley
Legislative Counsel *B*

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 15.20.030, a section relating to the preparation by the director of ballots, envelopes, and other election material. The only substantive change to the section occurs in the addition of the last sentence: "The larger envelope used for the return of the absentee ballot by the voter shall require the voter to apply any required postage." The larger envelope is, of course, the outer envelope.

Section 2 of the bill amends AS 15.20.081(d). The subsection is concerned with the procedures used by the voter to vote an absentee ballot. The only substantive changes involve the change of the requirement of two witnesses to one witness and the added requirement that the witness provide a full address.

Section 3 of the bill amends AS 15.20.081(e). The section is concerned with a requirement that the absentee ballot be marked and attested to by the date of the election. The amendment repeals the existing requirement that the ballot be mailed not later than election day and that, if the ballot

is postmarked, it be postmarked on election day. The amendment adds the requirement that the ballot be returned to the election supervisor not later than 8:00 p.m. on the day of the election.

Section 4 of the bill add a new subsection to AS 15.20.081. New subsection (h) permits absentee ballots returned by mail from outside the United States or from an AFO or FPO address that were marked and attested not later than election day to be counted if received after the day of the election but not later than 4:00 p.m. on the tenth day following the election.

Section 5 of the bill amends AS 15.20.201(a). The provision deals with the responsibility of election supervisors to review the election certificates on absentee ballots received. The only substantive change amends the last sentence as follows: "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 DAY OF THE ELECTION).

Section 6 of the bill amends AS 15.20.201(c). The section deals with the day on which the district absentee ballot counting board certifies the absentee ballot review. It changes the day on which that occurs from the eighth day following the election to the 10th day following the election.

Section 7 amends AS 15.20.450. The section relates to the requirement for deposits in those situations where a deposit is required as a condition to the occurrence of a recount. It changes the amount required for a precinct recount from \$50 to \$300, for an election district recount from \$250 to \$1,500, and for an entire state recount from \$2,000 to \$5,000.

Section 8 of the bill amends AS 15.20.480. The section deals with the procedure for recounts. The only substantive change is the repeal of the following: "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."

If I may be of further assistance, please advise.

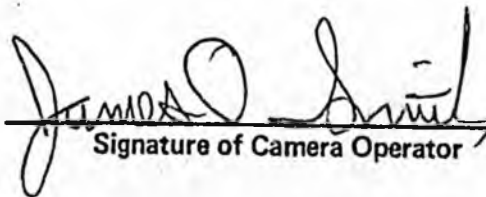
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RECORDS CERTIFICATION



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


Signature of Camera Operator


Date

HB

292

4/30

COMMITTEE REPORT HOUSE

HEALTH, EDUCATION AND
SOCIAL SERVICES

(7)

FURTHER: FINANCE

3/15/85

Date: 4/30/85

The Committee on STATE AFFAIRS has had HB 292

"An Act relating to credited service for noncertificated school employees who are members of the public employees' retirement system; 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
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee *Sup 60*

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

W. H. H. H.

Latic [Signature]

 CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 2

REQUEST

Bill/Resolution No.: HB 292
 Title: "An Act relating to credited service for non-certificated..."
 Sponsor: Koponen
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Non-State
 Program Category Affected: Labor Services
 BRU, Program or Subprogram(s) Affected: PERS

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
Operating						
100 Personal Svcs						
100 Rtmnt & Bnfts						
200 Travel						
300 Contractual						
400 Supplies						
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 TRS Match						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)


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

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: 4/22/85

Approved by Commissioner: Lisa Rudd  Date: 4/24/85
 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 292
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration

April 22, 1985

IV Analysis:

The cost of this bill will be borne entirely by the Public Employees Retirement System (PERS) school district employers. It is estimated that 35 percent of school district employees would be affected by earning, in essence, one fourth of a year of service free.

The estimated increase in employer contribution rates for those affected employers would be 1.7% of their PERS payroll. The estimated PERS school district payroll in FY 86 is \$187,401,988.00.

The total cost to school districts who are participating in PERS is expected to be as follows:

<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
\$3,185.8	\$3,440.7	\$3,716.0	\$4,013.2	\$4,334.3

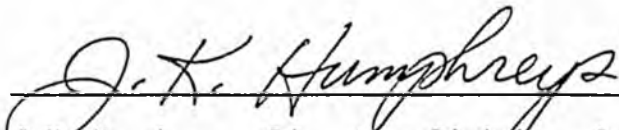
The present value of the cost of this bill is \$8,175,000; this would produce a .6% decrease in the PERS funding ratio.

Position Paper

House Bill 292

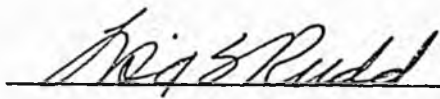
This bill would allow non-teaching employees of school districts to accrue credit in the Public Employees' Retirement System (PERS) for the period of time during summer breaks when they are not working. No public purpose is served by giving PERS members retirement credit for periods of time when they are not working or contributing to the system. The argument can be that teachers receive a full years credit for nine months work, but teachers belong to a different retirement system with many differing provisions. Many other public employees could make a case for receiving service credit on some basis other than day-for-day; such exceptions would not improve equity in the system and would foster additional problems.

The Department is opposed to this bill.



J.K. Humphreys, Director, Division of Retirement & Benefits

4/22/85
Date



Lisa Rudd, Commissioner, Department of Administration

4/24/85
Date

CLASSIFIED PERSONNEL ORGANIZATION

2118 Cushman Street

Fairbanks, Alaska 99701 (907) 452-2023

April 25, 1985

Niilo-

We need a provision that would allow employees the opportunity to purchase retirement credit retroactively to the date the political subdivision became a participating member of the system, or the date of hire if prior to enactment of legislation.

Example: The Fairbanks North Star Borough School District became a participating member of the Public Employees Retirement System on July 1, 1969. Employees employed at that time and since should be provided with a procedure that would allow them to gain retirement credit provided by this legislation. Perhaps "buy in", "buy back", or "arrears" is the term to use for this procedure.

CLASSIFIED PERSONNEL ORGANIZATION

2118 Cushman

Fairbanks, Alaska 99701

(907) 452-2023

FRANK BELTS

Business Manager

RETIREMENT CREDIT
for
EMPLOYEES EMPLOYED FOR THE SCHOOL TERM

Concept: School districts participating in PERS to provide employer contributions which will provide one year retirement credit (twelve months) for noncertificated employees whose employment is determined by the length of the school term.

Solution: Employer and employees* to contribute to PERS on a yearly basis. Amend present legislation to accommodate proposed changes.

*Participation by Noncertificated Employees of School Districts

Contributions by noncertificated employees of school districts:

Beginning July 1, 1985, each noncertificated employee shall contribute to the retirement fund an amount equal to four and one-quarter percent (4 1/4%) of the employee's base salary accrued from July 1 to the following June 30. The contribution shall be deducted by the employer at the end of each payroll period.

Arrearages:

If a noncertificated employee of a school district who was not subject to the provisions of this chapter later became or becomes subject to the provisions of this chapter because of a legislative change of eligibility requirements, the noncertificated employee may at his/her option receive credit for his/her creditable service by making the following contribution:

The employee shall contribute to the retirement fund an amount equal to the contributions he/she would have made if he/she had been subject to the system for those years of membership service claimed after July 1, 1969. Compound interest at the rate prescribed by the regulation shall be added to the amount from July 1, 1969 or at the time of first becoming employed as a noncertificated employee of a school district under this chapter, whichever occurs later, to the date of payment, or the date of retirement, whichever occurs first.

