





# RECORDS CERTIFICATION

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Signature of Camera Operator

  
Date

HB

629



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 14<sup>g</sup>, 1986

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that updates the geographic pay differential provided under AS 39.27.020 to state employees whose pay is not established through the collective bargaining process.

Present law currently provides for geographic pay differential reflective of the cost of living in various areas of the state. Although an annual salary study is envisioned by statute, in practical fact, funding for salary studies has been provided on an infrequent basis. Section 1 of the bill implements, with minor modifications, the salary survey recently completed by the Department of Administration. With the leveling of cost differentials in areas across the state, enactment of this legislation provides employees with fair compensation adjustments, but at a level that will ultimately lead to substantial state savings.

Section 2 of the bill provides a more realistic scope and schedule for subsequent salary surveys. AS 39.27.030 presently requires an annual survey to address a multitude of considerations, many of which are not directly related to geographic cost differentials. This bill focuses the study on cost differentials, although the division of personnel would retain the authority to structure the study to address all relevant pay considerations.

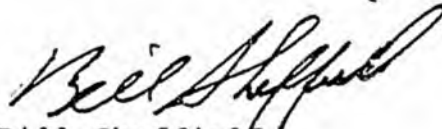
Section 3 of this bill is a "grandfather" provision intended to ensure that current employees do not experience an actual reduction in pay upon enactment of updated geographic pay

differentials. Under this provision, employees will remain at their current pay until their salary would be increased through position changes or pay raises to a level above what they would be entitled to under the new geographic pay differential.

The two statutes repealed by sec. 4 of the bill, AS 39.-27.035 and 39.27.040, generally relate to information that will be available in modified form through the survey conducted under sec. 2 of the bill.

I believe that this legislation affords state employees a geographic pay differential that properly reflects the varying costs of living in Alaska. I urge your prompt consideration and adoption of this measure.

Sincerely,

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

Bill Sheffield<sup>2</sup>  
Governor

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST Law Log 377-011-86  
Bill/Resolution No.: \_\_\_\_\_  
Title: Relating to Geographic Pay  
Differentials; Effective Date

FISCAL DETAIL  
Agency Affected: A11  
BRU: \_\_\_\_\_

Sponsor: Governor  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES			(144.4)	(281.8)	(398.6)	(497.9)
TRAVEL						
CONTRACTUAL					392.0	
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING			(144.4)	(281.8)	(6.6)	(497.9)
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND			(144.4)	(281.8)	(6.6)	(497.9)
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME			-0-	-0-	-0-	-0-
PART-TIME			-0-	-0-	-0-	-0-
TEMPORARY			-0-	-0-	-0-	-0-

ANALYSIS: Attach a separate page if necessary See attached.

Prepared By: Michael P. [Signature] Phone: 465-2200  
Division: Commissioner's Office Date: February 12, 1986

Approved by Commissioner: Eleanor Andrews Date: \_\_\_\_\_  
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

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

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. Law Log 377-011-86

SUBJECT OF PROPOSED BILL:

Relating to geographic pay differentials; effective date.

SUMMARY/EXPLANATION OF INTENT:

Section 1 of this bill amends the geographic pay differentials paid to State employees under AS 39.27. Only employees in the partially exempt service and employees in the classified service not covered by a collective bargaining agreement are subject to the proposed changes. This fiscal note is further limited to currently filled, full-time positions. The bill has a similar effect on hourly employees in the partially exempt service.

The proposed change in geographic pay differentials does not affect employees in Ketchikan, Juneau or Anchorage (1961 Election Districts 1, 4 and 8). There is no geographic pay differential currently provided to these employees, and none will be provided under this bill. There are currently 91 full-time employees in the balance of the state who are affected by this bill. The geographic pay differential for ten of these employees will increase. The geographic pay differential for the remaining 81 employees will decrease.

Section 2 of the bill provides that the pay rate of current employees will not be reduced by enactment of the new differentials. Savings are realized upon turnover. The salary of current employees is frozen until other personnel actions would cause an employee's salary to exceed the frozen level (increases in the pay table, merit increases, promotions, etc.).

This analysis assumes:

- No general pay increases during the period covered by this fiscal note.
- The overall turnover rate of 15% applies equally to this group.
- Average benefits are 30%.

ESTIMATED FISCAL IMPACT:

The current annual Personal Services cost for the 91 positions is \$7,585.7 thousand. The added first year (FY 88) cost of the ten employees whose differential will be increased is \$17.2 thousand. When all employees are on the new differential schedule, the annual Personal Services cost will be \$6,525.3 thousand. Each year, beginning with FY 88, the cost of these positions will be reduced by 15% of the remaining difference between the first year cost and the long-term costs. First year savings are \$161.6 thousand. Second year savings are an additional \$137.4 thousand. Third year savings are an additional \$116.8 thousand, etc. These costs and savings are summarized below:

H.R. 29-3

Current Annual Personal Services Costs	\$7,585.7
Added Costs FY 88	<u>17.2</u>
	\$7,602.9
Less Ultimate Long-Range Annual Personal Services Costs	<u>(\$6,525.3)</u>
Ultimate Annual Savings	<u>\$1,077.6</u>

	<u>Additional Savings (15% of Remaining Annual Savings)</u>	<u>Cost</u>	<u>Net Annual Savings</u>
FY 88 (First Year)	\$161.6	\$17.2	\$144.4
FY 89 (Second Year)	137.4		281.8
FY 90 (Third Year)	116.8		398.6
FY 91 (Fourth Year)	99.3		497.9
o			o
o			o
o			o
(Thirty-third Year)			\$1,077.6

Section 3 of the bill provides that studies of the geographic differentials be conducted at five-year intervals, subject to funding. The most recent study was conducted in FY 85. The fiscal note shows \$392.0 in Contractual Services in FY 90 for the next study, which was the actual cost of the FY 85 study.

Because the proposed effective date is July 16, 1987, there is no need for an appropriation adjustment to Personal Services. The changes will be incorporated in future budget submissions.

March 1, 1986

Michael F. Pullen  
3282 Adams Drive #B104  
Fairbanks, Alaska 99701

MAR 5 1986

Representative Katie Hurley  
Alaska State Legislature  
Pouch V (MS-3100)  
Juneau, AK 99811

Dear Representative Hurley,

I would like to make a few comments on House Bill 629 and bring a few aspects of that bill to your attention.

I realize that something needs to be done about the State's budget, but why is it the legislature **always** looks to the state employee first in its efforts to cut back? House Bill 629 proposes to cut back geographical differentials to some state employees and adds several inequities in the process.

As a state employee I feel it is our part to help keep the State's budget viable, but cuts must be done fairly. I agree that possibly, Fairbanks should not receive 4 steps (or aprx. 15%) in geographic pay differential, but how about the employees in Juneau, Ketchikan, Kodiak, and other areas. This bill will take away pay steps in those areas or not give any at all where they are needed. I think if you check the State's last geographic pay scale study, you will find that Juneau should receive some kind of pay differential. Where is that in this bill? That can also be applied in an opposite manner. How is it that presently and in HB 629, Nenana receives an 8 step geographical pay differential. Nenana is 40 miles from Fairbanks and on a main highway. Surely, you don't believe that the cost of living in Nenana is 4 steps (aprx. 15%) more costly than Fairbanks. How about Tok or Seven Mile on the Yukon River? They receive the same differential as Fairbanks. I

know for a fact it costs more to live in Tok or Seven Mile than it does in Nenana. And now HB 629 will take away those 4 steps from Tok and Seven Mile while leaving Nenana with 8.

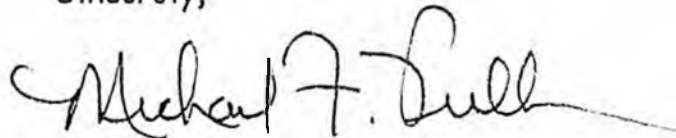
Another problem with this bill is the fact that present employees (in Fairbanks for example) will still receive their geographic differential pay, even after the effective date of July 16, 1987. But new or transferred employees coming into Fairbanks, will receive no pay steps. That means it is possible that a more senior state employee to make **less** than an employee his junior. I would think that would cause some definite morale problems.

I hope you can see my point. I understand the purpose of this bill, but it is **not** fair. I don't think any state employee would gripe if it was done right. This bill shows how little proper study or caring went into the drafting of it. It looks like a hurried effort to reduce costs. I believe it is identical, in part, to HB 207. Kind of a double whammy against state employees. The least the author(s) of this bill could have done is gone by the guidelines of the last geographic differential study.

Representative Hurley, I ask that you take a look at this bill and try to solve it's problems. It could be useful in helping solve some of the money problems the budget is suffering right now. In it's present form though, I believe it could cause quite an uprising of state employees in the areas effected by the bill.

Thank you for your time in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Michael F. Pullen". The signature is written in dark ink and has a long, sweeping tail that extends to the right.

Michael F. Pullen

Position Paper  
Cost of Living (Geographic) Differential in Compensation  
and Benefits: SB 207, Sections 4 and 5, CSSB 207 (Finance),  
Sections 5 and 6; Work Draft CSSB121 (Finance),  
February 12, 1986, Sections 32 and 34.

The Senate Finance Committee staff has requested the position of the Department of Administration on the topic shown above.

This proposal would amend the Public Employees' Retirement Systems. The amendment is to calculate retirement benefits using salaries including geographic differentials only if 50% or more of the credited service was at a location where a comparable geographic differential was paid. Only State employees are affected (there are no known geographic differentials within the participating political subdivisions). This proposal would also provide for refunding any contributions paid on geographic differential if the salary used for benefit calculation does not include the geographic differential.

This proposal does not affect current employees, only future employees.

This proposal has an impact in two areas. First, retirement benefits for some employees are affected and other will receive refunds; and second, the maintenance of records necessary for calculating benefits is greatly increased.

In preparation of this Position Paper, the Division of Retirement and Benefits researched the files of 34 terminated, vested former Alaska State Troopers and the files of the last 40 state employees retired in the Public Employees' Retirement System (PERS) to determine what effect this provision would have had on their retirement or projected retirement benefit.

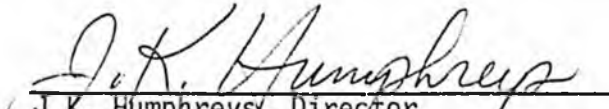
Even assuming that all of these employees were "new employees" and therefore subject to the proposal, we found that only two of them, both former Alaska State Troopers, would have their retirement benefits potentially affected. In one case, the benefit would have dropped from \$1,306.77 to \$1,108.60 (\$198.17 per month) and in the other case from \$1,073.60 to \$935.25 (\$138.35 per month). The only other employees affected are those that would have received refunds on their differential contributions--20 of the 74 individuals.

In terms of computing retirement benefits this proposal would require the State to track base retirement contributions separately from contributions related to the cost of living differential only. The State would have to change the benefit calculation algorithms to perform separate calculations cost of living differentials for each year of service. The attached Fiscal Note for the Division of Retirement and Benefits details these costs. The net first year costs are \$23.2.

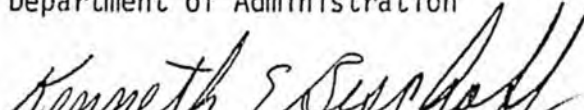
The current verification of service is performed manually and requires the State to identify the number of years of creditable service. This proposal would require a significantly more laborious approach with more manual steps and will be more subject to errors than before. The Division of Finance has calculated the costs for these recordkeeping requirements to be \$286.5 in FY 87, \$77.5 in FY 88 through FY 91, and require an increasing staff in FY 92 and beyond as employees become vested under this proposal (see attached Fiscal Note for the Division of Finance).

Position

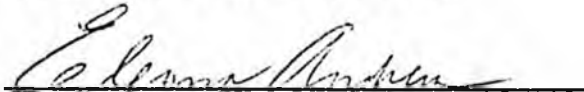
It is our belief that any savings in benefit costs will be more than offset by refunds and the cost of maintaining the additional detail that would be needed for all new employees. We do not support this provision due to the cost of achieving a minor reduction in the benefit of so few employees.

  
\_\_\_\_\_  
J.K. Humphreys, Director  
Division of Retirement and Benefits  
Department of Administration

2/26/86  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Kenneth E. Bischoff, Director  
Division of Finance  
Department of Administration

2/26/86  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Commissioner Eleanor Andrews  
Department of Administration

2/26/86  
\_\_\_\_\_  
Date

Attachments: Fiscal Notes (2)

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST  
 Bill/Resolution No.: \_\_\_\_\_  
 Title: Cost of living differentials  
in compensation and benefits  
 Sponsor: \_\_\_\_\_  
 Requestor: Senate Finance  
 Date of Request: February 24, 1986

FISCAL DETAIL  
 Agency Affected: Administration  
 BRU: Retirement and Benefits  
 Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		(20.0)	(21.6)	(23.3)	(25.2)	(27.2)
TRAVEL						
CONTRACTUAL		43.2				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	23.2	(21.6)	(23.3)	(25.2)	(27.2)
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		21.0	(19.5)	(21.1)	(22.8)	(24.6)
FEDERAL FUNDS		1.0	(1.0)	(1.0)	(1.1)	(1.3)
OTHER		1.2	(1.1)	(1.2)	(1.3)	(1.3)
TOTAL	-0-	23.2	(21.6)	(23.3)	(25.2)	(27.2)

POSITIONS:	-0-	-0-	-0-	-0-	-0-	-0-
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Kenneth J. Humphreys Phone: 465-4460  
 Division: Retirement and Benefits Date: \_\_\_\_\_  
 Approved by Commissioner: Eleanor Andrews Date: 2/23/86  
 Agency: Department of Administration

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

CONTINUATION of FISCAL NOTE ANALYSIS

Cost of Living Differential in Compensation and Benefits

This Fiscal Note is limited to the proposal found in sections 4 and 5 of SB 207, sections 5 and 6 of CSSB 207 (Finance) and section 32 and 34 of work draft CSSB 121 (Finance), dated February 12, 1986. It is further limited to the impact on the Division of Retirement and Benefits.

