

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3698 HSTA HB 390 - HB 402

574

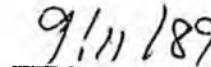


# RECORDS CERTIFICATION



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Signature of Camera Operator

  
Date

HPB

390

HOUSE STATE AFFAIRS COMMITTEE

Bill Number HB 390 Title APA - Exem Date Rec'd \_\_\_\_\_

Fiscal Note	Position Paper	Date requested	From	Amount	Date Rec'd	
					Note	Paper

CONTACTS

BACKUP LIST

Sue White - APA special Asst  
 John Hattle - Sord's office  
 Sam Zlaveroff - Mike - SB 292

HEARING INFORMATION

NOTES:

SB 292 - similar bill  
 w/ interesting difference  
 to Board Make-up -  
 Gives more Authority to  
 Executive Director -  
 Makes Board Advisory

FINAL ACTION

3/13/86

# COMMITTEE REPORT

## HOUSE

(7)

FURTHER: FINANCE

4/17/85

Date: 3/13/86

The Committee on STATE AFFAIRS has had HB 390

"An Act placing the employees of the Alaska Power Authority in the exempt service under the State Personnel Act; and providing for an effective date."

under consideration and recommends:

do pass [ ] do not pass

do pass with attached amendments (\*)

[ ] 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

### MEMBERS SIGNING DO PASS

[Signature]  
[Signature]  
Katie Hurley  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### MEMBERS HAVING OTHER RECOMMENDATIONS:

[Signature] No Rec  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Katie Hurley  
CHAIRMAN



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

April 19, 1985

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

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the exemption of the Alaska Power Authority's officers and employees from the State Personnel Act (AS 39.25).

The amendment in sec. 1 of the bill clarifies the status of the authority's executive director and staff by codifying a longstanding practice, i.e., treatment of the executive director and his or her staff as being in the exempt service. The members of the authority are already in the exempt service by virtue of AS 39.25.110(10), which places "members of boards, commissions, or authorities" in that category. Adding the Alaska Power Authority to the list in AS 39.25.110(11), as sec. 1 of the bill does, may create an element of redundancy regarding "members" and "officers," but that list already contains precedent for doing so, and it leaves no doubt as to this authority -- both members and staff -- being in the exempt service.

The amendment in sec. 2 of the bill corrects what appears to be an error made when AS 44.83.045 became law in 1978 (ch. 156, SLA 1978). AS 44.83.045(c) contains language making the executive director of the authority "subject to the provisions of AS 39.25" (which citation the revisor of statutes, evidently, changed to refer specifically to the sections of AS 39.25). The State Personnel Act covers all state employees, placing them in one of three categories of service: exempt, partially exempt, or classified. Making the executive director "subject to" the State Personnel Act merely means that he or she is either exempt, partially exempt, or in the classified service. In effect, the language in question has no meaning.

Section 2 of the bill, therefore, deletes that language from AS 44.83.045(c), and makes clear what category of service the executive director and the rest of the staff are in -- consistent with the amendment in sec. 1.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield  
Governor

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

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: HB 390  
 Title: An act placing the employees of AFA  
 in the exempt service under the State Personnel Act

**FISCAL DETAIL**

Agency Affected: Alaska Power Authority  
 Program Category Affected: \_\_\_\_\_

Sponsor: Senate Rules Committee  
 Requestor: Governor  
 Date of Request: \_\_\_\_\_

BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL			- 0 -			
300 CONTRACTUAL						
400 SUPPLIES			NOT APPLICABLE			
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>						

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS			- 0 -			
OTHER						
<b>TOTAL</b>			NOT APPLICABLE			

**POSITIONS:**

FULL-TIME			- 0 -			
PART-TIME			NOT APPLICABLE			
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary

Prepared By: Robert D. Heath Phone: 276-0001  
 Division: Alaska Power Authority Date: 4/12/85

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

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

# MEMORANDUM

TO:  Hon. Phillip Hubbard, Commissioner  
Department of Commerce & Economic  
Development  
ATTN: Lois Cook

DATE: July 11, 1978

FILE NO. J-66-808-78

TELEPHONE NO.

FROM: AVRUM M. GROSS  
ATTORNEY GENERAL

SUBJECT: Status of personnel  
of the Alaska Power  
Authority

By:  
Rodger W. Pegues  
Assistant Attorney General

This responds to your request for our opinion as to the effect of the recent amendment to the APA's organic act which provides, "The executive director of the authority is subject to the provisions of AS 39.25."

We are advised on good authority that the amendment was proposed to make the executive director subject to the Conflict of Interest Act and that, by error, the reference was made to AS 39.25 rather than to AS 39.50. The bill was rushed through at the last minute, and passed without correction to the reference. The Statute Reviser will be asked to make a corrective amendment in his omnibus bill next year.

In our view, the plain error rule controls. The amendment makes sense only if it is read to be 39.50 rather than 39.25. Making a person "subject to" the State Personnel Act - without anything more -- accomplishes nothing. Under that Act, one may be exempt, partially exempt, or classified. If the amendment is read to mean AS 39.25, i.e., the Personnel Act, then all it says is that the executive director is exempt, partially exempt, or classified. He is that now, i.e., he is exempt. Moreover, there is neither rhyme nor reason to place the executive director under the Personnel Act and not include his staff. That will be the result, however, if the amendment's plain language is followed. On the other hand, if the reference were to AS 39.50, i.e., to the Conflict of Interest Act, it would subject the executive director to that Act's requirements and thereby accomplish the amendment's purpose. Moreover, it would make sense to subject the executive director to that Act but not to include his staff. Accordingly, the reference to AS 39.25 must be considered plain error, and the status quo ante obtains.

That the amendment was intended to subject the executive director to the Conflict of Interest Act does not, however, mean that he is now subject to that Act. Until a

Lois Cook  
July 11, 1978  
Page #2

law has been passed subjecting him to that Act, he is not subject to it; it takes more than intent to make a law. Train v. City of New York, 420 U.S. 35, 45 (1975). Nothing prevents his filing a Conflict of Interest Statement voluntarily, however, or the authority's requiring him to file one as a condition of employment.