AMENDMENT TO SECTION 39.35.680 DEFINITIONS

Definitions from Teacher Law - 220

School Year

Calculations of year-

"School year" means the twelve month period beginning July 1 of each year and ending June 30 of the following year. "Noncertificated School District Employees" means an employee on a full-time or part-time basis in a position normally having duties which normally require a year of service in the public schools of the state.

"Year of service" for noncertificated school district employees means membership service during the dates set for a school term under AS 14.03.030. Fractional credit shall be given for membership during any school year which is less than the full school term as follows:

- (A) less than 9 days, no credit;
- (B) 9 days or more but less than 27 days, 0.1 years;
- (C) 27 days or more but less than 45 days, 0.2 years;
- (D) 45 days or more but less than 63 days, 0.3 years;
- (E) 63 days or more but less than 81 days, 0.4 years;
- (F) 81 days or more but less than 100 days, 0.5 years;
- (G) 100 days or more but less than 118 days, 0.6 years;
- (H) 118 days or more but less than 136 days, 0.7 years;
- (I) 136 days or more but less than 154 days, 0.8 years;
- (J) 154 days or more but less than 172 days, 0.9 years;
- (K) 172 days or more, 0.1 years.

If service performed on a part-time basis, one-half credit shall be given for each day of service.

"School year" means the 12 month period beginning July 1 of each year and ending June 30 of the following year.

April 4, 1985

APR 10 1985

House State Affairs Committee
Rep. Katie Hurley, Chairperson
Alaska State Legislature
Pouch V (MS-3100)
Juneau, Alaska 99811

Dear Katie,

I am employed at West Valley High School in the North Star Borough School district in Fairbanks, Alaska as a 9-10 month employee.

I find it extremely frustrating to plan for retirement with accumulating only a percentage of each years credit with the Alaska Retirement system. The teachers in the state and also connected with the Alaska Retirement system receive a full year credit for 180 days of work. I work longer and get less.

I am asking for equity. Is that not fair? I work just as hard and feel that I should not be dicriminated against any longer. I hope that you understand my position.

Will you please work toward passing this ~~bill~~ - H.B. 292 out of you committee with a favorable "DO PASS" response.

Thank you for your concern and committment to representing the wishes of this concerned Alaskan voter.

Sincerely,

Joan L. Wilcox, RN.

Joan Wilcox

Nurse

1308 Denali Way

Fairbanks, Alaska 99701

APR 8 1985

April 4, 1985

House State Affairs Committee
Rep. Katie Hurley, Chairperson
Alaska State Legislature
Pouch V (MS-3100)
Juneau, Alaska 99811

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Will you please work toward passing this bill - H.B. 292 out of you committee with a favorable "DO PASS" response.

Thank you for your concern and committment to representing the wishes of this concerned Alaskan voter.

Sincerely,

Jana Hyatt

Jana Hyatt
Secretary
375 Hagedbarger Ave.
Fairbanks, Alaska 99701

Kevette Patti

April 4, 1985

APR 8 1985

House State Affairs Committee
Rep. Katie Hurley, Chairperson
Alaska State Legislature
Pouch V (MS-3100)
Juneau, Alaska 99811

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Will you please work toward passing this bill - H.B. 292 out of you committee with a favorable "DO PASS" response.

Thank you for your concern and committment to representing the wishes of this concerned Alaskan voter.

Sincerely,

Wanda Gover

Wanda Gover
Special Ed Aide
145 Goldrush Estates
Fairbanks, Alaska 99701

April 4, 1985

APR 8 1985

House State Affairs Committee
Rep. Katie Hurley, Chairperson
Alaska State Legislature
Pouch V (MS-3100)
Juneau, Alaska 99811

Dear Katie,

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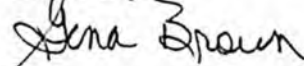
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Will you please work toward passing this bill - H.B. 292 out of you committee with a favorable "DO PASS" response.

Thank you for your concern and committment to representing the wishes of this concerned Alaskan voter.

Sincerely,



Gena Brown
Administrative Secretary
2395 Badger Road
Fairbanks, Alaska 99701

April 4, 1985

APR 8 1985

House State Affairs Committee
Rep. Katie Hurley, Chairperson
Alaska State Legislature
Pouch V (MS-3108)
Juneau, Alaska 99811

Dear Katie,

I am employed at West Valley High School in the North Star Borough School district in Fairbanks, Alaska as a 9-10 month employee.

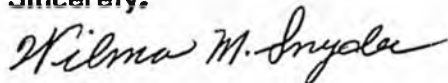
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Will you please work toward passing this ~~bill~~ - H.B. 292 out of you committee with a favorable "DO PASS" response.

Thank you for your concern and committment to representing the wishes of this concerned Alaskan voter.

Sincerely,



Wilma Snyder
Monitor
1438 Beaver Way
Fairbanks, Alaska 99701

APR 8 1985

April 4, 1985

House State Affairs Committee
Rep. Katie Hurley, Chairperson
Alaska State Legislature
Pouch V (MS-3100)
Juneau, Alaska 99811

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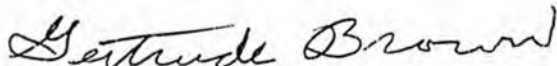
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Will you please work toward passing this bill - H.B. 292 out of you committee with a favorable "DO PASS" response.

Thank you for your concern and committment to representing the wishes of this concerned Alaskan voter.

Sincerely,



Gertrude Brown
Monitor
1030 Sixth AVenue
Fairbanks, Alaska 99701

APR 8 1985

April 4, 1985

House State Affairs Committee
Rep. Katie Hurley, Chairperson
Alaska State Legislature
Pouch V (MS-3100)
Juneau, Alaska 99811

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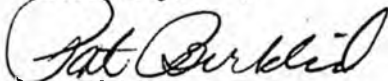
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Will you please work toward passing this bill - H.B. 292 out of you committee with a favorable "DO PASS" response.

Thank you for your concern and committment to representing the wishes of this concerned Alaskan voter.

Sincerely,



Pat Birkliid

Secretary

660 Sprucewood #3

Fairbnaks, Alaska 99701

April 4, 1985

APR 8 1985

House State Affairs Committee
Rep. Katie Hurley, Chairperson
Alaska State Legislature
Pouch V (MS-3100)
Juneau, Alaska 99811

Dear Katie,

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Will you please work toward passing this bill - H.B. 292 out of you committee with a favorable "DO PASS" response.

Thank you for your concern and committment to representing the wishes of this concerned Alaskan voter.

Sincerely,



Shelby Mitchell
Secretary
4705 Fairchild
FAirbanks, Alaska 99701

April 4, 1985

APR 8 1985

House State Affairs Committee
Rep. Katie Hurley, Chairperson
Alaska State Legislature
Pouch V (MS-3100)
Juneau, Alaska 99811

Dear Katie,

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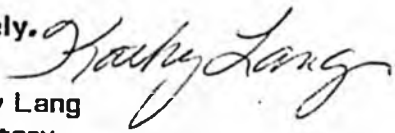
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Will you please work toward passing this bill - H.B. 292 out of you committee with a favorable "DO PASS" response.