It is estimated that the savings in PERS would be approximately \$40,000 minus the refund of contributions of approximately \$20,000 for a net savings of \$20,000 in FY 87 (exclusive of administrative costs) and increasing by 8% each year thereafter.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

<p>REQUEST</p> <p>Bill/Resolution No.: _____</p> <p>Title: <u>Cost of Living Differential</u> <u>in Compensation and Benefits</u></p> <p>Sponsor: _____</p> <p>Requestor: <u>Senate Finance</u></p> <p>Date of Request: <u>February 24, 1986</u></p>	<p>FISCAL DETAIL</p> <p>Agency Affected: <u>Administration</u></p> <p>BRU: <u>Finance</u></p> <p>Components: _____</p>
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	0	286.5	77.5	77.5	77.5	77.5
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>286.5</b>	<b>77.5</b>	<b>77.5</b>	<b>77.5</b>	<b>77.5</b>
<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	286.5	77.5	77.5	77.5	77.5
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>286.5</b>	<b>77.5</b>	<b>77.5</b>	<b>77.5</b>	<b>77.5</b>

POSITIONS:

FULL-TIME	0	1 (12)	1 (6)	1 (12)	1 (12)	1 (12)
PART-TIME	0	0	1 (6)	1 (6)	1 (6)	1 (6)
TEMPORARY	0	5 (42)	0	0	0	0

ANALYSIS: Attach a separate page if necessary

See attached analysis

Prepared By: Kenneth E. Bischoff *KES* Phone: 465-2240

Division: Director Date: February 24, 1986

Approved by Commissioner: Eleanor Andrews *Eleanor Andrews* Date: 2/26/86

Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

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

Fiscal Note  
Cost of Living Differential in Compensation and Benefits

Cost Calculation Summary:

One Time Costs

3 Journey level programmers 10 months each	162.5
Administrative Manual update 6 employee months	31.0
Agency training course development and administering 6 employee months	31.0
Finance participation in coordination effort with all other affected groups (Personnel, Labor Relations, Retirement and Benefits, Law, unions) 12 employee months	62.0
	<u>286.5</u>

Ongoing Costs

Additional manual effort required to maintain additional historical data needed to verify length of service and contributions with and without geographic differentials 1 position, range 16	45.0
Additional 6 month/year for payroll system, maintenance 1 position (6 month) Analyst/Programmer (65.0 x 1/2)	32.5
	<u>77.5</u>

### Additional Fiscal Note Analysis

This Fiscal Note and the following comments are limited to the proposal found in sections 4 and 5 of SB 207, sections 5 and 6 of CSSB 207 (Finance) and sections 32 and 34 of work draft CSSB121 (Finance), dated February 12, 1986. They are further limited to the impact on the Division of Finance which would be required to modify automated and manual processes in order to satisfactorily meet the provisions.

- ° The proposal changes the way in which retirement benefits are calculated. It significantly impacts methods used by the State to pay its employees by requiring the complete separation of differential pay from other types of pay and requiring additional record keeping over an employee's entire employment history in order to be able to compute retirement benefits.
- ° The verification of length of service, including the calculation of periods with and without differentials, will essentially be a manual process. These calculations will start in approximately five years when new hires start becoming vested. At that time a new unit within the payroll section of the Division of Finance would be needed. It would probably be one or two employees initially and grow as more and more employees falling under the proposed law decide to retire. This cost occurs beyond the time frame shown on page one of this Fiscal Note.

Summary analysis of changes and related fiscal impact:

One time costs:

Modifications to automated systems (input form changes, file changes, program changes, analysis and design).

\* 30 employee months.

° ASSUMPTIONS

- State can use existing base pay schedules for each identified employee group (approximately 12 groups).
- This bill will not attempt to change any fundamental payroll processes. No major change will be required to the current pay schedules.
- This estimate does not include estimates for data processing chargeback costs.
- Changes required by this bill will be allowed to be scheduled appropriately with all other production work that is necessary to keep the State payroll systems properly operating.

Update State Administrative Manual to include new pay calculation changes for supplemental and prepay processes.

\* 6 employee months.

Train state agencies in new payroll calculations procedures.

\* 6 employee months.

Coordination of affected groups to identify and mutually agree on implementation of legislation (Divisions of Personnel, Labor Relations, and Retirement and Benefits, Department of Law, unions).

\* 12 employee months.

Ongoing costs:

Additional manual effort in the payroll section in order to maintain the additional historical data in a form that can be used to verify length of service including periods with and without differentials (one additional position).

Additional payroll systems maintenance due to increased complexity (6 month per year).

After five years when new employees start to retire, a new unit will need to be established to extract from the employment histories the data needed to verify length of service with and without differential which must be provided to the Public Employees' Retirement System.



# RECORDS CERTIFICATION



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

  
Signature of Camera Operator

  
Date

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# New Absentee and Mail-in Ballot Campaigns: The Winning Edge

Martha Walrath-Riley

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*It's new. It's exciting. It's swinging elections—Tom Bradley lost the governorship of California by a hair because of "absentee votes"—and you simply can't neglect them. Absentee ballot campaigns and ballots-by-mail have transformed California campaign strategy and are finding their way into campaigns in other states as well. Here's the lowdown on the California testing ground and the mail politicking permitted by the election code in your state.*

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**G**old has been discovered again in California, but this time it's political gold that just might become the campaign tool of the future on the national scene. This new discovery, the absentee ballot, is confounding the pollsters, causing upsets in election contests and helping minorities gain political clout. New laws, new uses and some new problems are appearing in California as candidates use the absentee ballot to reach large blocks of sympathetic voters. This phenomenon is causing a stir in the courts, the state legislatures and among veteran campaign managers. It is also being watched closely by candidates in other states who are asking if it can be used on their home turf. Controversy surrounds the way it is being used and its ability to safeguard traditional election processes is being questioned.

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*Martha Walrath-Riley is a California political consultant, a former precinct committeewoman, a member of her county central committee and a worker in numerous California campaigns. She was an Associate Consultant with the California Legislature's Joint Committee for the Revision of the Elections Code where she worked on the post-card voter registration bill and wrote the election code section on absentee balloting adopted in 1976. She has been Assistant Registrar of Voters in Monterey County.*

Liberalization of California's absentee voter laws over the past sixty years has created a climate in which campaign workers can have personal contact with absentee voters at a time when the voter is making his or her voting choice. Lists of absentee voters are available and some elections are conducted entirely by mail.

Candidates from San Francisco to San Diego are going to the electorate with absentee ballot applications and convincing those they feel are sympathetic to their cause to apply for the ballot and vote. High voter turnouts and block voting are the major results and the practice is changing campaign techniques in California from a one-day get-out-the-vote to a three or four week "get-out-the-absentee-vote" drive.

The results are impressive. A wide margin of victory in the San Francisco mayoral recall election aided by a nine-to-one plurality in the absentee vote. What looked like narrow defeat for George Deukmejian changed to victory in the 1982 gubernatorial race. A significant increase in the numbers of city council and school board seats captured by minority candidates.

The absentee ballot has the potential to be a decisive campaign tool in many states. This potential depends upon the current laws, of course, and the climate for reforms. But seven states already have absentee ballot laws liberal enough for the new balloting tactics. Ten other states have laws

which could, with a minimum of change, provide a similar atmosphere. Court decisions in California addressing third-party delivery of voted ballots and the secrecy of the absentee ballot have paved the way for broader use.

While candidates have grabbed the idea and run with it, there are some, both lawmakers and veteran campaigners, who seriously question the wisdom of further expansion of absentee ballot use. The age-old political question of who should have access to the ballot has been raised and there are concerns about possible fraud or loss of ballot secrecy. On the other hand, many people in California are weighing these factors against the increased voter turnout and lower election costs the current laws promote.

### A history of liberal change

The absentee ballot is not new or unique to California. It was first introduced after World War I for use by servicemen, many of whom were effectively disenfranchised while serving overseas or in military camps away from home. Its use was later expanded to the disabled and the elderly, and then extended for use by those who lived some distance from the polling place. In the 1960s the legislature, in a cost-saving and convenience measure, permitted election officials to set up mailed-ballot precincts. Instead of using a polling place, each registered voter in the precinct was sent an absentee ballot. This started in areas where voters were widely scattered and was originally limited to 30 voters. Within a few years, however, this was expanded to include entire election jurisdictions with "small" registrations.

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*The most important change  
was the elimination of the requirement  
that a voter have a reason  
to use an absentee ballot*

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Many of the changes in California absentee ballot law were reforms suggested by the Election Code revision committee, formed by the legislature in the early 1970s. This committee introduced bills which would have allowed voters to use the ballot regardless of their reason for doing so, established permanent lists of absentee voters

who, for reasons of physical hardship or job-related travel, voted absentee in every election and expanded the mailed-ballot election to all jurisdictions. The committee, already under fire for support of postcard voter registration, was unable to get the bills passed in the early 70s. (*All of their suggested changes, however, were later to become law.*)

### Evolution

Before the absentee ballot could become a viable campaign tool some of the committee's recommendations had to be implemented. The most important was the elimination of the requirement that a voter have a reason to use an absentee ballot. By 1977, the use of the absentee by voters lacking a legitimate reason was so widespread that California election officials were referring to the eligibility code section as the "liar's clause." Victor Lopez, a candidate for mayor in the city of Orange Cove (Fresno County) conducted a widespread absentee campaign urging voters—many of whom did not qualify under existing absentee ballot law—to request and vote the absentee ballot. The Lopez victory was challenged, but the law was changed before a court decision could be reached. Former Assemblyman Richard Lehman of Fresno, now a member of Congress, successfully carried a bill which eliminated the requirement that the voter have a reason for voting absentee and the court challenge was dropped. Lehman's bill opened the way for widespread use of the absentee ballot for campaign purposes.

The first to recognize the new potential of the absentee ballot were the Hispanic activists of the Salinas and San Joaquin valleys. In these large, fertile areas, running through the heart of California, most of the state's crops are produced, tended by Chicano farm workers. It was here that the farm workers first organized to improve their working conditions. These workers often suffered at the hands of local law-enforcement officials, and they realized that input into their county government was one way to soften up the forces being brought to bear against their movement. They also sought seats on school boards and city councils as a route to political power. And the absentee ballot was seen as a campaign tool to combat traditionally low minority turnout and to strengthen Hispanics politically. (In time, the growing use of the absentee ballot by minorities would provoke court challenges and charges of fraud from incumbents who were suddenly losing elections.)

Angel De Los Santos was a candidate for a seat on the city council of Soledad (in Monterey county). He conducted an absentee campaign in which campaign workers obtained large quantities of absentee ballot applications from the elections department, distributed them within the Mexican-American community, helped voters to fill them out and returned the completed applications to election officials. When the ballots were mailed, his campaign workers were available to give assistance and to see that the voted ballot was returned to the elections department. When the votes were counted, De Los Santos had captured one of the three contested seats—and 47 percent of his 307 votes were absentee. (Unfortunately, in the process of winning, De Los Santos edged out long-time Hispanic councilman John Saavedra, somewhat defeating the Hispanic goal of increased representation.) Although this was a small election in terms of total votes, the figures were revealing when compared to countywide statistics. Turnout within the county was 39.9 percent, but the city of Soledad had a turnout of 51 percent. With less than 8 percent of the total countywide registration, Soledad accounted for 38 percent of the absentee votes. De Los Santos saw the key to his success as a two-pronged effort: Person-to-person contact to persuade voters to apply for absentee ballots and then follow-up once the ballots were actually in the hands of the voters. This technique was soon to be used successfully by many other candidates.

Some of the ballots for the Soledad election had been mailed, at the voters' request, to a post office box rented by the campaign committee. Campaign workers had also returned some of the voted absentee ballots to the elections department. Because of these practices other candidates raised questions of fraud in the De Los Santos campaign. An investigation by the Monterey County District Attorney and by the county elections department failed to uncover any practices, relating to the use of the absentee ballot, that violated existing state law. Monterey County election officials said signatures on the ballot envelopes, when compared to those on voter registration affidavits, were valid in about the same proportion as those in the rest of the county.

### The courts uphold balloting by mail

Some significant court cases took place as a result of the expansion of the absentee ballot. A 1981 city council race in Sangor (Fresno County) was the first. Three Hispanic candidates received almost

400 absentee votes and defeated several incumbents. One of the incumbents, Anna Beatle, filed an election challenge claiming campaign workers had stood at the voter's side while ballots were marked thus violating California's constitutional guarantee to secrecy of the ballot. In *Beatle v. Davilia* (132 Ca. Ap. 3rd 424 (1982)) a decision which may ultimately have a major effect on the absentee ballot process, the court declared a voter may show his or her marked ballot to a third party. This decision has spawned much of the controversy over absentee ballot use.

The extent to which a third party may handle a ballot, marked or unmarked, has been the subject of several other court cases. Section 1013 of the California elections code states:

"After marking the ballot, the absentee voter may return it to the official from whom it came by mail or in person..."

Most California election officials have interpreted this section to be restrictive and have refused to accept voted ballots returned by a third person. In *Fair v. Hernandez* (138 Ca. Ap. 3rd (1982)) the court upheld this position, but a contested election in East Palo Alto (San Mateo County) changed this.

In June, 1983 an election was held to decide the issue of incorporation of the area known as East Palo Alto. The same measure had failed passage in the previous year by 21 votes. The majority of the Election Day precinct votes opposed incorporation, but the heavy absentee vote changed the outcome and incorporation won by 15 votes. Opponents of incorporation declared in a court action that a number of ballots had been mailed to campaign workers, that workers actually punched out ballots for some voters and that workers delivered voted ballots to the elections department. The Superior Court of San Mateo County in *Wilkes v. Mouton* (San Mateo Co. #275654, dec. Oct. 14-83) declared section 1013 of the California elections code unconstitutional and in violation of the equal protection clauses of both the federal and state constitutions. The court further upheld California law which allows voters to request that a ballot be sent to any address specified on the application including a campaign headquarters and the right of voters to have a third party mark the ballot. The case has been appealed, but, in the meantime, the legislature has taken steps to conform state law to the court's opinion by introducing legislation to repeal the language of section 1013. By the time an appeal is heard the matter may be moot.

During this same period, mailed-ballot elections

were increasing in size and scope. In all such elections, no polling places are set up and each registered voter is mailed a ballot 29 days before the Election Day deadline. Court challenges and public opinion were often used to block the spread of this type of voting, but by 1980 they had been expanded from use in small water district elections to large elections in major cities.

The first large-scale mailed-ballot election took place in Monterey County where a bond measure was submitted to 44,848 voters. Although the expected turnout for an election of this type is usually 10 to 15 percent, 16,452 voters returned the mailed ballots. The cost was 25 percent less than that of elections using conventional polling places. One of the factors which made cost savings so impressive was the use of fast-retrieval microfilm cassettes to verify ballot envelope signatures against affidavit signatures.