The answers to your questions then are as follows:

- (1) The executive director of the APA is in the exempt service.
- (2) The other employees of the APA are in the exempt service.

RWP/pjg

July 27, 1977

The Honorable H. Phillip Hubbard  
Commissioner  
Department of Commerce and  
Economic Development

AVRUM M. GROSS  
ATTORNEY GENERAL

Legal status of executive  
director and staff of  
Alaska Power Authority  
Our File: J-66-719-77

By:  
G. Thomas Koester  
Assistant Attorney General  
Department of Law

You requested an opinion regarding the applicability of AS 39 to the executive director and staff of the Alaska Power Authority, AS 44.56. We understand that the thrust of your request relates to the coverage of these positions by the State Personnel Act, AS 39.25.

AS 44.56.050 provides that the executive director employed by the authority is subject to confirmation by the legislature. While the confirmation requirement is invalid, Bradner v. Hammond, 553 P.2d 1 (Alaska 1976), this is a clear indication that the legislature intended the executive director to be exempt from Personnel Act coverage. Therefore, we believe the Act has no application to the executive director position.

Whether the Act applies to the staff is difficult to determine. AS 44.56 provides no guidance, and we have been unable to discover anything in its legislative history to resolve the issue.

The statutes governing agencies similar to the Power Authority usually state expressly the status of employed staff (e.g., Municipal Bond Bank Authority: employees are in the classified service, AS 44.58.070; Small Business Development Corporation: employees are in the exempt service, AS 44.60.380). One notable exception is AS 18.55, the Alaska State Housing Authority (ASHA) Act. However, AS 18.55.070, the provision authorizing ASHA to employ staff, was enacted by the Territorial Legislature in 1949, several years before the Personnel Act was enacted in 1960. ASHA employees have been considered in the exempt service since 1960; ASHA has its own personnel rules which are similar to those governing "normal" state employment, but does not consider itself under the Personnel Act. The legislature arguably ratified this situation in 1971 when it created the Alaska Housing Finance Corporation (AHFC), AS 18.56, providing that "[t]he personnel of the corporation are exempt from AS 39.25 to the same extent as the personnel of [ASHA]." AS 18.56.070.

The Honorable H. Phillip Hubbard  
Commissioner  
Department of Commerce and  
Economic Development

July 27, 1977

We suggest that staff employed by the Alaska Power Authority be considered in the exempt service and not covered by the provisions of AS 39.25. This conclusion is based on the fact that the authority, while "a public corporation of the state," has a "separate and independent legal existence," AS 44.56.020, the fact that the legislature arguably has ratified this approach, and the fact that this approach applies to most of the other public corporations of the state (ASHA, AHFC, Alaska Toll Bridge Authority, Small Business Development Corporation; the one exception is the Municipal Bond Bank Authority). However, note that whatever personnel system is established must incorporate merit principles. Alaska Const., art. XII, §6. Perhaps the authority can follow a system patterned after the ones employed by ASHA and AHFC.

However, because it is not certain that this approach is correct and it could be argued the other way, we urge you to seek legislation clarifying the status of staff employed by the Alaska Power Authority.

GEM:md

cc: V. Kent Dawson  
Legislative Assistant  
Office of the Governor



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

April 19, 1985

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

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the exemption of the Alaska Power Authority's officers and employees from the State Personnel Act (AS 39.25).

The amendment in sec. 1 of the bill clarifies the status of the authority's executive director and staff by codifying a longstanding practice, i.e., treatment of the executive director and his or her staff as being in the exempt service. The members of the authority are already in the exempt service by virtue of AS 39.25.110(10), which places "members of boards, commissions, or authorities" in that category. Adding the Alaska Power Authority to the list in AS 39.25.110(11), as sec. 1 of the bill does, may create an element of redundancy regarding "members" and "officers," but that list already contains precedent for doing so, and it leaves no doubt as to this authority -- both members and staff -- being in the exempt service.

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Section 2 of the bill, therefore, deletes that language from AS 44.83.045(c), and makes clear what category of service the executive director and the rest of the staff are in -- consistent with the amendment in sec. 1.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Sheffield". The signature is written in a cursive style with a large, sweeping initial "B".

Bill Sheffield  
Governor

ALASKA POWER AUTHORITY  
Resolution 1985-03

RESOLUTION BY THE ALASKA POWER AUTHORITY BOARD OF DIRECTORS RECOMMENDING THAT AS 39.25.110 BE AMENDED TO SPECIFICALLY NAME THE ALASKA POWER AUTHORITY AS A STATE AGENCY IN EXEMPT SERVICE.

WHEREAS, the Alaska Power Authority was created as a public corporation of the State of Alaska with a separate and independent legal existence in the Department of Commerce and Economic Development; and

WHEREAS, the Alaska Power Authority consists of a seven member board of directors required to employ an Executive Director, who employs additional staff as necessary, and is granted powers under AS 44.83.080 to carry on and further its corporate purposes; and

WHEREAS, the Alaska Power Authority, although considered to be a State agency in exempt service not covered by the provisions of AS 39.25 (the State Personnel Act), is not specifically named as such in this chapter; and

WHEREAS, the Authority has been advised by the Office of the Attorney General to seek legislation to provide clarification on the status of the Executive Director and staff;

NOW THEREFORE, BE IT RESOLVED, by the Board of Directors of the Alaska Power Authority:

That AS 39.25.110 is recommended for statutory amendment to specifically name the Alaska Power Authority as being a State agency in exempt service, thereby exempting the Authority from the provisions of the State Personnel Act;

BE IT FURTHER RESOLVED, that the Alaska Power Authority Board of Directors respectfully requests the Governor to introduce legislation providing for amendment to AS 39.25.110 as recommended herein.

This resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

And the resolution was declared adopted on this the \_\_\_\_\_ day of \_\_\_\_\_, 1985.