Thank you for your concern and committment to representing the wishes of this concerned Alaskan voter.

Sincerely,


Kathy Lang
Secretary
2936 South Kobuk
Fairbanks, Alaska 99701

April 4, 1985

APR 8 1985

House State Affairs Committee
Rep. Katie Hurley, Chairperson
Alaska State Legislature
Pouch V (MS-3100)
Juneau, Alaska 99811

Dear Katie,

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Will you please work toward passing this bill - H.B. 292 out of you committee with a favorable "DO PASS" response.

Thank you for your concern and committment to representing the wishes of this concerned Alaskan voter.

Sincerely,

Kevin Apling
Kevin Apling
Day Custodian
P.O. Box 81383
Fairbanks, Alaska 99708

April 4, 1985

APR 8 1985

House State Affairs Committee
Rep. Katie Hurley, Chairperson
Alaska State Legislature
Pouch V (MS-3100)
Juneau, Alaska 99811

Dear Katie,

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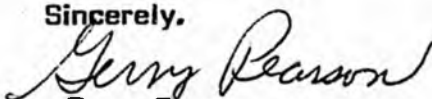
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Will you please work toward passing this bill - H.B. 292 out of you committee with a favorable "DO PASS" response.

Thank you for your concern and committment to representing the wishes of this concerned Alaskan voter.

Sincerely,



Gerry Pearson
Library Assistant
P.O. Box 2365
Fairbanks, Alaska 99707

April 4, 1985

APR 8 1985

House State Affairs Committee
Rep. Katie Hurley, Chairperson
Alaska State Legislature
Pouch V (MS-3100)
Juneau, Alaska 99811

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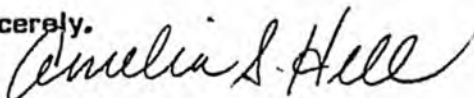
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Will you please work toward passing this ~~bill~~ - H.B. 292 out of you committee with a favorable "DO PASS" response.

Thank you for your concern and committment to representing the wishes of this concerned Alaskan voter.

Sincerely,



Amelia Hill
Kitchen Supervisor
P.O. Box 2388
Fairbanks, Alaska 99707



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

HPB

301

COMMITTEE REPORT
HOUSE

(7)

FURTHER: JUDICIARY

2/20/85

Date: 3/13/86

The Committee on STATE AFFAIRS has had HB 301

"An Act relating to truth in political campaign advertising; 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

Walter Sawyer

W. C. ...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

...

...

Walter Sawyer
CHAIRMAN

A M E N D M E N T

OFFERED IN THE HOUSE:

By: HOUSE STATE AFFAIRS

To: _____ HOUSE BILL No. 301 _____

SENATE BILL No. _____

PAGE: 2 _____

LINE: 1 _____

DELETE:

"1986"

INSERT:

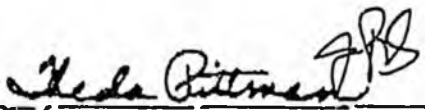
"1987"

POSITION PAPER
HB 301

This legislation would amend the Campaign Disclosure Law to provide a civil penalty of not more than \$5,000 for knowingly making untrue statements in political advertising "...in reckless disregard for the truth." Complaints may be filed with the Alaska Public Offices Commission alleging that a statement contained in political advertising was issued in reckless disregard for the truth. The Commission may assess a civil penalty of not more than \$5,000 for each untrue statement. The Commission's determination may be appealed to the Superior Court.

Determinations of the Commission under these provisions would clearly be quasi-judicial in character, requiring formal hearings under the Administrative Procedures Act. In addition, the investigative process required would likely include a substantial amount of testimony by deposition since the determination must take into account whether the statements were "untrue," whether those responsible for publications knew they were untrue, and whether the decision to publish was a reckless one.

The Commission has not made a recommendation on this legislation at this time.



Theda Pittman, Executive Director
Alaska Public Offices Commission

4/1/85
Date



Commissioner Lisa Rudd
Department of Administration

4/2/85
Date

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 2

REQUEST

Bill/Resolution No.: HB 301
 Title: "...truth in political campaign advertising"
 Sponsor: M.M. Miller & Sund
 Requestor: _____
 Date of Request: 3/29/85

FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: Independent Operations
 BRU, Program or Subprogram(s) Affected: Alaska Public Offices Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES			6.3	2.1	4.2	2.1
200 TRAVEL			0	0	0	0
300 CONTRACTUAL			25.2	8.4	16.8	8.4
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	31.5	10.5	21.0	10.5
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	31.5	10.5	21.0	10.5
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	31.5	10.5	21.0	10.5

POSITIONS:

FULL-TIME						
PART-TIME			1	1	1	1 *
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

* Additional hours for existing seasonal position.

Prepared By: *JPS Theda Pittman*, Executive Director Phone: 276-4176
 Division: Public Offices Commission Date: 4/01/85

Approved by Commissioner: *LJR Lisa Rudd* Date: 4/2/85
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

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

Rev. 7/1/84

House Bill 301
Fiscal Note Analysis
Prepared by Alaska Public Offices Commission
Department of Administration
April 1, 1985

House Bill 301 provides a civil penalty not to exceed \$5,000 for knowingly making an untrue statement in political advertising. The Commission is required to investigate citizen complaints alleging a violation of this new provision.

The major additional costs will be associated with quasi-judicial hearings and will include hearing officers, depositions, and hearing transcriptions. For the purposes of estimating such costs, it is assumed that in FY 87 three such investigations/complaints would take place. It is hoped that the workload would stabilize to one such case in municipal election years and two in state election years.

The fiscal note is based upon the following average costs per case:

PPT Research Analyst II, 16F, 1/2 month	\$2.1
Hearing Officer, 60 hours @ \$75/hour	4.5
Depositions, 3 @ \$450 each	1.4
Hearing Transcript	2.0
Miscellaneous	.5
	<u>\$10.5</u>



Representative Mike Miller

M E M O R A N D U M

August 5, 1985

TO: Representative Katie Hurley
Chair, House State Affairs

FROM: Representative Mike Miller *mjm by dx*

RE: HB 301/ Truth in Political Advertising

Attached information has been provided by Jan Carpenter, National Conference of State Legislatures.

Please provide material as additional back-up to House State Affairs Committee member's files on HB 301/ Truth in Political Advertising which is currently before that committee.

Thank you.