Prior to this election, attempts had been made to promote mailed-ballot elections as pilot projects in the city of Monterey Park ( Los Angeles County) and in the county of Sacramento. The necessary legislative approval was not granted because of fears of widespread voter fraud. In a city council meeting in Monterey Park in 1974, council members voiced concerns about possible coercion of employees by employers and of wives by husbands. At each step in the expansion of voting by mailed and absentee ballot these same fears have been expressed. Gradually, however, cost savings and voter acceptance have overcome such objections leading to greater and greater use.

In May of 1981 the city of San Deigo (in San Diego County) held a referendum-by-mail to decide the issue of a new convention center. This election was controversial from the start and prior to Election Day, Robert O. Peterson, co-founder of Jack-In-The-Box restaurants, sought an injunction to halt the all-mail process. The referendum lost (turnout was 62 percent), but Peterson continued to press his court action claiming the mailed

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*With these significant court decisions  
the way was cleared in California to use  
the absentee ballot to campaign  
on a large scale and legal foundations  
were laid for possible mailed-ballot  
voting in other states*

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ballot violated state constitutional guarantees to a secret ballot. The appellate court agreed with Peterson, but in August of 1983 the California Supreme Court upheld the mailed-ballot election. The appeal was brought by California Secretary of State March Fong Eu, who felt the lower court decision, if left to stand, would have a dramatically adverse effect on the use of both the mailed-ballot election and the absentee ballot. In a brief submitted by Richard Maness, counsel for the secretary of state, the importance of the mailed-ballot election was explained:

"... mail balloting in the last two decades... has allowed more voters to participate freely and conveniently in the process..."

The court conceded that mailed balloting provided a greater opportunity for fraud, but the feelings of the court were expressed in an opinion by Justice Allen E. Broussard:

"The fundamental importance of the right to vote persuades us that reasonable efforts by the legislature to facilitate and increase its exercise must be upheld."

Even though the question was moot, the court upheld the election and confirmed the validity of mailed-ballot voting. These court decisions, and the others outlined above, cleared the way in California to use the absentee ballot to campaign on a large scale and laid legal foundations for possible mailed-ballot voting in other states.

## The process and how it is used

Absentee ballot laws in California are quite simple and are similar to those in other states. At any time before the 7th day prior to an election, any registered voter, regardless of reason, may apply to the office of the clerk or registrar for an absentee ballot. This can be done in person, by mail or by delivery of a completed application by a third party. On the application the voter indicates where the ballot is to be sent. Between the 29th and 7th days prior to the election, ballots are distributed, either by mail or in person, to the absentee voters. (There are certain exceptions which allow emergency voters to apply and receive ballots later than these dates.) At this time, ballots are also mailed to voters of precincts having 100 or less registered voters and designated absentee precincts, and to physically disabled voters who have applied to have their names placed on a permanent absentee voter list. The ballot is marked by the voter, sealed in a secrecy envelope and placed in a mailing envelope which must bear the voter's signature. The voted

1982 gubernatorial race. While the pollsters were saying it was too close to call and smart money was on Mayor Tom Bradley of Los Angeles, a massive absentee effort won the governor's office for Republican candidate, George Deukmejian. The Republicans mailed two million absentee voter applications to sympathetic voters throughout the state. This shotgun approach brought in 500,000 completed applications to GOP headquarters. Campaign workers took the names, addresses and telephone numbers of the applicants before turning the forms over to the election departments of the 58 counties. They used this information and 32 telephone banks around the state to contact voters. Campaign workers tracked the ballots coming into the elections departments and mailed postcards to those who hadn't returned a voted ballot.

This campaign is generally credited by California political experts with giving Deukmejian the victory. Bradley was the clear winner at the polls with 3,598,557 to Deukmejian's 3,507,797, but, with 90,760 precinct votes separating the candidates, Deukmejian's large lead in the absentee vote turned near-defeat into victory. He took 113,231 more absentee votes than Bradley to gain a narrow 22,471 margin of victory.

John Meyers, of the Republican state central committee, who is credited with developing the absentee strategy for the GOP, claims too much credit is being given to the absentee vote. When interviewed he stated it was just another way of using the winning campaign formula developed for the GOP by Abraham Lincoln in the 1850s: A strategy of locating the voters, ascertaining their sympathies, contacting them and getting out the vote. In short, the same campaign techniques used by all successful absentee campaigns. He may be right, but its unusual application is winning races and scaring Democrats. Speaker of the California Assembly, Willie Brown (D-San Francisco) termed the 1982 gubernatorial election a "tragic loss" caused by the use of the absentee ballot by the GOP. In a speech to the Communication Workers of America in April, 1983, Brown said:

"Tom Bradley lost his election, not by virtue of what happened Election Day. . . . The next time that absentee ballots are counted in this state I want every person connected with organized labor, every person we can influence, to have voted long before Election Day."

### Improved minority turnouts

The focus may have shifted to statewide races where the absentee used in large, partisan contests

may swing an election, but for minority candidates at the local level—where the personal touch can make a big difference—the absentee is *the* tool to use.

The Monterey County 1981 school board elections are typical of the way in which Hispanics are still using the absentee ballot to improve their political positions. In these elections, the Hispanic-based Committee for Better Education launched a massive registration and absentee ballot drive that captured enough seats to boost their total representation by 200 percent. The absentee vote was 10 percent of the total and, in the opinion of Ross Underwood, county registrar of voters, put the Hispanic candidates over the top. In 1981 it only took four winners to bring about an impressive increase in Hispanic board members. In 1983, they fielded fewer candidates, but were still able to increase the total number of Hispanic board members by 50 percent. In both years the same tried and true methods worked—distribution of applications, personal contact and follow-up to see that the ballots were returned. According to Underwood, many of the Hispanics were registering and voting for the first time.

Candidates in the 1983 mayoral primary in San Diego used the absentee ballot specifically to increase voter turnout in minority districts. The drive resulted in a 44 percent turnout (1 percent higher than the citywide average) in the minority areas. Again the person-to-person approach was used, and again the results were good. In the same election, 45,000 absentee ballot applications were distributed by another group with a disappointing return of only 3,174.

### Foul-ups and fraud

Campaigning with the absentee ballot has not been without problems. Failure to coordinate campaigns with election officials has been the most common error made by campaign workers. Applications printed by campaign committees have contained incorrect information, including wrong deadlines for returning applications for processing. A controversy arose between the GOP and the secretary of state in the 1982 election over the date specified on the application for return to GOP headquarters. A spokesman for the secretary of state claimed the committee did not allow enough time for processing by election officials. The state Republican committee felt the secretary of state was trying to disrupt their campaign.

To date, the most serious problem involving the

ballot is then mailed, delivered in person or delivered by a third party to the elections office. At the elections office, ballots are verified by checking the signature on the mailing envelope against the voter's signature on the affidavit of registration. If the signatures match, the ballot, still in its sealed secrecy envelope, is placed in a ballot box to be opened on Election Day.

The California absentee voting and mailed-ballot process gives candidates several sources of voters whom they know can vote easily in an election. These are the voters on the permanent absentee list, voters in absentee precincts, the entire registration of jurisdictions having mailed-ballot elections, and the voters who have applied for absentee ballots. The way in which campaign managers use this information varies. The common denominator, however, is access to the voter when the voter has the ballot in hand.

## Success in San Francisco

Campaigning with the absentee ballot in California has been unique and creative. The results are well worth the effort. Techniques may vary, but the general format is:

- (1) Convince the voter to use the absentee ballot by supplying ballot applications.

- (2) Retain a list of names, addresses and telephone numbers of those voters who have applied.

- (3) Contact voters who might be sympathetic to your cause at the time they have the ballot in their possession.

Whether the race is for a seat on the board of a small school district or for the statehouse, candidates using this formula are winning and winning big.

San Francisco's Mayor Dianne Feinstein, subject of a recall by several groups dissatisfied with her positions on gun control, housing and gay rights, feared low voter turnout would cost her the election. In an innovative campaign using the absentee ballot, she scored a decisive victory. The turnout was over 50 percent with absentees representing over 35 percent of the vote. Nine out of every ten absentee ballots were cast for Feinstein. She scored such an impressive victory that in the regular city elections held last fall, her supporters found it almost unnecessary to campaign.

Clint Reilly and Fred Ross, Jr. of the firm Clinton Reilly Campaigns, ran a clever, assertive and well-planned absentee effort to combat the recall. Ironing boards—symbolic, convenient and portable—were set up on street corners and in shop-

ping centers. Passersby were asked to support Mayor Feinstein by filling out absentee ballot applications. The applications, which included a space for telephone numbers, were designed by the campaign committee and approved by the Registrar of Voters. They were printed on multi-part paper so that a copy of the name, address and phone number could be retained by the campaign committee. Completed applications were turned in to the elections department and, as the ballots were mailed, each voter was contacted. A bank of telephones, manned by volunteers, was kept busy calling each voter, at the time the voter had the ballot, to solicit a vote for Feinstein. According to Fred Ross, Jr., the telephone campaign was so successful that absentee voters, contacted only once, voted for Feinstein in far greater numbers than those voting at the polls, even though the latter received as many as five pieces of campaign literature through the mail. Mr. Ross who, not surprisingly, is very enthusiastic about absentee campaigning, said:

"This (the absentee) extends the get-out-the-vote to three weeks . . . when you start calling as soon as the ballots go out. Growing numbers of people like to vote absentee."

The same technique was used in the November mayoral election with results that were just as good. This time applications were mailed to those who had used the absentee in April. According to Ross, the campaign headquarters was inundated with calls for absentee ballot applications. This was due, he said, to having mailed applications one to a household instead of one to each individual voter. Feinstein won with a good margin and, said Ross, the absentee again proved a great tool "to target minorities or groups sympathetic to you . . . making work much more effective because you can narrow in on groups."

Congresswoman Sala Burton, (D-Calif.) in a race to succeed her late husband, used the absentee just as effectively. She won 56.9 percent in a field of eleven candidates. According to a spokesperson from her office, campaign workers distributed absentee applications door-to-door and in shopping centers, and did telephone follow-up once the ballots were mailed.

## Victory from near defeat

The GOP has known the power of the absentee for some time and has traditionally done well. After a few hesitant starts in 1978 and 1980 they zeroed in on the absentee to score a stunning upset in the

deadline has occurred in the Santa Monica (Los Angeles County) city council race of April, 1983. A hot issue and an active absentee ballot campaign combined to produce an unexpectedly high absentee vote. Election officials were unable to process the volume of ballot requests and, as a result, some ballots were mailed to voters after the deadline. Many voters did not receive the ballots in time to vote them and return them before the close of the polls on Election Day. After several days of controversy, the court finally ordered the election officials to accept the late absentee ballots, but to keep them separated from those filed on time. Only in the event of a very close race, where these ballots might make the difference, were they to be counted. Since many of the smaller election contests are decided by just a few votes, there is a frightening potential here for serious electoral problems. Even the registrar of voters of San Francisco, who had worked closely with the Feinstein campaign committee to avoid such problems, was overwhelmed by the unexpected number of absentee applications.

Other problems have occurred because of a lack of understanding, by the voter, of the absentee process. When asked to fill out absentee ballot applications, some voters do not fully realize what they are signing and later, when the ballot arrives in the mail, they throw it away thinking it's a piece of campaign literature. When they go to the polls on Election Day they are unable to vote because the records indicate they have already received an absentee ballot. Others fill out multiple applications which must be caught by election officials before the ballots are mailed.

The legislature has taken steps to correct the problems with the introduction of AB 1958 by Assemblywoman Maxine Waters (D-Los Angeles). The bill would require approval of absentee ballot applications by the registrar, clerk or secretary of state before they are distributed. It would also mandate a timely delivery of applications and voted ballots by third parties and, in some cases, would require a receipt from the third party to the voter for the voted ballot. Further, the bill would require election officials to conduct a public campaign to inform absentee voters of their rights.

From the very start, concerns about possible fraud, coercion and loss of ballot secrecy have haunted absentee ballot use. It is ironic that some of those who have used the absentee most effectively in California are among its most vocal critics. Mayor Dianne Feinstein, of San Francisco, is on record against mailed-ballot elections; a posi-

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*One California registrar, who shall remain nameless, is still chagrined at having added Fifi Le Pooche of Canine Alley to his registration rolls*

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tion she did not abandon even after her successful use of the absentee. John Meyers, of the Republican State Committee, believes fraud is rampant in absentee balloting and, in an interview, said:

"... elections are being stolen in the state of California... we're watching elections closely and, when we find them [fraudulent voters], we'll send them to jail..."

Since 1976, California has allowed voter registration by mail, creating a situation where someone could register by mail and vote an absentee ballot, also by mail, without having to prove he or she actually exists. (One California registrar, who shall remain nameless, is still chagrined at having added Fifi Le Pooche of Canine Alley to his registration rolls.) Meyers is sure this is being done. Although the voter lists in California contain many names of people who have long since moved because of poor purge practices in the past, there is no evidence that voting of non-existent people is taking place. And according to Deborah Seiler, chief deputy secretary of state for elections, her office has found "... no evidence of fraud..." in investigations conducted in response to complaints.

Californians, however, find it hard to forget their checkered political past and the days when ballot boxes were placed in the middle of the room, in full view of the political bosses. Some fear a return to those days when everyone knew a voter's choice and there was no secrecy of the ballot. They predict a time when absentee ballots will be bought from voters, carted to a warehouse and marked by campaign workers. They also fear that employers, spouses and friends will put pressure on the voter who is marking the ballot at home. Only time will tell if these fears are justified.

### Will it work in other states?

Campaign managers in California are being sought out by their counterparts in other states for information on this new campaign tool. The firm of Clint Reilly, who ran the Feinstein campaign, has had inquiries from candidates in several states and

hopes to use similar absentee techniques in the state of Washington this spring. The California Republican Committee sent information on their campaign and its results to every state party chairperson throughout the country.

Four elements go into using the absentee ballot as a winning campaign tool. They are:

(1) The lack of legal restrictions on the use of the absentee ballot.

(2) The ability of campaign workers to circulate absentee ballot applications and solicit voters.

(3) Access, by campaign workers, to lists of persons receiving the absentee ballot.

(4) The permissible delivery of ballots by third parties.

Of these four things, number (1)—the unlimited use of the absentee ballot—is by far the most important. It was not until 1978, when restrictions on absentee ballot use were removed, that California became a fertile ground for absentee campaigning.