ALASKA POWER AUTHORITY

BY: \_\_\_\_\_  
Chairman

BY: \_\_\_\_\_  
Secretary

RECEIVED

FEB 19 1985

ALASKA POWER AUTHORITY  
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ANCHORAGE, ALASKA 99501  
(907) 586-1886

ONE SEALASKA PLAZA, SUITE  
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A PROFESSIONAL CORPORATION

1127 WEST SEVENTH AVENUE

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TELEPHONE (907) 276-1550

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TELEX 25-356

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LLOYD V. ANDERSON  
LUANN E. BAILEY  
SUSAN P. BEHLKE  
RONALD G. BIRCH  
WILLIAM K. BITTNER  
KATHRYN A. BLACK  
RODNEY B. CARMAN  
JOSEPH M. CHOMSKI  
PAUL L. DILLON  
CYNTHIA L. DUCEY  
ERIC A. EISEN  
JOSEPH W. EVANS  
CARL E. FORSBERG  
WILLIAM W. GARNER  
KENNETH J. GOLDMAN  
RICHARD G. HAGGART  
BRUCE E. HORTON  
HAL R. HORTON  
CAROL JOHNSON  
MARC W. JUNE  
STANLEY T. LEWIS  
JEFFREY B. LOWENFELS  
LAWRENCE Z. OSTROVSKY  
MICHAEL J. PARISE  
SUZANNE C. PESTINGER  
TIMOTHY PETUMENOS  
MICHAEL V. REUSING  
ELISABETH H. ROSS  
E. BUDD SIMPSON  
STEPHEN F. SORENSEN  
SHERIDAN STRICKLAND  
BARRY N. SUMMER  
JON K. TILLINGHAST  
DANIEL WESTERBURG

February 13, 1985

\*D. C. BAR ONLY  
\*\*D. C. AND ALASKA BAR  
ALL OTHERS ALASKA BAR ONLY

William Mellow  
Assistant Attorney General  
Attorney General's Office  
Pouch "K"  
Juneau, Alaska 99811

Jonathan B. Rubini  
Assist. Attorney General  
Attorney General's Office  
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Frank Raye, Director  
Division of Personnel  
Department of Administration  
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Juneau, Alaska 99811

Mr. Brad Thompson  
Division of Risk Mgmt.  
State of Alaska  
Pouch "C"  
Juneau, Alaska 99811

Mr. Dick Stone  
Northern Adjusters  
2609 Arctic Blvd.  
Anchorage, Alaska 99503

Re: Sidney R. Kidwell v. State of Alaska  
James E. Benka v. State of Alaska

Gentlemen:

I have already discussed with most of you my thoughts on these cases. As you are aware, two employees of the Alaska Power Authority, Kidwell and Benka, have sued the State of Alaska for wrongful termination. This letter and the attached Research Memorandum focuses on the claim made by these employees that they were fired contrary to the provisions of the Alaska Personnel Act.

Our investigation reveals that the Alaska Power Authority did not follow the Alaska Personnel Act because they were under the impression that the personnel act did not apply to the Alaska Power Authority.

As you can see from the attached Research Memorandum, we have a substantial concern that the personnel act will be held to apply to the Alaska Power Authority. I have routed results of this research to a broader group of people than I normally would in view of the fact that it

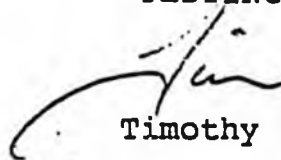
William Mellow  
Jonathan G. Rubini, Esq.  
Frank Raye  
Brad Thompson  
Dick Stone  
February 13, 1985  
Page 2

appears important that the State consider remedial legislation specifically exempting the Alaska Power Authority from the provisions of the personnel act.

We have much more detailed memoranda in the file on the factual circumstances surrounding the termination of Kidwell and Benka which we can make available for your review. The issue addressed in the attached memorandum however is a purely legal issue regarding the procedures that must be followed under the Alaska Personnel Act. It did not appear necessary to detail the facts of the Kidwell and Benka cases in order to keep you advised.

Very truly yours,

BIRCH, HORTON, BITTNER,  
PESTINGER & ANDERSON



Timothy Petumenos

TP/jm  
Encl.  
cc: Ray Benish  
David Ritze

Cramer  
2/13/86  
#2

Original sponsor Rules/Governor

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IN THE SENATE

BY THE LABOR AND  
COMMERCE COMMITTEE

CS FOR SENATE BILL NO. 292 (L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the Alaska Power Authority; and providing for an effective date."

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

\* Section 1. AS 39.25.110(11) is amended to read:

(11) the officers and employees of the following boards, commissions, and authorities:

- (A) Alaska Gas Pipeline Financing Authority;
- (B) Alaska Permanent Fund Corporation;
- (C) Alaska Energy Center;
- (D) Alaska Industrial Development Authority;
- (E) Alaska Commercial Fisheries Entry Commission;
- (F) Alaska Commission on Postsecondary Education;
- (G) Alaska Power Authority;

\* Sec. 2. AS 44.83.030 is repealed and reenacted to read:

Sec. 44.83.030. MEMBERSHIP OF THE AUTHORITY. The board of directors of the authority consists of seven members. The commissioner of commerce and economic development serves as a director and the governor shall appoint one director from the banking industry, one consumer representative, two directors from business and industry, and two directors who are managers in the utility industry. Directors appointed by the governor serve for staggered terms of six years and are subject to confirmation by a majority of the members of the legislature in joint session.

\* Sec. 3. AS 44.83.040(a) is amended to read:

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(a) The directors shall elect one of their number as chairman and may elect other officers they determine desirable. The board shall advise the executive director on the management of the authority. Four [THE POWERS OF THE AUTHORITY ARE VESTED IN THE DIRECTORS, AND FOUR] directors of the authority constitute a quorum. Action may be taken and motions and resolutions adopted by the authority at a meeting by the affirmative vote of a majority of the directors. The directors of the authority serve without compensation, but they shall receive the same travel pay and per diem as provided by law for board members.