FAIR POLITICAL PRACTICES

STATE	DECEPTIVE SPEECH	LITERATURE DISCLOSURE	CAMPAIGN TACTICS AND DIRTY TRICKS	ENFORCEMENT	OTHER
ALABAMA		<p>Printed political campaign material must have the name and address of person or committee responsible for its publication. (517-22-13)</p> <p>Political advertisements and campaign literature appearing in newspapers must be marked "paid advertisement." (517-22-14)</p>	<p>It is a corrupt practice for a person to give or offer something of value to aid, promote, or prevent the nomination or election of any person or to defeat any election proposition. (517-22-3)</p>	<p>Violations are considered misdemeanors punishable by a fine of not more than \$500 and/or imprisonment for not more than 6 months. (517-22-15)</p>	
ALASKA	<p>Circulation of printed materials or advertisements which knowingly contain false statements is prohibited. (515.55.040)</p>	<p>All printed campaign material must have the name and address of author clearly visible; all advertisements and paid-for political announcements or communications intended to influence an election of a candidate or ballot proposition must include the words "paid for by" by the name of the person, group or candidate paying for the communication. (515.56.010 and 15.13.090)</p>	<p>A person cannot knowingly write, print or circulate political campaign material in which is put false factual information which he knows to be false and which would provoke a reasonable person under the circumstances to a breach of the peace or damage the person's reputation. (515.56.010)</p> <p>It is unlawful for a person to give or offer something of value to induce someone to vote for or to abstain from voting for a candidate or election proposition. (515.56.030)</p>		
ARIZONA			<p>It is unlawful for a person to directly or indirectly bribe someone to vote or to refrain from voting for a particular candidate or issue. (516-1014)</p> <p>No person may remove or deface a political sign during the period commencing 45 days before the primary election and ending 7 days after the general election. (516-1019)</p>	<p>Violation of 516-1014 is a class 2 misdemeanor.</p>	

STATE	DECEPTIVE SPEECH	LITERATURE DISCLOSURE	CAMPAIGN TACTICS AND DIRTY TRICKS	ENFORCEMENT	OTHER
ARKANSAS		<p>Advertisements and other printed materials must have names and addresses of individuals or groups sponsoring the materials and must be clearly identified as an "advertisement" if appearing in a newspaper. (§53-1104(b)) and (i))</p>	<p>It is unlawful for any person to offer, accept, receive or pay any person any money or thing of value to influence his or her vote in any election in the state. (§3-1105(n))</p>	<p>Violation of §3-1104 is a misdemeanor punishable by a fine not to exceed \$1000 and/or imprisonment not to exceed one year, and the person convicted of such violation shall be ineligible for office or employment in any department of the state. (§3-11-4(ff))</p> <p>Violation of §3-1105(n) is a felony punishable by imprisonment of from one to five years and/or by a fine not to exceed \$5,000. (§3-1105(n))</p>	
CALIFORNIA	<p>Any notice required to be printed must be read if an advertisement is broadcast or telecast. (Election Code, §11705)</p>	<p>Every advertisement or other printed material having reference to an election, candidate or measure and containing an endorsement must state whether the endorsement is official or not. (Elections Code, §§11703 and 11704)</p> <p>Paid political advertisements must be represented as such. (Election Code, §11708)</p>	<p>No candidate or committee shall misrepresent that he has the support of a committee or organization when that is not the case. (Election Code, §11707)</p> <p>Any person who solicits or receives contributions on behalf of any candidate or committee must include a notice in any fundraising communication if the person has not been authorized to do so by the candidate and stating that he is not responsible for the actions of that person. (Election Code, §12303)</p> <p>No person shall bribe another or pay money or give a thing of value to encourage anyone to vote or to refrain from voting at an election. (§§29621, 29622, and 29623)</p>	<p>Violation of law requiring proper identification to be posted on all campaign literature is a misdemeanor. (§29410)</p> <p>Violation of law prohibiting bribery at an election is punishable by imprisonment for 16 months or 2 or 3 years. (§§29621, 29622, and 29623)</p>	<p>No newsletter or mass mailing shall be sent by a candidate at public expense. (Election Code, §11800)</p>

STATE	DECEPTIVE SPEECH	LITERATURE DISCLOSURE	CAMPAIGN TACTICS AND DIRTY TRICKS	ENFORCEMENT	OTHER
COLORADO	No person shall make a false statement designed to affect the vote on any issue or candidate for election of public office. (51-13-109)	Printed campaign material must identify the name of sponsors, persons, associations, committees or corporations responsible for publication or distribution of the material. (51-13-108)		Violation of 51-13-108 is a misdemeanor punishable by a fine of not more than \$1,000 and/or imprisonment for not more than one year. (51-13-111) Violation of 51-13-109 is a misdemeanor punishable by a fine of between \$250 and \$1000 and/or imprisonment between 3 months and one year. (518-1-106)	No candidate shall pay for any political advertising a higher charge than is required for local commercial customers for comparable use of space or materials and services. (51-45-118)
CONNECTICUT		Printed campaign material must be identified by the name and address of person who sponsors it, or if a committee, by the campaign treasurer, or if an organization, by the chief executive officer. (59-348(dd))	A person is guilty of a corrupt practices act who gives or offers something of value to someone for the purpose of inducing anyone to vote or to refrain from voting or to refrain from voting for or against any candidate or election measure. (59-343)	Knowing and willful violation of the campaign statutes is punishable by a fine not to exceed \$5,000 and/or imprisonment not to exceed five years. (59-348(1))	
DELAWARE		All campaign literature or advertising, with the exception of items such as buttons, hats and bumper stickers, must carry the statement "paid for by..." giving the name of the candidate, political committee, organization or person paying for such literature or advertising. (1580005(b))	A person cannot defraud another elector of his vote. (1585136)	Violation of law prohibiting anyone to defraud an elector of his vote is punishable by a fine of not more than \$200 and/or imprisonment for not more than 2 years. (1555136)	

STATE	DECEPTIVE SPEECH	LITERATURE DISCLOSURE	CAMPAIGN TACTICS AND DIRTY TRICKS	ENFORCEMENT	OTHER
FLORIDA	<p>Any candidate may not willfully and falsely charge another candidate with violation of the election code. (§104.271)</p>	<p>Political advertisements endorsing a candidate must state whether or not written permission was obtained to advertise such endorsement. Any political advertisement shall state prominently "Paid political advertisement paid for by..." the name and address of the payor. Political advertisements paid by independent expenditure must clearly state this fact. (§106.143)</p>	<p>No person shall pay money or give anything of value for the privilege of speaking at a political meeting to further his candidacy. (§106.15)</p> <p>No person shall attempt to influence, deceive or deter any elector in voting by bribery, menace or any corruption whatsoever. (§104.061)</p>	<p>Violation of §104.271 considered third degree felony and after conviction the felon is disqualified to hold public office and is punished by imprisonment not exceeding five years and a fine of not more than \$5,000. (§104.271)</p> <p>Violation of §106.15 and §106.061 is a misdemeanor in the first degree punishable by a fine of not more than \$1,000 and/or imprisonment of not more than one year. (§106.15 and §106.061)</p> <p>Violation of §106.143 is punishable by civil penalties in the form of fines not to exceed \$1,000 per count. (§106.143)</p>	<p>Broadcast and publication rates for political advertising for one candidate must not exceed the rates charged other candidates. (§106.16)</p>
GEORGIA		<p>Advertisements, literature, and other political campaign material must have name and address of person or organization responsible for material. (§21-2-415)</p>	<p>No person may use the name or any imitation of the name of a person or organization to endorse or circulate material on behalf of that organization without its permission. (§21-2-415)</p> <p>Any person who buys or sells votes is guilty of a felony. (§21-2-570)</p>	<p>Violation of election code is a misdemeanor punishable by a fine between \$100 and \$1,000 and/or confinement in an institution under jurisdiction of Department of Offender Rehabilitation not to exceed 12 months. (§21-2-598)</p> <p>Violation of §21-2-570 is a felony punishable by a fine not to exceed \$2,000 and/or imprisonment of one to three years. (§45-11-2)</p>	
HAWAII		<p>All campaign advertisements must contain the name and address of the candidate, committee, party, or person paying for the advertisement; the advertisement must also contain notice stating that it was published, broadcast or distributed with or without the approval and authority of the candidate. (§11-215)</p>	<p>Bribery and threats of violence against an elector is prohibited; prohibits anyone from knowingly publishing a false statement of the withdrawal of any candidate at the election. (§19-3)</p>	<p>A natural person found guilty of violating §11-215 shall be punished for a petty misdemeanor and the penalties specified by law; a corporation found in violation shall be punished by a fine not to exceed \$1,000. (§11-228)</p>	