Seven other states (The GOP identifies eleven) have absentee laws liberal enough to make the absentee a useful tool (see chart). Alaska, Iowa, Oregon, South Dakota, Washington, Wisconsin and Wyoming require only that a voter be absent from his or her polling place on Election Day in order to qualify for absent ballot use. Ten other states have absentee requirements lenient enough to have some potential for use even though the techniques used in California would have to be adjusted. At least thirty-nine states, including the seven already listed, allow applications to be made by letter which means that campaign workers can circulate campaign-generated applications. Use of multiple part forms, like those used in San Francisco, would enable campaign committees to retain records of voters' names, addresses and telephone numbers.

Although third-party return of voted ballots is not essential to the process and may, in fact, be the controversial element that will eventually kill the absentee, it is allowed now in Iowa and South Dakota as well as California.

The climate for liberalization of absentee voting has existed throughout the United States for the past ten years. In the 1970s, Congress, concerned about the numbers of American citizens unable to vote in federal elections, required states to provide a means of voting for presidential and congressional candidates to voters who had moved after registration deadlines or were living outside of the United States.

Low voter turnouts, rising election costs, an inability to obtain precinct workers and a lack of

adequate polling places have all made ballot-by-mail elections appealing to lawmakers and election officials alike. The first mailed-ballot election outside of the state of California was recently held in Oregon. It is probable that other states will continue to scrutinize the experience in California, and will adopt its mail-voting procedures for their own use.

## Untapped sources for absentee campaigning

The future of the absentee ballot as a campaign tool is bright. Court decisions have favored the process, legislatures are sympathetic and there are still untapped sources of absentee voters.

Absentee voting is sure to have some impact on this year's presidential elections. The Republican National Committee has allocated \$52 million to this year's campaigns. Some of this "Get-Out-the-Vote" money will filter down to California and be used for absentee purposes. The Republicans are being somewhat secretive about how much is to be spent on absentee campaigns, but it is certain that state Republican chairpersons are studying the information from California to see how they can use it in their own states.

The Democrats, particularly in California, do not intend to be caught as they were in 1982. Democratic spokesmen are already urging campaign workers to utilize the absentee ballot, both as an alternative way to reach voters and to free campaign workers to get out the vote on Election Day.

Campaign managers in California have not, as yet, fully utilized the absentee ballot. The mailed-ballot election has not been fully exploited and, as this type of election gains in popularity, campaign workers will see its potential. This type of voting gives campaigns a complete list of every person receiving a ballot. It is then up to the activists to persuade the voter to use the ballot for their cause.

The newest addition to the menu of absentee voters is the permanent absentee voter list. This consists of persons who, because of physical disability, vote an absentee ballot at every election. The law creating this list in California was just passed in 1982 and, because it is so new, the pool of voters is small. Its use, however, is expected to increase and, possibly, the concept itself will be expanded to include others. We may be seeing the first step toward voting in the privacy of our homes through our telephones, television sets or computers.

So far the element of surprise has been an impor-

# STATE ABSENTEE BALLOT LAWS:

	Deadline to Return Voted Ballot*			How to Return Voted Ballot				How to Apply For AV Ballot					Reason For Use			
	Other	Election Day - 1	Election Day	Third Party	By Mail	In Person	Last Day to Apply	Other	Proxy	Third Party	By Phone	By Mail	In Person	Liberal	Lenient	Stringent
Alabama			X		X	X	5				X	X				X
Alaska	E+ 15				X	X	7				X	X	X			
Arizona			X		X	X	1			X	X	X				X
Arkansas			X		X	X	1				X	X		X		
California			X	X	X	X	7	X		X	X	X	X			
Colorado			X		X	X	V			X	X	X		X		
Connecticut			X		X	X	1				X	X		X		
Delaware		X			X	X	1				X	X				X
Florida			X		X	X	V		X	X	X	X				X
Georgia			X		X	X	1		X	X	X	X				X
Hawaii			X		X	X	1				X	X		X		
Idaho			X		X	X	1				X	X				X
Illinois	V				X	X	1				X	X				X
Indiana			X		X	X	V			X	X	X				X
Iowa			X	X	X	X	1				X	X	X			
Kansas			X		X	X	1		X	X	X	X		X		
Kentucky			X		X	0	7				X	X				X
Louisiana			X		X	X	6				X	X				X
Maine			X		X	X	0	X		X	X	X		X		
Maryland			X		X	X	7			X	X	X				X
Massachusetts			X		X	0	1				X	X				X
Michigan			X		X	X	V				X	X				X
Minnesota			X		X	X	1				X	X				X
Mississippi	V				X	X	V			X	X	X				X
Missouri			X		X	X	1	X		X	X	X				X
Montana			X		X	X	1				X	X				X
Nebraska	E+ 2				X	X	1	X		X	X	X				X
Nevada			X		X	X	V		X	X	X	X				X
New Hampshire			X		X	X	1				X	X		X		
New Jersey			X		X	X	1		X	X	X	X		X		

tant factor in elections won by the absentee vote. Losing candidates have been caught flat-footed by the size of absentee turnouts and the dramatic numbers voting for candidates using new absentee ballot tactics. But what will happen when such techniques are commonplace? A little insight into this question can be gained by going back to the city of Orange Cove. Victor Lopez started the trend here in 1978 when he used the absentee vote to be elected mayor. The same Victor Lopez was defeated in a 1982 bid for reelection when his opponents turned the same strategy against him. In a battle of absentee ballots, where the 80 percent citywide turnout was half absentee, campaign workers for his opponent held absentee ballot applications until the last minute in order to deprive

Lopez of access to the list of absentee voters and to keep him from realizing the extent of their absentee efforts.

There is no doubt that absentee voting is changing the look of campaigning in California--expanding it from an Election Day effort to a three or four week drive. Candidates are realizing the election may have been decided before Election Day. As pollster Marvin Field said in an interview with the Los Angeles Times (May 3, 1983):

"... the wave of absentee balloting represented a 'milestone' in the voting process. From now on... campaigns will be increasingly conducted on a 'two tier' basis—one geared to seeking the absentee vote, the other to the vote at the polls on Election Day."

# THE OPTIONS FOR ACTION

	Deadline to Return Voted Ballot*			How to Return Voted Ballot			How to Apply For AV Ballot					Reason For Use				
	Other	Election Day - 1	Election Day	Third Party	By-Mail	In Person	Last Day to Apply	Other	Proxy	Third Party	By Phone	By-Mail	In Person	Liberal	Lax	Stringent
New Mexico		X		X	X	10				X	X	X				X
New York		X		X	X	1					X	X				X
North Carolina		X		X	X	V	X		X		X	X				X
North Dakota		X		X	X	1		X	X		X	X				X
Ohio		X		X	X	3					X	X				X
Oklahoma			X	X	0	V					X	X		X		
Oregon			X	X	X	E					X	X	X			
Pennsylvania	V			X	X	V					X	X				X
Rhode Island			X	X	X	21				X	X	X				X
South Carolina		X		X	X	1			X		X	X				X
South Dakota			X	X	X	1					X	X	X			
Tennessee			X	X	X	5					X	X				X
Texas			X	X	X	4					X	X				X
Utah	E+			X	X	30				X	X	X				X
Vermont			X	X	X	V				X	X	X	X		X	
Virginia			X	X	X	3					X	X				X
Washington	E+			X	X	1					X	X	X			
West Virginia			X	X	X	V				X	X	X		X		
Wisconsin			X	X	X	1					X	X	X			
Wyoming			X	X	X	1			X	X	X	X	X			
District of Columbia	E+ 6			X	X	4					X	X				X
Puerto Rico	E+5			X	X	60					X	X				X
Virgin Islands			X	X	0	20			X		X	X				X

## LEGEND:

X = Code authorization  
 O = Code prohibition  
 Blanks indicate Code is silent or information unavailable.  
 V = Variable deadline according to election date.

## NOTES:

\*Based on mail delivery  
 E+ = All must be postmarked by Election Eve or Day plus extra days.

## Summary

- Absentee ballot campaigns have resulted in unexpectedly high turnouts with large margins of victory for candidates who solicit these blocks of voters. Examples such as the nine-to-one absentee vote for Feinstein in San Francisco and the narrow reversal for George Deukmejian in the gubernatorial race prove the effectiveness of absentee voting as a campaign tool. At the same time it appears that candidates are getting more for their campaign dollar by targeting persons they know will be voting in the election. The strategy has also been shown to be an excellent way to win seats for minorities and to overcome low voter turnout in minority areas.

- The campaigns that have used this tool effectively

have in common a person-to-person approach to solicit voters. They have distributed massive numbers of applications, timed campaign pitches to coincide with delivery of ballots and made sure that ballots were voted and returned. This formula has resulted in some impressive successes.

- Even though ballot use has grown and is liked by the voting public, issues of fraud and loss of secrecy of the ballot remain unresolved. The courts and the legislature have supported balloting by mail, but, as its use grows in California (from 3 percent in 1978 to 6.5 percent in 1982), fears of stolen elections surface.

- Although the political climate in California makes it the ideal place to use absentee campaigning, the technique could be used in other states

with similar laws. There are also states where minor changes in the law would make its use possible.

• California court decisions, such as *Wilkes v. Mouton*, could lay a foundation for court action in other states that would force changes in absentee ballot law.

It is possible that "mail-order voting", so popular in California, may never catch on elsewhere.

As an old county clerk once told the young speaker from California who had just completed a pitch for no-fault divorce:

"It may work for you folks out in California—everybody knows how strange things are out there—but it'll never work in West Virginia."

Whether or not it will "work in West Virginia" remains to be seen. ★

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REPRINTS of this article are available at \$5.00 each, with quantity discounts for the following orders: 10-50, 20 percent; 50-100, 30 percent; 100 or more, 40 percent; Bona fide, not-for-profit institutions of higher education may discount above prices by 50 percent. For further information concerning reprints of articles, write or call CAMPAIGNS & ELECTIONS, 1621 Brookside Road, McLean, Virginia 22101, (703) 534-7774.

Bradley  
3/24/86

Original sponsor: Clocksin

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
 2 CS FOR HOUSE BILL NO. 631 (State Affairs)  
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to elections; and providing for an  
 7 effective date."

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

9 \* Section 1. AS 15.07.060(a) is amended to read:

10 (a) Each applicant who requests registration or reregistration  
 11 shall supply the following information under oath:

12 (1) name [AND SEX];

13 (2) address and other necessary information establishing  
 14 residence if requested;

15 (3) [REPEALED

16 (4)] term of residence in state and in election district;  
 17 and whether the applicant has previously been registered to vote in  
 18 another jurisdiction, and, if so, the jurisdiction and the address of  
 19 the previous registration;

20 (4) [(5)] a declaration that the registrant will be 18  
 21 years of age or older within 90 days of the date of registration;

22 (5) [(6)] a declaration that the registrant is a citizen of  
 23 the United States;

24 (6) [(7)] date of application;

25 (7) [(8)] signature or mark.

26 \* Sec. 2. AS 15.07.060 is amended by adding a new subsection to read:

27 (e) The director shall prepare the forms used for voter regis-  
 28 tration so that a voter is advised that the information described in

29 (a) of this section is required for a registration and that

1 information required by AS 15.07.062 is permissive and the voter is  
2 not required to furnish the permissive information.

3 \* Sec. 3. AS 15.07 is amended by adding a new section to read:

4 Sec. 15.07.062. PERMISSIVE REGISTRATION INFORMATION. (a) Each  
5 applicant who requests registration or reregistration may supply the  
6 following information:

- 7 (1) the sex of the applicant;  
8 (2) the date of birth of the applicant; or  
9 (3) the social security number of the applicant.

10 (b) The director shall prepare the forms used for the registra-  
11 tion of voters so that it is clear that the information requested by  
12 (a) of this section is permissive and the voter need not provide it.

13 \* Sec. 4. AS 15.07.130(b) is amended to read:

14 (b) Except as provided in (d) of this section, when [WHEN] a  
15 registered voter has not reregistered or has not indicated in writing  
16 a desire to remain registered as provided in this subsection within  
17 the preceding two years or has not voted in a local, regional school  
18 board, primary, special or general election at least once in two  
19 consecutive calendar years, the voter shall be advised by mail sent to  
20 the [HIS] last known address of the voter that the [HIS] registration  
21 will be cancelled unless the voter [HE] indicates within 90 days on  
22 forms furnished by the director a [HIS] desire to remain registered.

23 \* Sec. 5. AS 15.07.130 is amended by adding a new subsection to read:

24 (d) The director may not cancel the registration of a voter  
25 under this section if the voter has qualified for the most recent  
26 permanent fund dividend under AS 37.13.

27 \* Sec. 6. AS 15.15.198(a) is amended to read:

28 (a) If a voter's name does not appear on the official registra-  
29 tion list in the precinct in which the voter [HE] seeks to vote, the

1 election judge shall affirmatively advise the voter that the voter may  
2 cast a questioned ballot and the voter [HE] shall be allowed to vote a  
3 questioned ballot.

4 \* Sec. 7. AS 15.20 is amended by adding a new section to read:

5 ARTICLE 6. VOTING BY MAIL.

6 Sec. 15.20.750. VOTING BY MAIL. (a) The director may conduct  
7 rural educational attendance area school board and coastal resource  
8 service area elections by mail.

9 (b) If the director conducts an election under (a) of this  
10 section by mail, the director shall send a ballot for each election  
11 described in (a) of this section to each person whose name appears on  
12 the official registration list prepared under AS 15.07.125 for that  
13 election. The ballot shall be sent to the address stated on the  
14 official registration list unless the voter has notified the director  
15 or an election supervisor of a different address to which the ballot  
16 should be sent.

17 (c) If the director conducts an election under (a) of this  
18 section by mail, the director shall mail ballots under this section on  
19 on or before the 22nd day before the election.

20 (d) The voter may cast the ballot under AS 15.20.081(d) - (e).

21 (e) The director shall review ballots voted under this section  
22 under procedures established for the review of absentee ballots under  
23 AS 15.20.201 and 15.20.203.

24 \* Sec. 8. AS 15.25.055 is amended to read:

25 Sec. 15.25.055. REMOVAL OF NAME FROM PRIMARY BALLOT. A candi-  
26 date's name will appear on the primary election ballot unless the  
27 notice of [HIS] withdrawal from the primary is received by the direc-  
28 tor at least 54 [40] days before the date of the primary election.