\* Sec. 4. AS 44.83.045(a) is amended to read:

(a) The [PUBLIC] directors appointed by the governor must [SHALL] be residents and qualified voters of Alaska and shall comply with the requirements of AS 39.50 (conflict of interests). [THE PUBLIC DIRECTORS SHALL SERVE OVERLAPPING FOUR-YEAR TERMS.]

\* Sec. 5. AS 44.83.045(c) is amended to read:

(c) The authority shall employ an executive director who may [, WITH THE APPROVAL OF THE AUTHORITY,] employ additional staff as necessary. The powers of the authority are vested in the executive director. In addition to its staff of regular employees, the authority may contract for and engage the services of legal and bond counsel, consultants, experts, and financial and technical advisors the authority considers necessary for the purpose of conducting studies, investigations, hearings, or other proceedings. The board of directors shall establish the compensation of the executive director. The executive director and staff of the authority are in the exempt service under AS 39.25.110 [IS SUBJECT TO THE PROVISIONS OF AS 39.25.010 - 39.25.-220].

\* Sec. 6. AS 44.83.110(f) is amended to read:

1 (f) The executive director [CHAIRMAN] of the authority shall  
2 annually, no later than January 2, make and deliver to the governor  
3 and the legislature a certificate stating the sum, if any, required to  
4 restore any capital reserve fund to the capital reserve fund require-  
5 ment. The legislature may appropriate the [SUCH A] sum, and the au-  
6 thority shall deposit the [ALL] sums appropriated during the then  
7 current fiscal year by the legislature for the [SUCH] restoration  
8 [SHALL BE DEPOSITED BY THE AUTHORITY] in the proper capital reserve  
9 fund. Nothing in this section creates a debt or liability of the  
10 state.

11 \* Sec. 7. Notwithstanding the amendments to AS 44.83.030 made by sec. 2  
12 of this Act, the public directors of the authority on the day before the  
13 effective date of this Act shall continue to serve until their terms ex-  
14 pire. On the effective date of this Act, the governor shall replace the  
15 director of the office of management and budget and the three commissioners  
16 in accordance with AS 44.83.030 as amended by this Act.

17 \* Sec. 8. This Act takes effect immediately in accordance with AS 01.-  
18 10.070(c).  
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COMMITTEE REPORT  
HOUSE

(7)

FURTHER: FINANCE

4/17/85

Date: 3/13/86

The Committee on STATE AFFAIRS has had HB 390

"An Act placing the employees of the Alaska Power Authority in the exempt service under the State Personnel Act; and providing for an effective date."

under consideration and recommends:

do pass [ ] do not pass

~~do pass with attached amendments(s)~~

[ ] replace with CS for \_\_\_\_\_ [ ] same title  
[ ] new title

and recommends \_\_\_\_\_

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation  Zero Fiscal Note Attached

[ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]  
[Signature]  
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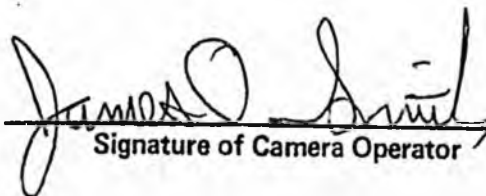
[Signature]  
CHAIRMAN



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Signature of Camera Operator

9/11/89  
Date

HB

402

# COMMITTEE REPORT

HOUSE

JUDICIARY

(7)

FURTHER: FINANCE

4/25/85

Date: 3/24/86

The Committee on STATE AFFAIRS has had HB 402

"An Act relating to military and overseas voters."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB402 (JA)  same title  
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent"  <sup>FIRST</sup> New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Katie Hurley  
Myra White  
John M. ...  
W.C. ...

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Roger Jenkins No Rec.

Katie Hurley  
CHAIRMAN

# REP. TERRY MARTIN

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



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

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

## Alaska House of Representatives

### MEMORANDUM

To: Representative Katie Hurley, Chair  
House State Affairs Committee

From: Representative Terry Martin

Date: March 24, 1986

Re: HB 402--Proposed Amendments

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

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



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

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

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

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

A M E N D M E N T

Offered in the HOUSE

By Martin

TO: HB 402

Page 1, lines 8 - 15:

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

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

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

Page 1, line 20, after "voter":

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

Page 1, lines 22 - 23:

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

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

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

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

⑤ Page 1, line 27, after "each":

Insert: "judicial retention election and"

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

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

Reletter remaining subsection.

# REP. TERRY MARTIN

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



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

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

## Alaska House of Representatives

### MEMORANDUM

To: Representative Katie Hurley, Chairman  
House State Affairs Committee

From: Representative Terry Martin *T.M.*

Date: January 22, 1986

Subject: HB 402

"An Act relating to military and overseas voters."

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

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

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

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

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

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



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

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

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

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

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

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

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

POSITION PAPER

House Bill 402

Prepared by Division of Elections

March 5, 1986

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

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

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

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

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

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

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

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

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

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

particular race for a candidate of any other party.

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

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

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

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

Exercising the first option, the person's vote would be counted like any other write-in vote. By exercising the party option in a given race the vote would be counted for whichever candidate for that party successfully won the nomination for that race in the primary.