STATE	DECEPTIVE SPEECH	LITERATURE DISCLOSURE	CAMPAIGN TACTICS AND DIRTY TRICKS	ENFORCEMENT	OTHER
HAWAII (cont'd.)				Violation of §19-3 is punishable by a fine between \$100 and \$1,000 and/or imprisonment at hard labor of not more than two years. The person is also disqualified from voting or holding elective or appointive office. (§19-4)	
IDAHO		The person responsible for the publication or distribution of political statements shall be clearly indicated on such statements. (§67-6614 A)	Bribery, menacing and threats to influence any elector are prohibited. (§518-2305 and 18-2320) Attempting to influence votes by promises of favors or threats of violence is prohibited. (§18-2319)	Violation of §67-6614A is a civil offense punishable by a fine of not more than \$250, if an individual, and \$2,500, if a person other than an individual. (§67-6625) Violation of §18-2305 is a misdemeanor.	
ILLINOIS		Advertisements, literature and political campaign materials must have name and address of persons or organizations responsible for publishing the material. (465§29-14 and 9-9)	No public funds can be used to urge any elector to vote for or against any candidate or proposition. (465103) Vote buying, promises for vote, selling a vote and any prevention of voting or candidate support are prohibited. (465§29-1, 29-2, 29-3 and 29-4)	Violation of 465103 is a Class B misdemeanor. Violation of the Election Code, Section 29, is a Class A misdemeanor; and violation of Section 9 is a Class B misdemeanor. (465§9-26 and 29-12)	
INDIANA		Written or printed statements must have names and addresses of persons, party, organization or other entity responsible. (§3-1-32-62) It is unlawful for any political committee to print, publish or broadcast any paid political advertisement without identifying it as such. (§3-4-4-2)	Transmission of false information to publications is prohibited. (§3-4-7-5) Defrauding a voter from voting for a person different from intended is prohibited. (§3-1-32-38)	Violation of §3-1-32-38 and §3-1-32-62 is a Class A misdemeanor. Violation of §3-4-4-2 and §3-4-7-5 is a Class B misdemeanor.	

STATE	DECEPTIVE SPEECH	LITERATURE DISCLOSURE	CAMPAIGN TACTICS AND DIRTY TRICKS	ENFORCEMENT	OTHER
IOWA			Bribery of elector is prohibited. (5722.4) Duress to prevent voting is prohibited. (5722.8)	Violation of 55722.4 and 722.8 is an aggravated misdemeanor.	
KANSAS		Paid political matter must include a notice that it is an advertisement together with the name of the organization and the person responsible for it. (525-2407)	Election bribery is prohibited. (525-2409)	Violation of 5525-2407 and 25-2409 is a Class C misdemeanor and a person convicted must for- feited office or employment on conviction. (525-2432) Violation of 525-4155 is a Class A misdemeanor. (525-4159)	Advertising charges for political campaigns can not exceed charges made for compar- able use of such space. (525-4155)
KENTUCKY		Advertisements and other printed political materials must have name and address of the payer, or the organiz- ation and its treasurer and must be in compliance with FCC regulations concerning radio or TV ads. (5121.190)	Bribery of an elector is prohibited. (5121.055)	Violation of provisions with a candidate's knowledge voids his/ her nomination or election and is punishable by a fine not to ex- ceed \$1,000 and/or imprisonment not to exceed one year. (5121.990) Violation of 5121.055 is punish- able by a fine between \$50 and \$100 and/or imprisonment between 10 and 90 days and shall be excluded from office and suffrage. (5119.205)	Charges for political ad- vertising can- not exceed prices charged to other ad- vertisers. (5121.065)
LOUISIANA	No person is allowed to make an irresponsible adverse comment about a candidate or a pro- position. (518:1463)	Advertisements and other cam- paign materials must contain the names of persons responsi- ble, or the names and address- es of the officers of the responsible organization. (518:1531)	No person can print or distribute material which falsely alleges that any candidate is supported by another candidate, group, person or political faction. (518:1463)	Violation of 18:1463 is punish- able by a fine not to exceed \$2,000 and/or by imprisonment not to exceed two years. (518:1463)	Excessive charges for political ad- vertisements are prohibited. (518:1464 and 518:1533)

STATE	DECEPTIVE SPEECH	LITERATURE DISCLOSURE	CAMPAIGN TACTICS AND DIRTY TRICKS	ENFORCEMENT	OTHER
LOUISIANA (cont'd.)			Bribery of an elector or candidate is prohibited. (§18:1461)	Violation of 18:1531 is punishable by a fine between \$1,000 and \$10,000 and/or imprisonment of between one and 10 years. (§18:1531) Violation of 18:1533 or 18:1461 is punishable by a fine of not more than \$500 and/or imprisonment for not more than six months. (§18:1461 and §18:1533)	
MAINE		Communications expressly advocating the election or defeat of an identified candidate through broadcasts, print, outdoor facilities, or mail shall clearly and conspicuously state whether it has been authorized by the candidate or his committee and must include name and address of person making expenditure for the communication. (21551394 and 1416)	Bribery in official and political matters is prohibited. (17-A5602)	Violation of 17-A5602 is a Class C crime. Other violations are Class E crimes with fines up to \$5,000.	
MARYLAND		Advertisements or printed campaign material must have name of candidate and committee and must have name and address of person, treasurer or campaign manager responsible for the material. (33526-16) Every paid political advertisement must contain a statement declaring such fact and the name of person authorizing it. (33526-17)	Bribery prohibited. (33526-16)	Violations are considered a misdemeanor punishable by fine up to \$1,000 and/or imprisonment not to exceed one year. (33526-16) Anyone convicted of violating these provisions is ineligible for public office for a period of four years. (33526-20)	Charges for advertising in excess of the regular local rate charged for commercial advertising is prohibited. (33526-17)

STATE	DECEPTIVE SPEECH	LITERATURE DISCLOSURE	CAMPAIGN TACTICS AND DIRTY TRICKS	ENFORCEMENT	OTHER
MASSACHUSETTS	False Statements relating to candidates or questions on ballot are forbidden; measure of word "veteran" or political party designation is prohibited. (56§340, 42, 43A)	All newspaper advertisements, posters, and circulars must contain the name and address of the person responsible for their production, if a political organization, the name and address of the chairman and two of its officers must be included; payments for editorial support are prohibited; political advertisements in newspapers and periodicals must be marked as such. (55§38, 39, and 41A)	Bribery of voter is prohibited. (56§32) Interference with the distribution of materials is prohibited. Unsigned advertisements or ones circulated without candidate's permission are prohibited. (56§41 41A 43)	Penalties are contained within each section and range from a maximum fine of \$1,000 or 6 months in jail for making false statements or not conforming to rules concerning political advertisements, to a fine of not more than \$100 for most other violations. Bribery is punishable by imprisonment for not more than one year.	
MICHIGAN		All printed and broadcast political advertisements must have name and address of person paying for the advertisement; and if it is not printed with the consent of the candidate, the advertisement must have a disclaimer stating such fact. (5169.247)		Violation of §169.247 is a misdemeanor punishable by a fine of not more than \$1000 and/or imprisonment for not more than 90 days. (5169.247)	
MINNESOTA	Knowingly making false claims of party support prohibited. (§210A.02)	Advertisements and campaign literature must disclose the names and addresses of the authors, candidates and persons responsible for its publication. (§210A.03) All political campaign advertisements appearing on newspapers or periodicals shall be marked "paid advertisement." (§210A.05)	Preparation, distribution, and publication of information which is known to be false and which is designed to influence the selection of a candidate is prohibited. (§210A.04) Bribery and undue influence of voters are prohibited. (§§210A.07, 210A.09, 210A.17, 210A.18, and 210A.19) Broadcasting by television or radio any material intended to influence elections, or the circulation of campaign material, at any place on the day of an election or primary is prohibited. (§210A.11)	Violations of fair campaign practices are "gross misdemeanors" and persons found guilty of violations are forbidden from holding office. (§210A.42)	Space for political advertisement shall not be sold at a higher rate than space for other commercial users. (§210A.05) Denying candidates access to multiple unit dwellings for the purpose of campaigning is prohibited. (§210A.43)