29 \* Sec. 9. AS 15.25.110 is amended to read:

1           Sec. 15.25.110. FILLING VACANCIES BY PARTY PETITION. If a  
2 candidate nominated at the primary election dies, withdraws, resigns,  
3 becomes disqualified from holding office for which [HE IS] nominated,  
4 or is certified as being incapacitated in the manner prescribed by  
5 this section after the primary election and 47 [40] days or more  
6 before the general election, the vacancy may be filled by party peti-  
7 tion. The central committee of any political party or any party  
8 district committee may certify as being incapacitated any candidate  
9 nominated by their respective party by presenting to the director a  
10 sworn statement made by a panel of three licensed physicians, not more  
11 than two of whom may [SHALL] be of the same political party, that the  
12 candidate is physically or mentally incapacitated to an extent that  
13 would [IN HIS JUDGMENT] prevent the candidate from active service  
14 during the term of office if elected. The director shall place the  
15 name of the person nominated by party petition on the general election  
16 ballot. The name of a candidate disqualified under this section may  
17 [SHALL] not appear on the general election ballot.

18 \* Sec. 10. AS 43.23.015 is amended by adding a new subsection to read:

19           (i) The commissioner shall design the application form prepared  
20 in conformity with (b) of this section so that an individual applying  
21 for a permanent fund dividend may register to vote, update an existing  
22 voter registration, and request the cancellation of a voter registra-  
23 tion in another state. The commissioner shall promptly provide the  
24 director of elections with the information obtained under this  
25 subsection. The commissioner may not use information obtained under  
26 this subsection for any purpose except to assist a resident of the  
27 state to complete or update voter registration.

28 \* Sec. 11. The lieutenant governor shall identify the funds necessary  
29 to implement the provisions of P.L. 98-435, requiring access to polling

1 places for handicapped and elderly voters, in a report to the legislature  
2 within the first 10 days of the First Session of the Fifteenth Alaska State  
3 Legislature.

4 \* Sec. 12. Sections 1 - 6 and 10 - 11 of this Act take effect immed-  
5 iately.

6 \* Sec. 13. Sections 7 - 9 of this Act take effect January 1, 1987.  
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Position Paper

House Bill 631

Prepared by Division of Elections

March 11, 1986

The Division of Elections has reviewed House Bill 631 and offers the following comments on some of its major provisions.

Section 1 eliminates sex as required information to be supplied by the voter when registering to vote. The Division raises no objection to this amendment. Elimination of such data, however, would preclude the Division from providing demographic information on voting trends between males and females as is sometimes requested by candidates and interested civic and political groups.

Sections 2 and 3 specify that information which may be asked of the voter but which shall be permissive in nature, and requires that forms be designed to include directions to the voter as to which information need not be provided. The Division supports the concept behind these provisions but provides a cautionary note. While omission of information as to the sex of the applicant, birthdate and social security numbers certainly should not impair a person's

right to vote, the information is considered vital to the overall administration and maintenance of the registration and election process. As often as possible, the Division would like to encourage that this information be provided in order to create a data base sufficient to facilitate the implementation of the various functions that must be performed by the Division on behalf of the voter. Very frequently, it is the optional information that makes it possible to identify accurately one voter from another, especially in cases where many voters share a common name. Social Security numbers, for example, are "unique" identifiers used constantly by the Division to select the correct voter record from the data base on which there is to be an update performed. It is not uncommon for a voter with a common name to request a change in residence address, not realizing that they had never reported a former move. Through the use of a unique identifier such as a social security number, the Division is able to identify the proper voter record on which the change is to be made among all the voters with a similar name.

In another example of its use, the optional information is also utilized in place of presentation of proper identification during in person transactions, when a voter applies for an absentee ballot by mail. In this case the applicant must provide at least one of three optional identifiers to assist the Division in verifying the

identity of the voter with at least some measure of assurance. The three options afforded the voter are voter number, social security number or birthdate. Under this amendment this information could be omitted by the voter at registration more frequently. The data base would then become less reliable in providing an adequate amount of data for comparison upon which the Division may maintain accurate voter information.

Aside from the use of unique identifiers in performing transactions on individual records, there are many functions performed by the Division involving a mass matching process whereby several thousands of names are compared with the data base simultaneously. In the petition verification program there can be as many as 25,000 voters entered and matched against the master rolls all at once. The more frequently we can acquire and input unique data on each voter, the more successful we are in getting a match on the first comparison without having to accomplish subsequent manual processing to verify those that did not match automatically.

Sections 4, 5 and 12 seek to relate the permanent fund application to the voter registration process in two ways. First, the proposed amendment in Section 12 provides that the permanent fund application also serve as a means by which a person can register or update a current

registration. Secondly, Section 5 provides that no person's registration can be cancelled who has qualified for that year's permanent fund.

These sections have the potential to provide tremendous benefit to the Division. It would afford the opportunity to increase the number of registered voters by providing convenient access. (It should be noted that prior to the 1984 general election less than 12% of the age eligible population had not registered to vote.) On a broader basis, the amendment would also allow the Division to update existing rolls annually with what is probably the most current information on each voter.

As attractive as the proposal appears, the Division, in its analysis of the logistics involved in implementing the process, anticipates that this would be costly to administer. A few of the major concerns are the following:

1. Under existing statutes the deadlines in the permanent fund application cycle and in the registration deadline for voting in the primary election are only 27 days apart. The deadline for the Permanent Fund is June 30 while the last day to register for the 1986 primary election is July 27. It is our understanding, however, that

approximately 40% of the Permanent Fund applications are returned by the end of April which would allow the Division about 75 days to actually accomplish what this bill proposes. This period coincides with the timeframe during which preparation for the election is already at its most fevered peak. There is real concern that depending on the actual data entry load that would be required if we were delayed in completing the process within the time restraints, it would be an inconvenience to those voters whose registrations were not completed in time for them to appear on the precinct registers and therefore were required to vote a questioned ballot.

2. In earlier discussions with Johnny Ellis, a member of the sponsor's staff, we were told that it was assumed that the process would be accomplished through a program interface between the PF and Registration data bases following the completion of data entry of all applications for the Permanent Fund by Revenue Staff. In subsequent discussions with the sponsor it appears that an alternative process is actually intended. The Division of elections would merely provide appropriate instructions and forms to be included as a separate part of the Permanent Fund Packet forms as a separate part of the Permanent Fund application. Multiple forms would have to be

provided to accommodate all potential age eligible residents in each household. Rather than relying on their completing the data entry, Revenue would merely forward voter forms to DOE for processing. This would require additional staff for the peak period prior to the registration cut off to complete the extensive data entry that would be required. Our current number of data entry terminals was determined based on current needs in preparing and implementing the major election functions such as ballot preparation, absentee by mail, voting, election worker recruitment and payment. We would therefore have to acquire, lease or rent additional terminals to accommodate the new load of data entry required.

3. Section 12 of the bill suggests that applicants seeking to register or update their current registration would check a special box to initiate the processing. Based on the sponsor's intent that separate forms be used for registration this box is probably not needed. On the surface, one might assume that the number of permanent fund applicants actually utilizing the voter forms to be input into the voter rolls would be substantially fewer than the total of permanent fund applicants. Experience in similar activity

leads us to believe, however, that the vast majority of individuals would complete for forms regardless of whether or not changes to their voter registrations are even necessary. First, applicants would potentially have a perception that somehow this input would have positive impact on the processing of their permanent fund application. After all, voter registration serves as evidence of residency.

4. More important however, is that Section 5 of the bill has tremendous impact on the purging procedure whereby voters who have had no voter activity in 2 years are dropped from the rolls. It provides that no voter's registration could be cancelled if the voter has qualified for the permanent fund. This would require the data input of every applicant whether they have requested registration or update or not. There is some additional concern that the voter who only votes occasionally, will be even less motivated knowing that his or her registration will be maintained even if they never make it to the polls.

The eligibility requirements for the permanent fund are not the same as for voter registration. For example, someone eligible to register and vote

in a given election year may not have been eligible for the permanent fund in the same year. Because of the impact of this bill on the purging process, the Division would have to process data on the vast majority of voters twice. First, all permanent fund applicants would be processed to avoid their names being flagged for purge. Then, to catch those who voted but did not apply for the permanent fund, Division staff would have to re-enter voter history for every voter. The result would be an extensive duplication of efforts.

It is our understanding from conversations with the sponsor that this section of the bill is receiving additional consideration and may be amended.

Sections 6 and 8 of the bill require that election materials including printed sample and official ballots be provided to each precinct and to absentee voters 30 days prior to each state election. The Division suggests that while such a deadline may be possible for the primary election, there is grave concern that such a stipulation would be impractical for the general election. This bill would effectively give the Division only about 5 1/2 weeks between the primary election and the deadline for distribution of ballots to the

precincts. In view of the fact that certification of election results normally takes approximately 3 1/2 weeks to perform, and that 10 more days must be allowed for completion of district recounts, that would leave only 3 or 4 days for actual printing, sorting, packaging and mailing to 442 precincts. These timeframes do not allow additional time that would be required if a statewide recount were necessary. Again, Representative Clocksin has informed the Division that these sections are being reconsidered and may be amended.

Sections 10 and 11 adjust the deadlines for candidacy withdrawal, and for filling candidate vacancies by party petition. It is our understanding that these amended deadlines are offered to assist the Division in meeting the 30 day ballot distribution requirement provided for in this bill.

Section 9 would allow the Division to conduct REAA and CRSA Elections totally by mail. Traditionally, these elections have been very costly to the state utilizing the usual polling place process, yet voter turnout has been very disappointing with approximately 26% of the eligible voters casting ballots. Other states using the all mail approach for local and regional elections have found that costs have been reduced while voter turnout has increased nearly 275%. We believe Alaska could experience similar results, and

generally support the amendment.

One element does raise some concern. It relates to a conceptual amendment passed in committee to HB 284, which eliminates all witnessing requirements on absentee by mail ballots. Under the provisions of Section 9 in House Bill 631, absentee ballots would be sent automatically, without applications required, to all eligible voters. This means that the majority of households would receive more than one ballot. We are concerned that without any witnessing requirements, we could potentially lay the groundwork for abuse. It is conceivable that children or a single member of a family would have easy access to and could vote and return more than one ballot. It is our understanding that Oregon has had some allegations raised that these situations did occur. Oregon does not require any witnessing or proof of identity of the voter casting the ballot. We feel that one way of minimizing the potential for this abuse is to retain the witnessing requirement under penalty of perjury to offer a greater level of assurance that the ballot is voted by the individual to whom it is actually sent. In Montana where an all mail program has worked successfully, witnessing by an official authorized to administer an oath is required.

Assuming the concern over witnessing requirements could be resolved satisfactorily to minimize the potential for

abuse, the Division endorses the all-mail approach to these elections wholeheartedly. We believe such a program could increase voter turnout from 9,500 ballots cast to 26,000 while at the same time reducing the cost of these elections by \$36,000 per year.

Finally, Section 13 requires the submission of a report to the legislature identifying the funds necessary to implement the provisions of PL 98-435 concerning handicapped accessibility at polling places by November 15, 1986. The Division would request that the scope of the report be clarified, and in addition, that the deadline for submission of the report be set after January 1, 1987. A related report must be submitted to the Federal Election Commission December 31, and for efficiency it is suggested they be prepared simultaneously. November 15 would also find the Division right in the middle of certification of the general election when the attention of the entire staff is focused on this process.

Because of the concerns expressed regarding certain sections of this bill we would appreciate any opportunity to provide information or assistance to the sponsor and the committee in their continuing deliberations.

March 6, 1986

The Honorable Tim Kelly  
Senator  
Alaska State Legislature  
P.O. Box Y  
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>

Sample  
Data Input  
Manpower Costs

HB 631

Based on 536,000 Permanent Fund Applicants

57%	Age Eligible Applicants	=	305,520
12%	Not currently Registered	=	36,662
40%	Anticipated Return on existing voter	=	<u>107,513</u>

Approximate Voter Records to be input	144,205
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Based on 2 1/2 minutes input time/voter	=	6,008 man hours
At 37 1/2 hours per week	=	160 man weeks
10 week period prior to registration deadline	=	16 people
16 Range 7 clerks @ \$1,552/mo	=	\$ 62,080

The balance of adult applications  
would have to be input to avoid  
purging: 161,315

Using same formula	\$ <u>68,908</u>
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\$130,988

A M E N D M E N T

Offered in the HOUSE

TO: HOUSE BILL NO. 631

Page 1, after line 26, insert the following:

"\* Sec. 2. AS 15.07.060 is amended by adding new subsections to read:  
 Page 2, line 3 (f) The director shall require an applicant to provide proof of eligibility to vote. The director may use information available from other state departments or agencies to determine the eligibility of an applicant to vote.

(g) The director shall prescribe and furnish an application for registration as a voter. The application must contain a statement of eligibility in substantially the following form:

I certify that

- ( ) I am currently registered in another precinct in Alaska; or
- ( ) I am a resident of the state and of the election district in which I seek to vote on the date of this application or I will be a resident of the state and of the election district in which I seek to vote for at least 30 days immediately preceding the date of the next election; or
- ( ) I claim eligibility to vote as an overseas voter under AS 15.05.011; or
- ( ) I claim eligibility to vote in a presidential election under AS 15.05.012 and 15.05.014.

I understand that a false claim of eligibility in an application

for registration as a voter is a criminal offense and is subject to criminal penalties imposed by law.

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(signature of applicant)

(h) The director shall investigate a claim of eligibility to vote under this chapter if information provided by the voter is or seems inconsistent with other information regarding eligibility of the applicant.

\* Sec. 4. AS 15.07.070(a) is amended to read:

(a) The director may adopt regulations under the Administrative Procedure Act (AS 44.62) relating to the registration of voters consistent with the requirements of this section and AS 15.07.060."

Renumber remaining sections accordingly.

A M E N D M E N T

Offered in the HOUSE

TO: HOUSE BILL NO. 631

Page 4, after line 9, insert the following:

"\* Sec. 10. AS 15.25 is amended by adding a new section to read:

Sec. 15.25.031. VERIFICATION OF RESIDENCY OF CANDIDATE. (a)

The director shall verify that each candidate who files a declaration of candidacy under AS 15.25.030 meets the specific residency requirements for the office for which the declaration is filed.

(b) The director shall adopt regulations establishing procedures for the verification of residency under this section."

Page 5, after line 3, insert the following:

"\* Sec. 13. AS 15.25 is amended by adding a new section to read:

Sec. 15.25.181. VERIFICATION OF RESIDENCY OF CANDIDATE. (a)

The director shall verify that each candidate who files a petition for nomination under AS 15.25.180 meets the specific residency requirements for the office for which the petition is filed.