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

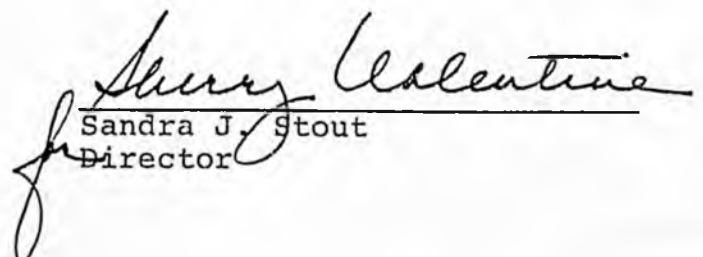
As an additional comment on a practical note, analysis of 1984 absentee voting patterns indicate that we could

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

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

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

3/10/86  
Date

  
Sandra J. Stout  
Director

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

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

**FISCAL DETAIL**

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

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

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

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

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

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		5.4	-0-	1.2	-0-	1.5
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by: Linda Edgeworth Phone: 465-4611  
 Division: Elections Date: 3/6/86

Approved by Commissioner: *Sheri Valentini for Sandra Stout* Date: 3/10/86  
 Agency: Division of Elections

Distribution (by Agency preparing fiscal note):

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



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

March 3, 1986

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

MAR 7 1986

*Novella*

Dear Madam Chairman:

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

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

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

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

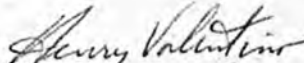
We also note Alaska has a specified period during which requests for absentee ballots may be received by the Director, Division of Elections. The "not earlier than" limitation causes considerable problems for these persons. Frequently, voting programs are held on military bases and various

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

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

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

Sincerely,

  
Henry Valentino  
Director

Enclosure

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

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

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

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

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

DIVISION OF ELECTIONS  
POUCH AF  
JUNEAU, ALASKA 99811-9974

**OFFICE OF THE GOVERNOR**

PHONE: (907) 586-6181

February 20, 1985

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

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

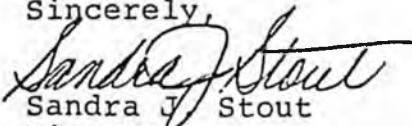
Dear Representative Hurley:

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

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

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

Sincerely,

  
Sandra J. Stout  
Director

Enclosure

**OFFICE OF THE GOVERNOR**

PHONE: (907) 586-6181

REQUIRED POSTMARKS: ABSENTEE BALLOTS BY MAIL

Prepared For

The Honorable Katie Hurley  
Alaska State House of Representatives

February 20, 1985

Current Absentee By Mail Procedures

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

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

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

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 in 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 USCS ss 1973dd et sec, which provides that voting and other election materials may be mailed from any Armed Forces post office in an overseas area, unless otherwise prohibited by a treaty or other agreement, free of postage. It stipulates that such ballots may be segregated from other forms of mail and placed in special bags marked with special tags printed and distributed by the Postmaster General for this purpose

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

#### Potential Impact of Voter Paid Postage on Ballot Return Rate

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

indicate that this has not been detrimental.

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

#### Irregularities in Post Office Procedure

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

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

#### Impact of Legislation Currently Being Considered in Congress

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

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

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

#### Alternative Safeguards to Assure Timely Voting

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

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

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

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

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

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

#### Extended Deadline for Military and Overseas Voters Only

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

#### Advantages to an Election Day Deadline

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

#### Absentee Deadlines Involved in Recounts

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

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

# VOTING INFORMATION '84

Prepared by: Federal Voting Assistance Program, Office of the Secretary of Defense, Pentagon, Washington, D.C. 20315



NUMBER: 97

DATE: August 23, 1984

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

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

### California:

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

### Connecticut:

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

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

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

### Georgia:

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

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

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

## WHEN PEOPLE VOTE, PEOPLE LISTEN

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

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

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

Maine:

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

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

Washington:

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

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

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

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

END

January 11, 1966

Dear Jerry,

I am most interested in seeing that military personnel stationed in Alaska have every opportunity to participate in elections.

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

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

Sincerely,

James Green-Hanned  
CAPT, USCG RET

701 G Street  
Anchorage, AK 99501

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

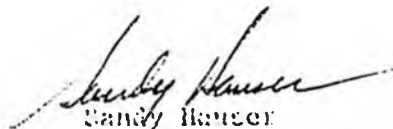
October 30, 1985

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

Dear Lieutenant Governor McAlpine:

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

Sincerely,



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

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

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

October 30, 1965

Representative Katie Hurley  
1024 West 6th  
Anchorage, Alaska 99501

Dear Representative Hurley:

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

Sincerely,



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

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

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

Representative Mike Miller  
District 18  
Pouch V  
Juneau, Alaska 99811

The Honorable Mike Miller,

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

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

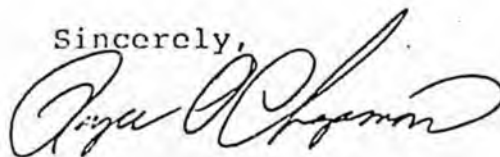
Even for those Alaska residents who are stationed at bases in the Lower-48 voting absentee can be difficult. If a ballot is mailed to the member 15-days prior to the election and will not be counted if not received within seven days after the election, this allows only 22 days for the ballot to arrive,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

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

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

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

Sincerely,



Royce O. Chapman, TSgt

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

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

Signature	Print Name	Mailing Address	City/Zip	Phone #
<i>Robert O. Bowen</i>	ROBERT O. BOWEN	1226 R ST	ANCHORAGE 99501	274-1063
<i>Janaan D. Kitchen</i>	JANAAN D. KITCHEN	109 EAST MANOR AVE.	ANCHORAGE, 99501	274-4125
<i>Forrest A. Moore</i>	FORREST A. MOORE	P.O. BOX 54	HOPK, AK 99605	782-3432
<i>Linda Lu Graham</i>	LINDA LU GRAHAM	P.O. Box 11	Hope, AK 99605	782-3371
<i>T. Kagimoto</i>	T. KAGIMOTO	P.O. BOX 49	Hope, AK 99605	782-3276
<i>R. J. Polak</i>	R. J. POLAK	4938 CASTLE CT.	ANCH. AK 99501	333-0910
<i>Susan Anderson</i>	SUSAN ANDERSON	P.O. BOX 65	Hope, AK 99605	NONE
<i>Larry W. Anderson</i>	LARRY W. ANDERSON	P.O. BOX 65	Hope, AK 99605	NONE
<i>James Puller</i>	JAMES PULLER	P.O. BOX 116	Hope AK 99605	NONE
<i>Eunice L. Puller</i>	EUNICE L. PULLER	P.O. BOX 116	Hope, AK 99605	NONE
<i>Ronald O. Johnson</i>	RONALD O. JOHNSON	Box 83	HOPE AK	NONE