STATE	DECEPTIVE SPEECH	LITERATURE DISCLOSURE	CAMPAIGN TACTICS AND DIRTY TRICKS	ENFORCEMENT	OTHER
MISSISSIPPI	<p>No person, including candidates, shall make any false charges reflecting on the honesty, integrity, or moral character of a candidate's private life. (§23-3-33)</p> <p>If any newspaper prints an editorial or news story reflecting on the character of a candidate the newspaper must on request of the candidate, print his exact reply in the same position, and in the same size type and headlines as the original news story or editorial. (§23-3-35)</p>	<p>All printed and broadcast political advertisements and announcements must include authorizing statement by candidates or his campaign manager. (§23-3-37)</p>	<p>Bribery is prohibited. (§97-11-11)</p>	<p>Violations are considered a misdemeanor; person charged must post bond in the amount of \$500 to assure appearance in court; if acquitted, persons making original affidavit in complaint must pay all costs of proceedings. (§23-3-33)</p> <p>Violation of (§97-11-11) is guilty of a crime punishable by a fine of not more than \$1000 and/or imprisonment of not more than ten years. (§97-11-11)</p>	<p>Space for campaign literature and time for political broadcasts must be sold at comparable rates charged for commercial uses. (§23-3-37)</p>
MISSOURI		<p>Political campaign pamphlets and printed material must contain the name of the person who paid for the material with the words "Paid for by" followed by proper identification. Any broadcast transmitting a campaign message shall identify the sponsor. (§130:031)</p>	<p>No candidate may promise to pay back or donate to public or private interest any salary fee or emolument as an inducement to voters. (§115.637)</p> <p>Bribery or intimidation of an elector is prohibited. (§130.018)</p>	<p>Violation of Chapter 130 is a class A misdemeanor, punishable by a fine of not more than \$5000 and/or imprisonment of not more than one year. (§130.081)</p>	
MONTANA	<p>It is unlawful for any person to knowingly make or publish a false statement reflecting on a candidate's character or morality. (§13-35-234)</p>	<p>A paid political advertisement must be identified as such; no compensation can be made for editorial support of a newspaper; and election materials must bear on their face the name and address of the person paying for the printing and the publisher's name. (§13-35-225)</p>	<p>Bribery, coercion and undue influence of voters prohibited. (§§13-35-214 and 13-35-218)</p> <p>It is unlawful for any person to place an advertisement supporting or opposing a candidate or ballot issue for use on election day. (§13-35-233)</p> <p>Candidates required to file statements or reports with the state have the opportunity to voluntarily sign a code of</p>	<p>Violation of §13-35-233 is a misdemeanor punishable by a fine not to exceed \$1000 and/or imprisonment for not more than six months. (§13-35-233)</p> <p>A person who knowingly violates a provision of the election laws is guilty of a misdemeanor and is ineligible for public office until discharged from state supervision. (§§13-35-103 and 13-35-106)</p>	

STATE	DECEPTIVE SPEECH	LITERATURE DISCLOSURE	CAMPAIGN TACTICS AND DIRTY TRICKS	ENFORCEMENT	OTHER
MONTANA (cont'd.)			fair campaign practices which is specified by law as to methods and tactics condoned in political campaigns. (13-35-301 and 13-35-302)	If a violation of the election laws is found to have affected an election, it may be held void and another election held. (13-35-107)	
NEBRASKA	No political advertisement shall contain a false statement of a material fact relating to a candidate. (49-1474)	All political campaign material must include the name of the person or committee responsible for printing, publishing or reproducing the materials with the exception of commercial printers. (49-1474.01)	Information from campaign statements cannot be sold or used for the purpose of soliciting contributions or for other commercial purposes. (49-1474.01) Bribery or threats to influence the vote of another is prohibited. (32-1209)	Violations of 49-1474 is a Class III misdemeanor; of 49-1474.01 is a Class IV misdemeanor; and of 32-1209 is a Class II misdemeanor.	
NEVADA		A newspaper, broadcasting station or other distributor of campaign material must make available for inspection at least ten days before each primary or election, information setting forth the cost of all advertisements for each candidate. (294A.050)	Bribery of elector and intimidation of voters prohibited. (293.584 and 293.585)	Violation of intimidations of voters is a gross misdemeanor and violation of bribery is punishable by a fine of not more than \$5000 and/or imprisonment between 6 months and one year. (293.584 and 293.505)	
NEW HAMPSHIRE		All political advertisements or material in print or on broadcasts must end with the name and address of the responsible parties, the name of those it seeks to benefit, and the signature of the sponsor. (664:14) Political advertising in print must be identified as such. (664:16) Political advertisements must be authorized by a candidate or committee. (664:15)	Expenditures for advertising space in printed programs for meetings are prohibited if they seek to promote or oppose a candidate, party or committee. (664:15) Bribery and intimidation of a voter is prohibited. (659:40)	Violation of Chapter 664 is a misdemeanor if committed by a natural person or a felony if committed by any other person. (664:21)	Rates for political advertising must be comparable to rates for commercial advertising and must be filed with the state for public inspection. (664:16)

STATE	DECEPTIVE SPEECH	LITERATURE DISCLOSURE	CAMPAIGN TACTICS AND DIRTY TRICKS	ENFORCEMENT	OTHER
NORTH CAROLINA	Prohibits the making of false, derogatory reports about candidates. (§163.274(B))	<p>Advertisements and other materials must be signed by the party responsible for the publicity. (§163-274(7))</p> <p>No political advertisements may be made which do not include the words "paid for" or "sponsored by" followed by the name of the appropriate candidate, political committee or individual. (§163-278.16)</p>	<p>No person may make threats, menace or in any manner intimidate a voter or give anything of value to a voter to influence his vote. (§163.275)</p> <p>Prohibits promises of appointments for political support. (§163.274(9))</p>	<p>Violation of §§163-278.16 and 163-278.18 is a misdemeanor subject to a fine of not more than \$1000 for an individual, and not more than \$5000 if a person other than individual, and/or imprisonment for not more than one year. (§163-278.27)</p> <p>Violation of §163-274 is a misdemeanor; violation of §163-275 is a felony; any public official found guilty of violating these laws will be removed from office and will be disqualified from voting until citizenship is restored in the case of conviction for a felony or for two years for conviction of a misdemeanor. (§163-276)</p>	The rate charged political advertisers must not exceed the rate charged comparable commercial advertisers. (§163-278.18)
NORTH DAKOTA	No person shall knowingly sponsor any political advertisement or news release containing deliberately calculated falsehoods. (§16.1-10-04)	Every political advertisement designed to assist or defeat a candidate by reflecting on the candidate's personal character or political action must include the name of the sponsor and the person, association or group paying for it this includes radio and television advertisements. (§16.1-10-04.01)	<p>No person shall pay or give anything of value to an editor or publisher of a newspaper or periodical, or radio or television station, to advocate or oppose a candidate. (§16.1-10-05)</p> <p>Interference with elections by threat of force or economic coercion prohibited. (§12.1-14-02)</p>	Violations considered Class A misdemeanor. (§16.1-08-02)	