(b) The director shall adopt regulations that establish the procedures for the verification of residency."

Renumber remaining sections accordingly.

March 12, 1986

HB 631 (Clocksin) An Act relating to elections

ORDER OF WITNESSES:

Rep Clocksin

Royce Weller, Department of Revenue

Div of Elections

The major feature of this bill is to help people to register to vote, update their existing registration or cancel a registration in another state by allowing them to do so on their permanent fund dividend application.

The Dept. of Revenue will design a perforated section which can be torn off and given to Elections. Dividend applications are available in April through June 30th. (You should try to make it so that if Permanent Fund applications are delinquent - the registration information is still given to elections).

Voter registration should be an additional investigation tool for the the Permanent Fund Dividend program anyway.

Elections is going to argue cost/fiscal impact and implementation difficulties. We have to ask what the savings would be if this program passed given the fact that registrars would not be registering as many people (50 cents/per registration), less statewide training, less forms/printing ect.

Absentee Sections need reworking/may wish to role HB 402 into this section. Will register more republicans but voter turnout on military bases in Alaska is only 26%. Interesting that we work so hard to register these people out of state and they don't even vote in state.

HB 402 (Martin) An Act relating to military and overseas voters.

Martin will be here to testify. Elections supports and has several recommended changes. would

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**

Bill/Resolution No: HB 631  
Title: "An act relating to elections."

**FISCAL DETAIL**

Agency Affected: Revenue  
BRU: Permanent Fund Dividend

Sponsor: Rep. Clocksin  
Requestor: House State Affairs  
Date of Request: 2/17/86

Components: PFD - Administrative Services

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

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
<b>OPERATING</b>						
PERSONAL SERVICES	-	14.9	14.9	14.9	14.9	14.9
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	6.0	6.0	6.0	6.0	6.0
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
<b>TOTAL OPERATING</b>	-	20.9	20.9	20.9	20.9	20.9
<b>CAPITAL</b>	-	-	-	-	-	-
<b>REVENUE</b>	-	-	-	-	-	-

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-	20.9	20.9	20.9	20.9	20.9
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
<b>TOTAL</b>	-	20.9	20.9	20.9	20.9	20.9

**POSITIONS:**

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	3	3	3	3	3
TEMPORARY	-	-	-	-	-	-

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

See attached

Prepared By: Ervin B. Jones, Director  
Division: Administrative Services

Phone: 465-2313  
Date: 3/12/86

Approved by Commissioner: [Signature]  
Agency: Revenue

Date: 3/12/86

Distribution (by Agency preparing fiscal note):

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

Department of Revenue  
Administrative Services Division  
Fiscal Note Analysis  
HB 631  
3/12/86

Assumptions:

1. It is assumed that the provisions of Sec. 12 will be effective for the 1987 Permanent Fund Dividend (PFD) year. The 1986 PFD forms and booklets were bid in December, printed in January and February, and shipped this week to Alaska destinations. It is too late to implement Sec. 12 this year.
2. It is assumed that the requirements of Sec. 12 can be met in 1987 and thereafter as follows:
  - a) The Department of Revenue (DOR) will add one ply to the PFD booklet, providing three perforated forms 3-1/2" X 8-1/2" in size, one for each adult application in the booklet.
  - b) DOR will provide in the PFD booklet, instructions to applicants as to the use of the form for registering to vote, changing existing registration or cancelling registration in another state. The design of the form and the wording of the instructions will be coordinated with the Division of Elections.
  - c) Applicants will be instructed to attach the Elections form to the back of their PFD application.
  - d) Upon receipt of PFD applications during the period April 1 - June 30, DOR will search PFD applications for the Elections form, remove and accumulate such forms.
  - e) On a daily basis, DOR will deliver the accumulation of forms to the Division of Elections Juneau Office.
  - f) Division of Elections personnel will data enter the appropriate information from the forms into the Division of Elections computer system.
3. It is assumed that less than 15% of adult applications will have Division of Election forms attached (approximately 52,500).

Program Summary: See Assumption 2 above.

1. Positions

3 PPT Document Processor I, R7, @ \$1,663/Mo including salary and benefits for 3 months	=	\$14,967
---	---	----------

These positions will review each adult application for Division of Elections registration forms, remove, batch and deliver to Division of Elections daily

2. Other Expenditures

a) Travel: None.

b) Contractual:

Add an additional ply to the PFD booklet, containing 3 Voter Registration forms, perforated between forms. This will provide one Voter Registration form for each adult application in the booklet = \$6,000.00

c) Supplies: None.

d) Equipment: None.

TOTAL EXPENDITURES \$20,967

3. Funding: General Fund

4. Section Cost Analysis: N/A.

Computations: N/A

Economic Impact: N/A

Impact on Local Government: N/A

Attachments: None.

STATE OF ALASKA  
THE LEGISLATURE

POUCH \* STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800


LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 18, 1986

SUBJECT: Elections  
(HB 631)

TO: Representative Don Clocksin

FROM: Richard A. Bradley  
Legislative Counsel 

John Ellis has requested a sectional analysis of the above described bill.

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

Sections 1 - 3 of the bill are read together.

Section 1 of the bill amends AS 15.07.060(a), a section relating to "required registration information." The only change within the section is the deletion of "sex" as a required category of information.

Section 2 of the bill adds a new subsec. (e) to sec. 60: the director of elections will make clear to the registering voter that the information required in sec. 60 is required and the information invited under Sec. 15.07.062 is permissive.

Section 3 adds a new Sec. 15.07.062, "permissive registration information." Permissive voter information includes, sex, date of birth, and social security number for the applicant. The section also directs the director to advise voters that the information is permissive and need not be provided by the voter.

Sections 4, 5, and 12 are read together.

Section 4 amends AS 15.07.130(b) to signal an exception to the general statement found in that section.

Section 5 establishes the exception: that the director may not cancel a registration of a voter who "qualified for the most recent permanent fund dividend under AS 37.13."

Section 12 is discussed below.

Section 6 of the bill requires the director to distribute "sample and official ballots and all other materials, forms, and supplies required for the election" not less than 30 (in place of the former 25) days before an election.

Section 7 of the bill requires the election judge to "affirmatively advise the voter that the voter may cast a questioned ballot" when the voter's name does not appear on the official registration list.

Section 8 of the bill directs the director to send absentee ballot and other absentee voting material "on or before the 30th day before the election" in place of "as soon as they are ready for distribution."

Section 9 of the bill permits the director to conduct rural educational attendance area and coastal resource service area elections by mail. Procedures for the election are set out.

Section 10 of the bill amends AS 15.25.055 and provides that unless a candidate withdraws from a primary election 54 days (in place of 40 days) before the election, the name will appear on the primary election ballot.

Section 11 of the bill amends AS 15.25.110 and provides that when a candidate is nominated at the primary election and then dies or is otherwise disqualified 47 days (in place of the former 40 days) before the election, the vacancy may be filled by party petition.

Section 12 of the bill amends AS 43.23.015 [application and proof of eligibility for permanent fund applications] by providing that the commissioner of revenue is directed to design the permanent fund application form so that an individual applying for a dividend may "register to vote, update

Representative Clocksin  
Page 3  
February 18, 1986

a voter registration, and request the cancellation of voter registration in another state."

Section 13 of the bill directs the lieutenant governor to identify the funds required to comply with P.L. 98-435, access to polling places for handicapped and elderly voters, by November 15, 1986.

Section 14 of the bill provides that secs. 1 - 5, 7, and 12 - 13 of the bill take effect immediately.

Section 15 of the bill provides that secs. 6 and 8 - 11 of the bill take effect January 1, 1987.

If I may be of further assistance, please advise.

RAB:csh  
c5/079



# REPRESENTATIVE DON CLOCKSIN

Alaska House of Representatives

MAJORITY LEADER

1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-4031

WHILE IN JUNEAU:  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3704

FOR IMMEDIATE RELEASE

February 17, 1986

For more information, contact:

Rep. Don Clocksin 465-3704

Johnny Ellis 465-3718

## CLOCKSIN INTRODUCES BILL ALLOWING VOTER REGISTRATION ON PERMANENT FUND APPLICATION

Representative Don Clocksin today introduced HB 631, which he refers to as the "Alaska Voting Rights Act of 1986".

The bill allows Alaskans to register to vote when filling out their Permanent Fund Dividend application. There are more than 320,000 adult Alaskans who received a Permanent Fund Dividend in 1983 and only 283,000 Alaskans registered to vote as of January 1986. "My goal," said Clocksin, "is to get every person who receives a Permanent Fund Dividend to vote in the Alaskan elections which determine the fate of that Permanent Fund Dividend program."

The bill has several other provisions which make it easier for citizens to vote.

Section 1 eliminates the requirement of identifying one's sex when registering to vote.

Section 2 specifies that some voter information is optional while some is mandatory.

Section 3 specifies which information is optional.

Section 4 is a conforming amendment.

Section 5 prohibits the deletion of a voter from the registration list if he or she qualifies for a Permanent Fund Dividend.

Section 6 speeds up the distribution of primary election ballots so there will be more time to complete and return an absentee ballot.

Section 7 requires election officials to advise a voter who goes to the wrong precinct that he or she may vote at any precinct with a questioned ballot.

Section 8 requires the mailing of absentee ballots at least 30 days before the primary election.

Section 9 allows the Division of Elections to conduct Rural Educational Attendance area and Coastal Resource Service area elections by mail.

Section 10 shortens the time in which a candidate must remove his or her name from the general election ballot, again to increase the time for absentee voting.

Section 11 shortens the time for filling a vacancy on the general election ballot.

Section 12 allows an applicant for a Permanent Fund Dividend to register to vote, update an existing registration, or cancel a registration in another state on the Permanent Fund Dividend application form. Limits the use of the information to this purpose only.

Section 13 requires the Lieutenant Governor to inform the Legislature as to the funds necessary to eliminate barriers to voting places for handicapped and elderly voters.

"The bill is intended to accomplish one simple thing - to increase the number of Alaskans who register and vote."

"There is no greater tragedy in a democracy than a citizen who wants to vote and is a qualified voter, whose vote is not counted because of a technicality."

# # #

MAY

S	M	T	W	T	F	S
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

1986  
JUNE

JULY

S	M	T	W	T	F	S
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	.	.

SUN	MON	TUE	WED	THU	FRI	SAT
1	2 <i>Friday</i> <i>readout</i>	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

JUNE

S	M	T	W	T	F	S
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	.	.	.	.	.

1986  
JULY

AUGUST

S	M	T	W	T	F	S
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3 <i>Withdrawn</i> <i>H8651</i>	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27 <i>30th Day</i> <i>Ballots</i>	28	29	30	31		

JULY

S	M	T	W	T	F	S
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	.	.

1986  
AUGUST

SEPTEMBER

S	M	T	W	T	F	S
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	.	.	.	.

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24/ 31	25	26 <i>Primary</i>	27	28	29	30

AUGUST

S	M	T	W	T	F	S
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

1986  
SEPTEMBER

OCTOBER

S	M	T	W	T	F	S
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	.

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19 TARGET Out. of Primary	20
21	22	23	24	25 LAST DAY TO APPLY - REGISTER	26	27
28	29	30 TARGET TO COMPLETE DIS. REGS.				

SEPTEMBER

S	M	T	W	T	F	S
7	8	9	10	11	12	13
14	15	16	17	18	19	20
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1986  
OCTOBER

NOVEMBER

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2	3	4	5	6	7	8
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16	17	18	19	20	21	22
23	24	25	26	27	28	29

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4 TARGET COMPLETE SEE REGISTRATION IS NEEDED
5 30 DAY for Ballots	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

OCTOBER

S	M	T	W	T	F	S
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	.

1986  
NOVEMBER

DECEMBER

S	M	T	W	T	F	S
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	.	.	.

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4 ELECTION DAY	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23/ 30	24	25	26	27	28	29

# AUTOMATIC VOTER REGISTRATION

EFFICIENT    FAIR    POSSIBLE NOW

by David D. Schmidt



IN THE DEMOCRACIES OF EUROPE AND CANADA, registration of all eligible voters has for decades been a responsibility carried out by the government. Here in the United States, however, almost every state has hewn to the archaic practice of denying voting rights to anyone who fails to jump through the various hoops set up by the confusing hodgepodge of registration laws. Antiparticipatory voter registration procedures have become even more ludicrous in an age when the average high school computer class student could easily design a program that would automatically register every eligible American by merging address lists already used by government agencies.

Every election year, volunteers, public interest groups, and foundations pour their time and money into voter registration drives. In 1984, as usual, they struggled mightily to push the number of registered voters higher than ever up the inaccessible peak of universal registration. And in 1985, as usual, registration levels rolled back down the slope due to the post-election purges of nonvoters from lists. In Arizona, however, advocates of increased voter registration have kicked the habit. They no longer sponsor voter registration drives because they aren't necessary. Arizonans have entered the age of automatic voter registration.

In 1979 John Kromko, a night school instructor of computer programming at a Tucson business college (now an Arizona State Representative), came up with the idea of having the state's Department of Motor Vehicles stamp each new or renewed driver's license with the applicant's voting precinct number, so that the license could be used as a voter ID card on election day — and no further registration would be required. When the state legislature didn't cotton to the idea, Kromko launched a statewide petition drive to put it on the ballot as an initiative. The drive fell just short of the number of signatures required to qualify for the 1980 ballot.

*For once, here's a sensible idea from Washington, D.C. It comes via David D. Schmidt, who heads the Initiative Resource Center there (4607 Connecticut Avenue NW #719, Washington, DC 20008, 202/364-2492). The Center promotes the process of initiative balloting (grassroots petitions) as a way to implement virtually any proposed law, and advises activists in using this technique.*

—Kevin Kelly

The next year, Phoenix lawyer Les Miller took up the cause, rewrote the bill, and launched another petition drive to put the measure on the 1982 Arizona ballot. This time the drive was successful. Voters passed it with 54 percent of the votes — hardly overwhelming, but not bad for a state so conservative that the electorate rejected a nuclear weapons freeze initiative on the same ballot by 59 percent.

The new law took effect March 29, 1983. Since then, Arizona Department of Motor Vehicles staffers have asked each driver's license applicant, including renewal applicants, if he or she is registered to vote. If the answer is no, the applicant is asked if he or she would like to register and handed a card to fill out and turn in with the driver's license form. During the first six months, 66,609 people registered to vote this way, even though all the traditional channels of voter registration remained open. In rural Navajo County, populated mainly by Hopi and Navajo Indians whose voter registration levels were among the worst in the state, nearly a quarter of all license applicants registered.