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

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Signature	Print Name	Mailing Address	City/Zip	Phone #
<i>Lee C. Basnar</i>	Lee C. Basnar	General Delivery	Cantwell 99729	768-2350
<i>Joan M. Basnar</i>	X JOAN M. BASNAR	GENERAL DELIVERY	CANTWELL 99729	768-2350

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Signature	Print Name	Mailing Address	City/Zip	Phone #
<i>Gene A. Corbin</i>	GENE A. CORBIN	P.O. BOX 870441	WASILLA 99687	376-2164
<i>David E. Rounds</i>	DAVID E. ROUNDS	SR BOX 5552	WASILLA, 99687	376-5637
<i>Claude L. Hanson Jr.</i>	CLAUDE L. HANSON JR.	P.O. Box <sup>871005</sup> 991005 <sup>cd</sup>	WASILLA 99687	376 5169
<i>Eldon E. Jordan</i>	ELDON E. JORDAN	P.O. Box 872782	WASILLA 99687	376-8098
<i>Everett R. Ehrhart</i>	EVERETT R. EHRHART	Box 2506 PALMER, AK	PALMER, 99645	745-5344
<i>Leo Nunley</i>	LEO NUNLEY	Box 870058	WASILLA, <sup>AK</sup> 99687	376-5513
<i>Charles P. Palmer</i>	CHARLES P. PALMER	SR BOX 12795	WASILLA <sup>AK</sup> 99687	376-5505
<i>Joe Delepl</i>	Joseph A. Delepl	P.O. Box B.520 787	Big Lake Ak	376-0631
<i>Richard J. Cottle</i>	RICHARD J. COTTLE	P.O. Box 870387	WASILLA AK.	376-2892
<i>Maurice H. Rounds</i>	MAURICE H. ROUNDS	SR. Box 5552	WASILLA, AK.	376-6883
<i>Mark Francis Jones</i>	MARK FRANCIS JONES	PO 874014	WASILLA AK	745-1547

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Signature	Print Name	Mailing Address	City/Zip	Phone #
<i>David J. Tremont</i>	DAVID J. TREMONT	10131 Nantucket Loop	Anchorage, AK 99507	349-7478
<i>Robert M. Aiken</i>	Robert M. Aiken	Box 4-560	Anchorage, 99509	688-2123
<i>Toni M Reupke</i>	Toni M Reupke	8530 E 10 <sup>th</sup> Ave	Anch 99504	333-0117
<i>Jay A. Brunner</i>	JAY A. BRUNNER	SRA Box 5067	CHUGIAK, 99582	688-3157
<i>John Gliva</i>	JOHN GLIVA	3540 TANGLE WOOD PL.	ANCH. 99503	293-5194
<i>Elizabeth A. Banson</i>	Elizabeth A. Banson	828 "O" Pl.	Anch. 99501	
<i>Wayne E. Marshall</i>	Wayne E. Marshall	SR 9113 Highland Road	Eagle River 99577	694-8211
<i>Nelda J. Warkentin</i>	NELDA J. WARKENTIN	1130 W. 6th, #7	Anchorage 99501	279-0707
<i>James C. Sanders</i>	JAMES C SANDERS	7130 Augustine Drive P.O.	Anchorage 99504	338-2069
<i>Bessie Ransom Mosley</i>	BESSIE RANSOM-MOSLEY	Box 8838	Anchorage 99503	872-3846
<i>Gerald Trigg</i>	Gerald Trigg	P.O. Box 4-404	Anchorage 99509	293-6866
<i>Ike O. Waits</i>	Ike O. Waits	Box 200, Anchorage, Ak. 99520		274-0471

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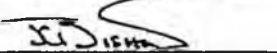
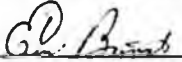
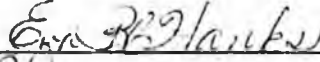
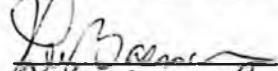
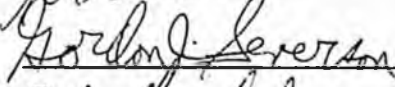
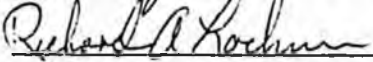
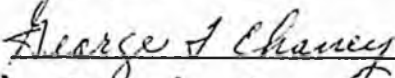
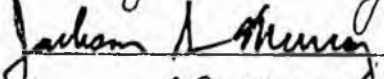
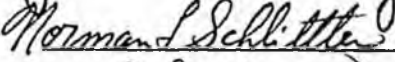
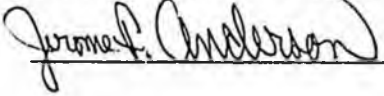
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Signature	Print Name	Mailing Address	City/Zip	Phone #
<i>Arthur R. Mains</i>	Arthur R. Mains	128 1st St.	Eagle River 99577	694-3183
<i>George W. Peterson</i>	George W. Peterson	425 Jackson Hole Ct.	Eagle River 99577	694-9730
<i>Mitchell A. Actell</i>	Mitchell A. Actell	Box 1 Dixon St	Eagle River 99577	694-5409
<i>Barry L. Blumenthal</i>	BLUMENTHAL, BARRY L.	PO Box 106	ELMENDORF AFB 99506	338-6414
<i>Andrew Hercha III</i>	ANDREW HERCHA III	STAR RT. BOX 364	EAGLE RIVER 99577	698-2357