STATE	DECEPTIVE SPEECH	LITERATURE DISCLOSURE	CAMPAIGN TACTICS AND DIRTY TRICKS	ENFORCEMENT	OTHER
OREGON	Prohibits communication of false information about candidates. (§260.532)	All campaign material, printed or broadcast, must include the name and address of the candidate, committee, or other person who is responsible for paying the reproduction or distribution costs. (§260.522)	Prohibit the use of term "reelect" except in defined circumstances. (§260.542) Purchase of advertising or payment for editorial advocacy or opposition is prohibited. (§260.605) Undue influence to affect registration, voting, or candidacy is prohibited. (§260.665)	Violation of any provision of the campaign act is a misdemeanor subject to a fine not to exceed \$250.	
PENNSYLVANIA		All political communication shall include in a conspicuous place either the name of the person responsible for its production or the names of any organizations affiliated with a political committee. In addition, the candidate must indicate if he has authorized the material. (2553258)	Any advertisement referring to an opponent which is to be broadcast or distributed in the 120 hours preceding the election may not be submitted in the 8 days before the election unless the opponent is given sufficient notice and time to reply. (2553258)	Violation is a misdemeanor subject to a fine not to exceed \$1000 and/or imprisonment between one month and two years.	
RHODE ISLAND		Advertisements and other materials must have the names and addresses of the parties responsible for the material and must be marked "advertisement". (§17-23-1)	No person may intentionally write, print or distribute campaign materials criticizing the personal character or a political action designed to aid, injure or defect any candidate or ballot question unless the material identifies in a conspicuous place the name and address of the author or responsible party. (§17-23-2) Bribery or intimidation of voters is prohibited. (§17-23-5)	As provided by statute, violation of §17-23-1 and 17-23-2 is a misdemeanor. Violation of §17-23-5 is a felony and the convicted person forfeits his right to vote. Violation of §17-23-14 is a civil offense subject to a fine of \$500.	Political advertising must not be charged at a rate to exceed that of other commercial advertising. (§17-23-14)
SOUTH CAROLINA			Bribery at elections is prohibited. (§7-25-50)	Violation of §7-25-50 is a misdemeanor subject to a fine of between \$100 and \$500 and/or imprisonment of between one and six months for first offense. (§7-25-50)	

STATE	DECEPTIVE SPEECH	LITERATURE DISCLOSURE	CAMPAIGN TACTICS AND DIRTY TRICKS	ENFORCEMENT	OTHER
SOUTH DAKOTA		All printed campaign material and paid advertisements must include a disclaimer with name and address of the person or committee authorizing and purchasing the material if other than a candidate's principal campaign committee or a county or state control committee or a political party. (§12-25-4.1)	Bribery of voter to influence an election is prohibited. (§§12-26-15 and 12-26-16)	Violation of §12-25-4.1 is a Class 2 misdemeanor. Violation of §§12-26-15 or 12-26-16 is an infamous crime subject to criminal punishment and forfeiture of office. (§12-26-17)	

STATE	DECEPTIVE SPEECH	LITERATURE DISCLOSURE	CAMPAIGN TACTICS AND DIRTY TRICKS	ENTICEMENT	OTHER
NEW JERSEY		All campaign materials must include the names and addresses of the persons responsible for printing and for paying for its printing. (§19:34-38.1)	Bribery of voter is prohibited. (§19:34-25) No person shall disseminate campaign materials or perform any function in a campaign which appears to originate from one candidate when in reality it is originating from the opposing candidates campaign. (§19:34-65 and 19:34-66)	Violation of §19:34-25 is a misdemeanor punishable by a fine not to exceed \$2000 and/or imprisonment not to exceed five years. (§19:34-25) Any person who violates a provision of this act is considered a disorderly person punishable by a fine of not more than \$500 and imprisonment of not more than six months. (§19:34-68 and 2A:169-4)	
NEW MEXICO		Campaign advertisements and other materials must specify the names of the sponsor or the responsible officials. (§1-19-16)	It is unlawful to distribute or circulate campaign material which does not specify the name of the sponsor. (§1-19-17) Bribery of an elector is prohibited. (§§1-20-11 and 1-20-12) It is unlawful for any political committee to collect or expend money which does not pass through the hands of the committee treasurer. (§1-19-15)	Violation of §§1-19-101, 1-20-11, and 1-20-12 are a fourth degree felony subject to a fine of not more than \$5000 and/or imprisonment of 18 months. (§31-18-15)	
NEW YORK	Prohibits distribution or preparation of any fraudulently forged or falsely identified writing. (Fair Campaign Code, §6201.1)	A copy of all advertisements and campaign material and a schedule of all television and radio time purchased in connection with an election must be filed with the required financial reports following a primary, special or general election. (§14-106)	Giving consideration for an elector's franchise is prohibited. (§17-142) Misrepresentation of contents of polls and failure to disclose information relating to polls are prohibited; theft of campaign materials, placing of "agents" in campaign organization, bribery of staff, eavesdropping and wiretapping are prohibited. (Fair Campaign Code, §6201.1 and 6201.2)	Violation of §17-142 is a felony. Violation of the Fair Campaign Code is punishable by a fine not to exceed \$1000. (Fair Campaign Code, §6201.3)	

STATE	DECEPTIVE SPEECH	LITERATURE DISCLOSURE	CAMPAIGN TACTICS AND DIRTY TRICKS	ENFORCEMENT	OTHER
OHIO	<p>Prohibits false statements about incumbency, formal education or training, occupation, criminal record, mental confinement record, armed services record, voting record or the source of a candidate's statements. (§3599.091)</p> <p>Prohibits false statements in advocating or opposing a ballot proposal. (§3599.092)</p>	<p>All printed and broadcast political materials must identify the name and address of the person responsible for its production. (§3599.09)</p>	<p>Bribery of an elector at primary, convention or election is prohibited. (§3599.01)</p> <p>No editor, owner, writer or employee of any publication may use the publication to intimidate candidates or voters nor may they receive anything of value to influence votes. (§3599.08)</p> <p>A "paid advertisement" must be so identified. (§3599.08)</p> <p>Prohibits "agents" in campaign organization for the purpose of impeding the conduct of the candidates campaign or any ballot proposal.</p>	<p>Violation of §3517.13 is a minor misdemeanor.</p> <p>Violation of §3599.01 is a felony in the fourth degree subject to a fine of not more than \$2,500 and/or imprisonment between 18 months and five years; upon conviction the person is required to forfeit the nomination or office. (§2929.11)</p> <p>Violation of §3599.02 is a misdemeanor in the first degree; if a complaint filed alleging violation of this statute is found to be frivolous, complainant may be ordered to pay court costs. (§3599.02)</p> <p>Violation of §3599.08 is a corrupt practice subject to a fine between \$500 and \$1000. (§3599.08)</p> <p>Violation of §3599.09 is subject to a fine between \$300 and \$2000.</p>	<p>Political advertisements cannot be charged a rate which exceeds the lowest unit charge of the station for the same class and amount of time for the same period before an election, and for comparable uses by commercial advertisers at any other time. (§3517.13)</p>
OKLAHOMA		<p>All political campaign materials must include in a conspicuous place the name and address of the person, or the two officers of a corporation, responsible for its production. (26515-111 and 16-122)</p>	<p>Bribes to influence votes, bribery for withdrawal of candidacy, and coercion of an elector to prevent him or her from registering to vote or from voting are prohibited. (26516-106, 16-107 and 16-109)</p>	<p>Violation of 26515-111 is a misdemeanor subject to a fine of not more than \$1000 and/or imprisonment for not more than six months. Any person convicted of such violation forfeits the office. (26515-112)</p> <p>Violations of 26516-106, 16-107 and 16-109 are felonies.</p>	