But getting people onto the voter lists is only half the battle in voter registration. Keeping them on the lists even if they fail to vote is equally difficult. Arizona's Motor Voter law solves that problem, too. When county election officials purge the names of nonvoters after each election, they must run a computer check of purged names against the list of people who hold valid driver's licenses. Anybody who has a driver's license stays on the voter registration list, even if that person neglected to vote.

In the last few years, seven states — including

Michigan, Minnesota, North Carolina, Ohio, Washington and Colorado — have adopted new procedures allowing people to register to vote when they get their driver's license, but none have proven as effective as the Arizona version.

The reason for this is simple. Arizona's version comes the closest to automatic voting registration. Citizens no longer need to go out of their way to register to vote. Indeed, even the requirement of filling out the form could be eliminated in the future. Driver's license lists could easily be merged by computer with voter registration lists and other lists (such as resident aliens and taxpayers) to update addresses and weed out ineligible people, thereby producing a list of all eligible citizens. Everyone on this list could then be automatically registered to vote.

The only obstacle in the way of automatic voter registration is the reluctance of politicians to enfranchise any new voters who might not support them. But even this can be overcome in states like Arizona, where citizens can use the initiative process to pass a law directly by citizen petition and popular vote. In 1984, Coloradans passed a Motor Voter law by initiative vote, and Representative Kromko says activists in other states have contacted him to talk over plans for passing such laws.

The Democratic Party in particular has an incentive to back automatic voter registration. Even though the new crop of voters would not necessarily register as Democrats, the party would at least be spared the expense of competing with the Republicans' high-priced, high-tech efforts to register conservatives — a rivalry the financially strapped Democrats can't hope to win. Republicans, too, may come to accept the principle of automatic voter registration, in view of the meager results of their just-completed Operation Open Door. The GOP aimed to register 100,000 new Republicans at a cost of \$7.50 apiece — three quarters of a million dollars — but it failed.

So far, the momentum behind automatic voter registration is hardly what one could call a national sensation. But one day, the financial backers of both major political parties will realize they could spend more money on *influencing* voters if they spent less *registering* them. ■



**For more information on Motor Voter and automatic voter registration, contact the Initiative Resource Center, 4607 Connecticut Ave. NW #719, Washington, DC 20008 (202/364-2402).**

# Arizona Motor Voter Ballot Initiative

## ELECTION RESULTS

### PROPOSITION 202

#### PROPOSED BY INITIATIVE PETITION AN INITIATIVE FOR VOTER REGISTRATION BY DRIVER'S LICENSE

RELATING TO ELECTIONS AND QUALIFIED VOTERS; PROVIDING AN ALTERNATE FORM OF VOTER REGISTRATION; PERMITTING PERSONS APPLYING FOR DRIVER'S LICENSES TO REGISTER TO VOTE AT THE SAME TIME AND PLACE; REQUIRING THE SECRETARY OF STATE AND DIRECTOR OF DEPARTMENT OF TRANSPORTATION TO BRING LICENSE APPLICATION AND VOTER REGISTRATION FORMS INTO SUBSTANTIAL CONFORMITY; BY AMENDING TITLE 16, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 1.1, AND AMENDING TITLE 16, CHAPTER 1, ARTICLE 3, SECTION 166, BY ADDING A NEW SUBSECTION D.

SECTION 1. BE IT ENACTED BY THE PEOPLE OF ARIZONA: TITLE 16, CHAPTER 1, ARIZONA REVISED STATUTES, IS AMENDED BY ADDING ARTICLE 1.1 TO READ:

#### ARTICLE 1.1 DRIVER'S LICENSE VOTER REGISTRATION

##### A.R.S. § 16-111, DEFINITIONS.

A. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. **DRIVER'S LICENSE**, AN OPERATOR'S OR CHAUFFEUR'S LICENSE OR A NON-OPERATING IDENTIFICATION LICENSE ISSUED BY THE MOTOR VEHICLE DIVISION OF THE DEPARTMENT OF TRANSPORTATION.
2. **APPLICANT**, A PERSON WHO APPLIES FOR A DRIVER'S LICENSE.
3. **DRIVER'S LICENSE EXAMINER**, AN EMPLOYEE OF THE MOTOR VEHICLE DIVISION OF THE DEPARTMENT OF TRANSPORTATION WHO IS AUTHORIZED TO EXAMINE APPLICANTS FOR DRIVER'S LICENSES.
4. **DEPUTY REGISTRAR**, A PERSON DULY QUALIFIED AND APPOINTED PURSUANT TO § 16-132 TO REGISTER PERSONS TO VOTE IN ELECTIONS IN ARIZONA.

##### A.R.S. § 16-112, DRIVER'S LICENSE VOTER REGISTRATION.

A. EVERY PERSON APPLYING FOR A DRIVER'S LICENSE AND WHO IS OTHERWISE QUALIFIED TO VOTE SHALL, AT THE SAME TIME AND PLACE, BE PERMITTED TO REGISTER TO VOTE BY COMPLETING AN AFFIDAVIT THAT CONFORMS TO § 16-152.

B. THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION AND THE SECRETARY OF STATE SHALL, AFTER CONSULTATION WITH ALL COUNTY RECORDERS AND WITHIN 120 DAYS OF THE EFFECTIVE DATE OF THIS SECTION, ADOPT REGULATIONS TO IMPLEMENT A SYSTEM PERMITTING DRIVER'S LICENSE APPLICANTS TO REGISTER TO VOTE AT THE SAME TIME AND PLACE AS THEY APPLY FOR DRIVER'S LICENSES. SUCH REGULATIONS SHALL:

1. BRING THE LICENSE APPLICATION AND VOTER REGISTRATION APPLICATION FORMS INTO SUBSTANTIAL CONFORMITY;
2. PERMIT THE APPOINTMENT OF DRIVER'S LICENSE EXAMINERS AS DEPUTY VOTER REGISTRARS;
3. PERMIT THE TRANSFER OF DRIVER'S LICENSE APPLICATION (INCLUDING RENEWAL AND CHANGE OF ADDRESS) AND VOTER REGISTRAR

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Changes or additions in text are indicated by CAPITALS;

## ELECTION RESULTS

TION INFORMATION FROM THE DEPARTMENT OF TRANSPORTATION TO THE VOTER REGISTRATION ROLLS; AND

4. RESPECT ALL REGULATIONS AND STATUTES OF THE STATE OF ARIZONA CONCERNING THE CONFIDENTIALITY OF DRIVER'S LICENSE APPLICATION INFORMATION.

C. EVERY COUNTY RECORDER SHALL APPOINT, PURSUANT TO § 16-132, SUBSECTION D, SUCH DRIVER'S LICENSE EXAMINERS AS DEPUTY VOTER REGISTRARS AS MAY BE REQUESTED BY THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION. ONCE SO APPOINTED, SUCH DEPUTY REGISTRARS SHALL NOT RECEIVE COMPENSATION ADDITIONAL TO THAT RECEIVED FOR PERFORMANCE OF THEIR DUTIES AS DRIVER'S LICENSE EXAMINERS.

D. REGISTRATION PURSUANT TO THIS SECTION, DURING A PERIOD OF CLOSED REGISTRATION, SHALL BECOME EFFECTIVE AT THE END OF THE CLOSED PERIOD.

SECTION 2. § 16-166, ARIZONA REVISED STATUTES, IS AMENDED TO READ:

§ 16-166. Cancellation for failure to vote; notice of cancellation; restoration of registration; EXCEPTION

A. The county recorder shall, on January 1 of the year following each general election, remove and cancel from the general county register the registration of any elector who did not vote in the preceding general election.

B. The county recorder shall, by February 1 of the year following a general election, send to each elector whose registration was canceled under subsection A of this section, a notice stating that such elector's registration has been canceled for failure to vote. The notice shall state that if the information on the return notice is correct, the elector may sign and return the notice by April 1 and his registration will be restored. The notice shall also state that if the information on the notice is not correct, the elector must re-register.

C. If a return notice is received by April 1, the county recorder shall indicate on the record of the elector the date of the restoration of his registration and the fact that it was restored. If a return notice is not received by April 1 immediately following the general election, the recorder shall file the canceled registration. The canceled registration may be canceled under the conditions and in the manner prescribed by § 16-164, subsection C.

D. THE PROVISIONS OF SUBSECTIONS A, B, AND C SHALL NOT APPLY TO A PERSON WHO MAINTAINS A VALID DRIVER'S LICENSE AS DEFINED BY § 16-111.

Proposition 202      Yes 347,559      No 331,985

deletions by strikeouts

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# ELECTION CONNECTION

Newsletter of the Division of Elections

P.O. Box AF, Juneau, Alaska 99811-9974

Legislature Edition / Legislature Edition / Legislature Edition / Legislature Edition / Legislature Edition

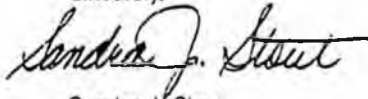
## Letter From the Director

Dear Senators and Representatives:

We are pleased to be sending you our first edition of *The Election Connection*, a special newsletter prepared by the Division of Elections specifically for members of the Legislature. In each edition we will attempt to keep you apprised of newsworthy items of interest. We'll keep you up to date on state procedures and new services being provided by the Division, alert you to changes in federal legislation, and offer insights into the latest trends impacting the election process across the nation.

It is my hope that through this newsletter the Division can continue to expand its service to you. We look forward to working with you throughout the session and hope that *The Election Connection* proves to be a valuable tool in the months to come.

Sincerely,



Sandra J. Stout  
Director

## Key Bills Focus on Changes in State Election Code

Two bills introduced during the 1985 session and perceived by the Division of Elections as important enhancements to Title 15, await further hearing by the 14th Legislature.

House Bill 110 targets on the definition of "political party" and on the signature requirements for nominating petitions for no-party and limited party candidates. This bill is of special significance because it attempts to correct a deficiency in current statutes, as a consequence of Alaska Supreme Court decisions in *Vogler v. Miller*, 651 P2d 1 (Alaska 1982), and *Vogler v. Miller*, 660 P2d 1191 (Alaska 1983), which ruled them unconstitutional.

In particular, the court found that existing requirements stipulating that a "political party" would be recognized only if its candidate for governor received at least 10% of the votes cast at the preceding general election for governor, was too restrictive of ballot access. Likewise, it found that requiring a nominating petition for a no-party or limited party candidate to be signed by qualified voters equal in number to at least 3% of

*continued on back page*

## Division of Elections Takes Steps to Improve Service to Military and Overseas Voters

The Division of Elections and legislators alike have been concerned about apparent difficulties and delays which have faced military and overseas voters seeking to vote absentee by mail in previous election years. During the interim Division staff has made significant changes which will benefit these voters.

The major source of difficulty stems from inherent deficiencies in the Standard Form 76 Federal Postcard Application (FPCA) made available by the Department of Defense (DOD) to military and overseas individuals seeking to vote absentee. The FPCA was designed to serve as a dual purpose form on which a voter could register to vote and apply for an absentee ballot in a single application.

Based on several inquiries received by the Division during the 1985 session, it appears that many legislators received correspondence from Henry Valentino, Director of the Federal Voting Assistance Program, DOD, which led them to believe that Alaska does not recognize or accept the FPCA. On the contrary, the FPCA has been successfully accepted in Alaska as an absentee application for quite some time. It is in its use as a registration form that deficiencies have caused unfortunate delays for military and overseas voters. The problem has been that there are statutory provisions under Title 15 which bind the Division to require certain information for registration purposes for which no space was provided on the FPCA. Such requirements include length of residency in the state and the election district claimed, former name under which previously registered, a second witnessing signature if signed by someone other than an official authorized to administer an oath, and a physical location description of their claimed resi-

dence rather than a P.O. Box or Route number. Because this vital information was frequently omitted, the Division was forced to notify military and overseas voters that their applications were incomplete.

In an attempt to alleviate this cause for delay the Division has worked closely with Mr. Valentino's staff in recommending changes in the FPCA form to accommodate the requirements of our State. One of our recommendations was to allow blank space on the card in which applicants could insert specific data unique to the particular state in which they seek to register. The Division also submitted approved instructions outlining Alaska's procedures for publication in the Federal Voting Assistance Guide used by overseas and military officials issuing FPCA's and assisting voters in the completion of the forms. The Division has recently been informed that our recommendations and instructions, as well as those made by other states, have been incorporated in the revised FPCA and Guide which will be utilized in 1986.

Voters using the State form will enjoy the same benefit, as the State form has also been revised to serve as a dual purpose registration and absentee ballot application. Division staff will be able to update a voter's current registration status and process the absentee application at the same time. This enhancement is now possible because of the conversion to the computerized, on-line Voter Registration and Election Management System. "We are delighted with the progress we've made in improving our service to all absentee voters but particularly military and overseas personnel," Director Sandra Stout said, "and are confident that because of the steps we've taken, we will notice a significant decline in the number of applications which must be rejected or delayed."

Sandra J. Stout  
Director

## Key Bills

*continued from front page*

the votes cast for that office in the preceding general election, was unconstitutional.

Pending action by the Legislature, the Division presently sets the signature requirements at 1% by regulation.

House Bill 284 amends statutes concerning absentee voting and recounts. One of its provisions focuses on tightening the deadline for return of voted absentee by mail ballots. Under current statutes ballots must be voted by election day but may be returned to the Division up to 15 days after the election and still be counted. Research shows that 30% of all mailed ballots have no postmark affixed. Concern has been expressed by candidates and legislators that with such a liberal extension period and the high percentage of missing postmarks, the potential for fraudulent absentee voting is excessive. In close races, which occur frequently in our State, casting of late ballots after initial returns are announced could impact final outcomes.

The 15 day extension also causes considerable delay in the certification process. With our late primary, and especially in situations where recounts are necessary, any delay can become critical, and create an additional burden for candidates and administrators preparing for the general election. It is interesting to note that only a few other states provide any extension beyond an election day deadline with none of those offering more than a few days. In an analysis of 1857 actual ballots cast by mail in Alaska's 1984 general election, the Division found that 98% of the ballots returned with postmarks took 5 or fewer days to be delivered, with 70% requiring fewer than 4 days.

House Bill 284 continues to provide leniency to safeguard absentee voting by military and overseas voters, however, by allowing a 10 day extension for any ballot being mailed from a foreign country, APO or FPO address. The Division found that 97.7% of ballots in these categories were delivered in less than 10 days.