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Signature	Print Name	Mailing Address	City/Zip	Phone #
	John Coitup	8430 Rebel Ridge Dr 3001 Madison Cir Dr	Anchorage 99504 Eagle River AK 99577	337-8080 694-3645
	Ernie Brandt			
	Eva B. C. Hawks	3212 Kestelwald	Eagle River AK 99577	694-3464
	Lee C. Basnar	Can Del, Cantwell, AK 99709		
	GORDON J SEVERSON	2621 Lake Otis Plwy	Anchorage 99508	277-5875
	RICHARD A. LOCHNER	1 SUN BEAM, EA	FALL RIVER 99571	337-9554
	GEORGE T. CHANEY	P.O. Box 5-648	FT RICHAK 99505	337-4970
	JACKSON S. MURRAY	2831 DOWNINGTON DR	ANCHORAGE 99504	333 2608
	NORMAN L. SCHLITTLER	2521 BANBURY DR	ANCHORAGE 99504	333-0116
	JEROME F. ANDERSON	6458 BARCLAY	ANCHORAGE 99504	337 7389

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Signature	Print Name	Mailing Address	City/Zip	Phone #
<i>George T. Chaney</i>	GEORGE T. CHANEY	P.O. Box 5-648	Hert, Alaska 99505	337-4970
<i>Ronald L. Brown</i>	RONALD L. BROWN	333 N. Flower St.	Anch., AK 99508	274-1452
<i>Perry D. Sebaugh</i>	Perry D. Sebaugh	5R3, Box 5850 Chugiak 99587	Chugiak 99587	688-2624
<i>Clifford L. Parker</i>	Clifford L. Parker	3842 William	Prud. AK 99583	562-4446
<i>Bobby G. Vincent</i>	Bobby G. Vincent	5630 GATEKEEPER, Anch. AK 99501	Anchorage, AK 99501	333-7541
<i>Gerald Vanderwood</i>	Gerald Vanderwood	SR 2 Box 6750 Chugiak	Chugiak AK 99567	688-7154
<i>Victor N. Maywood</i>	VICTOR N. MAYWOOD	701 ANDERSON LOOP	EAGLE RICK 99577	694-2941
<i>JAMES J. Liberatore</i> <sup>SB</sup>	James J. Liberatore	P.O. Box 2117-172	Eagle, AK 99577	694-7535
<i>Frank L. Boguslawski</i>	Frank L. Boguslawski	8644 Blackberry	Anch AK 99502 99687	272-3542
<i>William D. Webb</i>	William D. Webb	P.O. Box 873868	Wasilla AK	376 8283
<i>William A. Petram</i>	William A. Petram	359-F Juneau Ave Ft Richardson, AK 99505	Ft Rich AK 99505	428-0385

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

John S. Bayew	John S. Bayew	SRA BOX 6043-F,	PALMER, ALASKA 99645	745-6418
Loyce A. Perki	Loyce A. Perki	Box 3 Box 7345 Chugiak AK	Chugiak AK 99567	688-3441
Douglas P. Putnam	Douglas P. Putnam	128 Blackhawk Ridge DR Eagle River, AK 99577		688-4753
Richard L. Apgar	RICHARD L. APGAR	3071 BETTLES BAY LOOP ANCHORAGE, AK 99515 SR BOX 6627-E	ANCHORAGE, AK 99515	344-1419
Richard A. Gevinge	Richard A. Gevinge	UNASILLA, AK 99687		376-0581
Regren S. Nicholson	REGREN S. NICHOLSON	GENERAL DELIVERY	WALLES, AK 99783	664-3561
Roger D. Powell	Roger D. Powell	POB 771226 FNG-LE RIVER	AK - 99577	688-2635
Theresa M. Odekirk	THERESA M. ODEKIRK	8300 Henry Circle	ANCHORAGE, ALASKA 99507	349-9826
Teen Davis	TEEN DAVIS	3930 Deborah LN	ANCHORAGE, AK 99504	333-9608
Melanie S. Ford	Melanie S. Ford	PO Box 6655-14	THE WASHINGTON AK 99687	376-9693

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

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

Signature	Print Name	Mailing Address	City/Zip	Phone # (607)
<i>C. K. Goddard</i>	C. K. Goddard	P.O. DRAWER I	Copper Center	822-3410
<i>J. M. Goddard</i>	J. M. GODDARD	P.O. DRAWER I	Copper Center	822-3410
<i>Cheryl L. Sparks</i>	Cheryl L. Sparks	P.O. Box 294	Glennallen	822-3443
<i>Veta C. Blair</i>	Veta C. Blair	P.O. Box 168	Glennallen, AK	822-3520
<i>Georgia L. Strunk</i>	Georgia L. Strunk	P.O. Box 173	Glennallen, AK	822-3518
<i>Allen R. Sanders</i>	ALLEN R. SANDERS	P.O. Box 79	COPPER CENTER, AK	822-3669
<i>Paul J. Blair</i>	PAUL J. BLAIR	P.O. Box 168	GLENNALLEN, AK	822-3520
<i>William W. Miller</i>	WILLIAM W. MILLER	P.O. Box 81	Copper Center	—

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Signature	Print Name	Mailing Address	City/Zip	Phone #
<i>Stanley Parrott</i>	PARROTT, Stanley S.	Po Box 716	Talkeetna 99676	733-2319
<i>Mr. F. Ellis</i>	Ellis, Myron F	PO-Box 38	Talkeetna <sup>99676</sup>	733-2519
<i>Daniel W. Drape</i>	DRAPE DANIEL D.	P.O. BOX 870932	WASILLA	376-3549
<i>F. P. Bates</i>	Bates, F. P.	Box 10	Talkeetna	733-2442
<i>William R. Perdue</i>	William R. Perdue	2123 Crataegus Ave	<sup>99508</sup> Anchorage	279-3694
<i>Daniel A. Robinson</i>	DANIEL A. ROBINSON	5121 Mills, DR	<sup>99508</sup> Anchorage	333-0052
<i>Pauline Thomas</i>	<del>W</del> Pauline Thomas	3299-Montpelier Ct.	<sup>99503</sup> Anchorage Ak.	561-3123
<i>Wanda Perdue</i>	Wanda L. Perdue	2123 Crataegus Ave	<sup>99508</sup> Anchorage AK	279-3694
<i>Clarence R. Willis</i>	Willie CHANCE R.	3410 W <sup>31</sup> AVE	<sup>99517</sup> Anchorage AK	243-2203
<i>Ollie M. Willis</i>	Willis, Ollie M.	3410 W <sup>31</sup> St	Anch. <sup>99517</sup>	243-2203
<i>Thomas C. Freeman</i>	FREEMAN THOMAS C. JR	145 PARKVIEW TERRACE L.P.	<sup>99577</sup> EAGLE RIVER AK	694-4242