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TENNESSEE		<p>Advertisements and other materials must be signed with the names of organization officials or persons responsible for the material. (§2-19-120)</p>	<p>It is unlawful to furnish anyone with campaign literature containing misrepresentations of candidate names. (§2-19-116)</p> <p>Bribery of voters or election officials is prohibited. (2-19-126)</p> <p>It is unlawful to knowingly publish or distribute false campaign literature. (§2-19-142)</p> <p>It is unlawful to use state-owned property for campaign advertising and unlawful to use public facilities unless equal opportunity and access are afforded all candidates. (§2-19-206)</p>	<p>Anyone who violates these provisions is guilty of a misdemeanor. "Election" as used in these statutes does not mean referenda, initiatives, political conventions or caucus. (§52-19-201 and 2-19-208)</p>	
TEXAS	<p>It is unlawful to misuse title of office or to use political advertising or to make written or oral communications relating to a campaign so that voters are mistakenly led to believe that the candidate is the holder of an office (Election Code, Art. 14.10)</p>	<p>Advertisements and other political campaign materials must have names and addresses of the persons responsible and must disclose thereon that it is political advertising. (Election Code, Art. 14.09)</p>	<p>Purchase or acceptance of payment for editorial advocacy or opposition in any publication is prohibited. (Election Code, Art. 15.16)</p> <p>No publication shall sell or accept for consideration any political advertising from more than one candidate for any office unless such publication has been published and distributed generally for at least 12 months preceding the acceptance of the advertiser. (Election Code, Art. 15.16a)</p> <p>The coercion of a public servant or voter is prohibited. (Penal Code, Art. 36.03)</p>	<p>As contained in each statute:</p> <p>Violation of Art. 15.16 is subject to a fine between \$500 and \$1000 and/or imprisonment between 10 and 30 days; if offense involves a corporation, its charter is forfeited.</p> <p>Violation of Art. 15.16a is subject to a fine between \$500 and \$1000 and/or imprisonment between three and six months.</p> <p>Violation of Art. 14.09 is subject to a fine of \$100.</p> <p>Violation of Art. 14.10 is a class A misdemeanor.</p> <p>Violation of Art. 36.03 is a class A misdemeanor or a third degree felony.</p>	<p>Political advertising rates shall not exceed the lowest charge made for comparable use. (Election Code, Art. 14.09)</p>

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UTAH	No person may knowingly make or publish false statements in relation to any candidate. (520-14-28)	A paid advertisement must so state and must contain the names of the officers of the political organization responsible for it or the name and address of the person responsible. (520-14-24)	<p>No person shall pay the publisher, owner or editor of a newspaper or periodical for an editorial advocating or opposing a candidate. (520-14-24 and 20-14-27)</p> <p>Every candidate, member of a personal campaign or party committee who has a financial interest in any newspaper or periodical circulating in the state must disclose that interest before printing a political advertisement. (520-14-26)</p> <p>A statement of ownership of each newspaper and periodical must be filed before it can publish political material. (520-14-26)</p>	<p>Any person violating these laws is guilty of a misdemeanor and is not permitted to take or hold office to which he is elected or to receive emoluments thereof. (520-14-47)</p> <p>Violation of ss20-13-1, 2 or 3 is subject to a fine of not more than \$,300 and or imprisonment for not more than five years. (s20-13-4)</p>	The rates charged for political advertisements shall be prepaid and shall not exceed the usual rates for comparable advertising. (520-14-27)
VERMONT		Political campaign material mailed must contain the name of sponsor, and the name and address of the author and publisher on its face, but does not apply to a candidate whose literature identifies himself and promotes his own candidacy. (1752022)	<p>Bribery and fraud in elections is prohibited. (520-13-1, 20-13-2 and 20-13-3)</p> <p>Bribery, threats and undue influence to control the vote of a freeman is prohibited. (1752017)</p>	<p>Violation of 17s2022 is subject to a fine of \$500. (1752022)</p> <p>Violation of 1752017 is subject to a fine of \$200. (1752017)</p>	

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VIRGINIA	It is unlawful to use fictitious names in advertisements or circulars. (§24.1-277)	<p>All paid political advertisements must be identified as such. (§24.1-276)</p> <p>All printed and broadcast campaign material must identify the people responsible for them and whether or not they are authorized by a candidate or committee; no identification of source is required for independent editorial comment and news coverage nor for writings authorized by candidates on novelties. (§24.1-277)</p>	<p>Publications are not to receive compensation for advocating candidacy. (§24.1-276)</p> <p>Soliciting or giving bribe to influence or procure a vote is prohibited. (§24.1-272)</p>	<p>As provided therein:</p> <p>Violations of §24.1-276 and 24.1-277 are misdemeanors and do not require voiding of election.</p> <p>Violation of §24.1-272 is a class 1 misdemeanor</p>	
WASHINGTON	Prohibits knowing and willful false statements against a candidate. (§29.10.070)	Advertisements must identify at least one sponsor, if sponsored by other than candidate, including names and addresses; party designation is required; use of assumed name is unlawful. (§29.85.270)	<p>Bribery is prohibited. (§9A.68.010)</p> <p>At least one picture of a candidate used in political advertising shall have been taken within five years. (§29.85.270)</p>	<p>As contained therein:</p> <p>Violation of §9A.68.010 is a Class B felony.</p> <p>Violation of §29.85.270 is a gross misdemeanor subject to a fine of no more than \$1000 and/or imprisonment for not more than one year. (§29.85.280)</p>	
WEST VIRGINIA	Prohibits knowingly making or publishing false statements against a candidate. (§3-8-11(e))	No person shall publish or circulate anonymous political campaign material to influence the vote at an election; all paid political advertisements must be so designated. (§3-8-12)	<p>Using undue influence to induce a person to vote or to refrain from voting is prohibited. (§3-8-11(c))</p> <p>It is unlawful to pay a newspaper or publication to editorially oppose or advocate a candidate or ballot measure. (§3-8-11(f))</p>	<p>As contained therein:</p> <p>Violation of §§3-8-11 and 3-8-12 are misdemeanors subject to a fine of no more than \$1000 and/or imprisonment for no more than one year.</p>	