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Signature	Print Name	Mailing Address	City/Zip	Phone # 907
(Mrs) Mary Pat Heller	(Mrs) Mary Pat Heller	1741 Rainbow Ave	Anchorage 99516	345-0847
<del>Robert ...</del>	<del>...</del>	<del>...</del>	<del>...</del>	<del>...</del>
(Mrs) Min. E. Ebling	Min. E. Ebling USAF	PO Box 38	Talkeetna 99676	907 433 2519
Elinore Ebling	Elinore Ebling	PO Box 38	Talkeetna	907-733-2511
William E. Holifield	William E. Holifield	P.O. Box 142	Anchorage AK 99506	907 552 2337
Gerald R. Tart	GERALD R. TART	7242 Foxridge Circle, 10D	Anchorage AK 99502	(907) 349 9989
Donald I. Christensen	DONALD I. CHRISTENSEN	2748 Lorp Rd	Anchorage AK 99507	344-9436
Lloyd M. Dobbs	LLOYD M DOBBS	SAA BOX 6690	WASILLA 99687	376-7631
Jan W. Thomas	Jan W. THOMAS	3620 Lynn Dr	Wet. Village Anchorage AK	333-5972
Janice K. ...	Janice K. ...	PO Box 16 ...	...	...
Gladstone A. Shaw	Gladstone A. SHAW	4130 E. 3rd Ave	Anchorage, AK 99508	338-3102

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Signature	Print Name	Mailing Address	City/Zip	Phone #
<i>William M. Mack</i>	WILLIAM M. MACK	2620 KARLUK ST.	ANCHORAGE 99508	279-3270
<i>[Handwritten Signature]</i>	TERRANCE W. O'NEILL	8490 POWERS DR.	ANCHORAGE 99508	338-1789

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

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**  
 Bill Resolution No. : CSHB 402 (SA)  
 Title : An Act relating to absentee voting.  
 \_\_\_\_\_  
 Sponsor : Martin  
 Requestor : House State Affairs  
 Date of Request : 2/28/86

**FISCAL DETAIL**  
 Agency Affected : Office of the Governor  
 BRU : Elections  
 \_\_\_\_\_  
 Components : Primary and General  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

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

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		5.4	-0-	1.2	-0-	1.5
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

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

Distribution (by Agency preparing fiscal note) :

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

COMMITTEE REPORT

HOUSE

3/26

JUDICIARY

FURTHER: FINANCE

(7)

4/25/85

Date: 2/24/86

The Committee on STATE AFFAIRS has had HB 402

"An Act relating to military and overseas voters."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 402 (SA)  same title  
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent"  <sup>FIRST</sup> New Fiscal Note 200 102
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATION:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_ *Rep. J. ...*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CHAIRMAN

March 6, 1986

The Honorable Tim Kelly  
Senator  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Kelly:

Eldon Mulder of your office requested statistics showing the number of 1985 PFD applications received during the filing period of April 1 - June 30, 1985. The enclosed chart provides that information, by week of receipt. You will note that almost half of all applications were received by April 19, 1985. The applications received during the weeks ending July 5 and 12 represent applications which were postmarked by June 30.

If the Olympic Committee plans to promote the Olympic check-off on the application, please advise them to coordinate their promotional efforts with Sally Smith, Director of Public Services Division, at 465-2392. It is very important that such advertising efforts not confuse the public as to general filing requirements.

Sincerely,

Mary A. Nordale  
Commissioner of Revenue

MAN:EJ:ms  
Enclosure  
86-67

cc: Sally Smith, Director  
Public Services Division

Department of Revenue  
Administrative Services Division  
1985 PFD Applications  
Receipt by Week  
3/5/86

<u>Week Ending</u>	<u>1985 PFD Documents Received</u>
4/19/85	256,400
4/26/85	68,700
5/03/85	26,600
5/10/85	23,000
5/17/85	7,600
5/24/85	10,800
5/31/85	14,200
6/07/85	9,500
6/14/85	40,400
6/21/85	8,800
6/28/85	20,600
7/05/85	27,000
7/12/85	9,200
TOTAL	<u>522,800</u>

REP. TERRY MARTIN



Alaska House of Representatives

ELECTIVE DISTRICT 13  
W. MARTIN, JR.  
1000 W. ADAMS STREET  
ANCHORAGE, ALASKA  
99501  
PHONE 273-1100

PHONE  
1000 W. ADAMS ST.  
ANCHORAGE, AK 99501  
PHONE 273-1100

DURING SESSION  
1000  
STATE CAPITOL BUILDING  
ANCHORAGE, AK 99501  
PHONE 273-1141

MEMORANDUM

To: Representative Katie Hurley, Chairman  
House State Affairs Committee

From: Representative Terry Martin *T. Martin*

Date: January 22, 1986

Subject: HB 402

"An Act relating to military and overseas voters."

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

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

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

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

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

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



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

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

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

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

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

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

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

FEB 24 1986

Vivian Reese Harned  
Capt. USCGR Ret  
701 "O" Street  
Anchorage, AK 99501

February 21, 1986

Dear Mr. Vucelja,

I urge that you, as chair of  
the House State Affairs Committee,  
hold hearings on HR 402.

Those of us who have served  
in the military, or overseas, know  
the problems concerned in getting  
a ballot - to vote.

Would the fact you cannot do  
better than blackouts leaving in  
the military to accomplish their  
right to vote ever be appreciated?

Sincerely yours,

Vivian R. Harned

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

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

May, 1988

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

Mary Van Nimwegen

*HSA 3-24-86 3pm*