Of major concern in considering these bills is timing, according to Sandra Stout, Director. Preliminary preparation for this year's major elections is already underway. It is hoped that any action taken by the legislature on election issues will be completed soon enough to allow implementation in the 1986 elections.

## Alaska Gears Up to Improve Polling Place Access for Handicapped and Elderly

A new law has been passed by Congress which provides that all polling places used for federal elections be handicapped accessible. The law which applies to any election for President, Vice President, U.S. Senate and U.S. House of Representatives, went into effect December 31, 1985. Its purpose is to improve access to registration locations and polling places for elderly people and individuals who have a physical disability, by doing everything possible to remove the physical barriers that prevent these people from getting to the polls and voting.

Public Law 98-435 allows each state to develop its own guidelines for determining whether or not a polling place provides the best accessibility possible or available. The Division of Elections has developed the guidelines which will be used by Alaska. The Division will be conducting a survey of each of the 442 polling places currently being utilized. The survey will

## Increased Voter Turnout and Lower Costs Mark First All-Mail Elections in Montana

As a result of a new law passed by the Montana legislature, all-mail elections were held in 20 smaller jurisdictions in that state on November 5, 1985. The new law which covers local partisan candidate elections in communities with fewer than 1000 population, and non-partisan elections in localities with fewer than 5000 population, allows jurisdictions to conduct their elections entirely by mail. Secretary of State Jim Waltermire reports overwhelming acceptance of the new approach by the voters and significantly reduced costs at many locations. In every instance voter turnout in the all-mail jurisdictions was higher than at communities using traditional polling place methods. In local candidate elections the average turnout for all-mail voting was 73.3% while the process garnered 57% turnout in waiver district elections.

A typical contrast was reflected in the turnout experienced by 2 very similar communities in Golden Valley County. Lavena, using regular polling place voting, had 39% of its voters cast ballots, while its counterpart Ryegate, only 16 miles away, reported a 68% turnout using the all-mail process in the same type of election.

Such findings are impressive and may point the way to solving similar problems facing Alaska in its conduct of regional elections. Specifically, the state continues to experience disappointing turnout in Rural Educational Attendance Area School Board and Coastal Resource Service Area elections held every October, while absorbing the high costs incurred in utilizing the traditional polling place system. In the 1985 REAA/CRSA elections, the total turnout was just over 26% of the eligible registered voters. At a total election cost in excess of \$125,000, it averaged to approximately \$13.00 for every vote cast.

Relating the positive results experienced by Montana to the potential of an all-mail system in the conduct of our regional elections, there could be some substantial benefits. If, through an all-mail system we were also able to achieve an approximate 70% turnout rate, that would increase the number of voters casting ballots in REAA and CRSA elections from about 9500 to nearly 26,000. In addition, based on an analysis of election costs anticipated in an all-mail system, the Division determined that actual expense of the election would be reduced by nearly \$36,000 per year, resulting in an average cost per vote of only \$3.17.

As we continue to look for positive ways to increase voter participation and seek constructive ways to reduce costs, there is no doubt that the all-mail alternative offers some tantalizing food for thought.

cover such items as adequate handicapped parking, easily opened doors that are wide enough to accommodate a wheelchair, stairs, ground and floor surfaces which may be slippery or uneven, and the distance which must be walked to get to the actual voting area. In some cases accessibility can be improved by making very simple changes. For example, at a school it may be found that a different entrance may be closer to the parking area, or a polling place currently located on the second floor of a commercial building can be changed to a room on the ground floor. Chairs can be provided for elderly or disabled voters waiting in line.

"We recognize that in some communities, especially in rural areas, it may be difficult to find a suitable facility which can meet all the standards, but our purpose will be to assure that in all locations our polling places are the best they can be," said Sandra Stout, Director.

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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907-465-3800

May, 1986

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

Jeanie Henry

*House State Affairs Committee, 3/24/1986, 3:00 pm*

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800


LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 18, 1986

SUBJECT: Elections  
(HB 631)

TO: Representative Don Clocksin

FROM: Richard A. Bradley   
Legislative Counsel

John Ellis has requested a sectional analysis of the above described bill.

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

Sections 1 - 3 of the bill are read together.

Section 1 of the bill amends AS 15.07.060(a), a section relating to "required registration information." The only change within the section is the deletion of "sex" as a required category of information.

Section 2 of the bill adds a new subsec. (e) to sec. 60: the director of elections will make clear to the registering voter that the information required in sec. 60 is required and the information invited under Sec. 15.07.062 is permissive.

Section 3 adds a new Sec. 15.07.062, "permissive registration information." Permissive voter information includes, sex, date of birth, and social security number for the applicant. The section also directs the director to advise voters that the information is permissive and need not be provided by the voter.

Sections 4, 5, and 12 are read together.

Section 4 amends AS 15.07.130(b) to signal an exception to the general statement found in that section.

Section 5 establishes the exception: that the director may not cancel a registration of a voter who "qualified for the most recent permanent fund dividend under AS 37.13."

Section 12 is discussed below.

Section 6 of the bill requires the director to distribute "sample and official ballots and all other materials, forms, and supplies required for the election" not less than 30 (in place of the former 25) days before an election.

Section 7 of the bill requires the election judge to "affirmatively advise the voter that the voter may cast a questioned ballot" when the voter's name does not appear on the official registration list.

Section 8 of the bill directs the director to send absentee ballot and other absentee voting material "on or before the 30th day before the election" in place of "as soon as they are ready for distribution."

Section 9 of the bill permits the director to conduct rural educational attendance area and coastal resource service area elections by mail. Procedures for the election are set out.

Section 10 of the bill amends AS 15.25.055 and provides that unless a candidate withdraws from a primary election 54 days (in place of 40 days) before the election, the name will appear on the primary election ballot.

Section 11 of the bill amends AS 15.25.110 and provides that when a candidate is nominated at the primary election and then dies or is otherwise disqualified 47 days (in place of the former 40 days) before the election, the vacancy may be filled by party petition.

Section 12 of the bill amends AS 43.23.015 [application and proof of eligibility for permanent fund applications] by providing that the commissioner of revenue is directed to design the permanent fund application form so that an individual applying for a dividend may "register to vote, update

Representative Clocksin  
Page 3  
February 18, 1986

a voter registration, and request the cancellation of voter registration in another state."

Section 13 of the bill directs the lieutenant governor to identify the funds required to comply with P.L. 98-435, access to polling places for handicapped and elderly voters, by November 15, 1986.

Section 14 of the bill provides that secs. 1 - 5, 7, and 12 - 13 of the bill take effect immediately.

Section 15 of the bill provides that secs. 6 and 8 - 11 of the bill take effect January 1, 1987.

If I may be of further assistance, please advise.

RAB:csh  
c5/079



Section 1 eliminates the requirement of identifying one's sex when registering to vote.

Section 2 specifies that some voter information is optional while some is mandatory.

Section 3 specifies which information is optional.

Section 4 is a conforming amendment.

Section 5 prohibits the deletion of a voter from the registration list if he or she qualifies for a Permanent Fund Dividend.

Section 6 speeds up the distribution of primary election ballots so there will be more time to complete and return an absentee ballot.

Section 7 requires election officials to advise a voter who goes to the wrong precinct that he or she may vote at any precinct with a questioned ballot.

Section 8 requires the mailing of absentee ballots at least 30 days before the primary election.

Section 9 allows the Division of Elections to conduct Rural Educational Attendance area and Coastal Resource Service area elections by mail.

Section 10 shortens the time in which a candidate must remove his or her name from the general election ballot, again to increase the time for absentee voting.

Section 11 shortens the time for filling a vacancy on the general election ballot.

Section 12 allows an applicant for a Permanent Fund Dividend to register to vote, update an existing registration, or cancel a registration in another state on the Permanent Fund Dividend application form. Limits the use of the information to this purpose only.

Section 13 requires the Lieutenant Governor to inform the Legislature as to the funds necessary to eliminate barriers to voting places for handicapped and elderly voters.

"The bill is intended to accomplish one simple thing - to increase the number of Alaskans who register and vote."

"There is no greater tragedy in a democracy than a citizen who wants to vote and is a qualified voter, whose vote is not counted because of a technicality."

# # #

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1986  
JUNE

JULY

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SUN	MON	TUE	WED	THU	FRI	SAT
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1986  
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		1	2	3 <i>Withdrawn HB 631</i>	4	5
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27 <i>30 Day Ballots</i>	28	29	30	31		

JULY

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1986  
AUGUST

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24/ 31	25	26 <i>Primary</i>	27	28	29	30

AUGUST

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1986  
SEPTEMBER

OCTOBER

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14	15	16	17	18	19 TARGET Out. of Primary	20
21	22	23	24	25 LAST DAY TO APPLY - REGISTER	26	27
28	29	30 TARGET TO COMPLETE JUST REGISTER				

SEPTEMBER

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1986  
OCTOBER

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OCTOBER

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1986  
NOVEMBER

DECEMBER

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23/ 30	24	25	26	27	28	29

# AUTOMATIC VOTER REGISTRATION

by David D. Schmidt

EFFICIENT    FAIR    POSSIBLE NOW



IN THE DEMOCRACIES OF EUROPE AND CANADA, registration of all eligible voters has for decades been a responsibility carried out by the government. Here in the United States, however, almost every state has hewn to the archaic practice of denying voting rights to anyone who fails to jump through the various hoops set up by the confusing hodgepodge of registration laws. Antiparticipatory voter registration procedures have become even more ludicrous in an age when the average high school computer class student could easily design a program that would automatically register every eligible American by merging address lists already used by government agencies.

Every election year, volunteers, public interest groups, and foundations pour their time and money into voter registration drives. In 1984, as usual, they struggled mightily to push the number of registered voters higher than ever up the inaccessible peak of universal registration. And in 1985, as usual, registration levels rolled back down the slope due to the post-election purges of nonvoters from lists. In Arizona, however, advocates of increased voter registration have kicked the habit. They no longer sponsor voter registration drives because they aren't necessary. Arizonans have entered the age of automatic voter registration.

In 1979 John Kromko, a night school instructor of computer programming at a Tucson business college (now an Arizona State Representative), came up with the idea of having the state's Department of Motor Vehicles stamp each new or renewed driver's license with the applicant's voting precinct number, so that the license could be used as a voter ID card on election day — and no further registration would be required. When the state legislature didn't cotton to the idea, Kromko launched a statewide petition drive to put it on the ballot as an initiative. The drive fell just short of the number of signatures required to qualify for the 1980 ballot.

*For one, here's a sensible idea from Washington, D.C. It comes via David D. Schmidt, who heads the Initiative Resource Center there 1467 Connecticut Avenue NW #719, Washington, DC 20005, 202 361-2402. The Center promotes the process of initiative balloting (grassroots petitions) as a way to implement virtually any proposed law, and advises activists in using this technique.*

—Kevin Kelly

The next year, Phoenix lawyer Les Miller took up the cause, rewrote the bill, and launched another petition drive to put the measure on the 1982 Arizona ballot. This time the drive was successful. Voters passed it with 54 percent of the votes — hardly overwhelming, but not bad for a state so conservative that the electorate rejected a nuclear weapons freeze initiative on the same ballot by 59 percent.

The new law took effect March 29, 1983. Since then, Arizona Department of Motor Vehicles staffers have asked each driver's license applicant, including renewal applicants, if he or she is registered to vote. If the answer is no, the applicant is asked if he or she would like to register and handed a card to fill out and turn in with the driver's license form. During the first six months, 66,609 people registered to vote this way, even though all the traditional channels of voter registration remained open. In rural Navajo County, populated mainly by Hopi and Navajo Indians whose voter registration levels were among the worst in the state, nearly a quarter of all license applicants registered.

But getting people onto the voter lists is only half the battle in voter registration. Keeping them on the lists even if they fail to vote is equally difficult. Arizona's Motor Voter law solves that problem, too. When county election officials purge the names of nonvoters after each election, they must run a computer check of purged names against the list of people who hold valid driver's licenses. Anybody who has a driver's license stays on the voter registration list, even if that person neglected to vote.

In the last few years, seven states — including

Michigan, Minnesota, North Carolina, Ohio, Washington and Colorado — have adopted new procedures allowing people to register to vote when they get their driver's license, but none have proven as effective as the Arizona version.

The reason for this is simple. Arizona's version comes the closest to automatic voting registration. Citizens no longer need to go out of their way to register to vote. Indeed, even the requirement of filling out the form could be eliminated in the future. Driver's license lists could easily be merged by computer with voter registration lists and other lists (such as resident aliens and taxpayers) to update addresses and weed out ineligible people, thereby producing a list of all eligible citizens. Everyone on this list could then be automatically registered to vote.

The only obstacle in the way of automatic voter registration is the reluctance of politicians to enfranchise any new voters who might not support them. But even this can be overcome in states like Arizona, where citizens can use the initiative process to pass a law directly by citizen petition and popular vote. In 1984, Coloradans passed a Motor Voter law by initiative vote, and Representative Krombo says activists in other states have contacted him to talk over plans for passing such laws.

The Democratic Party in particular has an incentive to back automatic voter registration. Even though the new crop of voters would not necessarily register as Democrats, the party would at least be spared the expense of competing with the Republicans' high-priced, high-tech efforts to register conservatives — a rivalry the financially strapped Democrats can't hope to win. Republicans, too, may come to accept the principle of automatic voter registration, in view of the meager results of their just-completed Operation Open Door. The GOP aimed to register 100,000 new Republicans at a cost of \$7.50 apiece — three quarters of a million dollars — but it failed.

So far, the momentum behind automatic voter registration is hardly what one could call a national sensation. But one day, the financial backers of both major political parties will realize they could spend more money on *influencing* voters if they spent less *registering* them. ■



**For more information on Motor Voter and automatic voter registration, contact the Initiative Resource Center, 4607 Connecticut Ave. NW #719, Washington, DC 20008 (202/364-2402).**

# Arizona Motor Voter Ballot Initiative

## ELECTION RESULTS

### PROPOSITION 202

#### PROPOSED BY INITIATIVE PETITION AN INITIATIVE FOR VOTER REGISTRATION BY DRIVER'S LICENSE

RELATING TO ELECTIONS AND QUALIFIED VOTERS; PROVIDING AN ALTERNATE FORM OF VOTER REGISTRATION; PERMITTING PERSONS APPLYING FOR DRIVER'S LICENSES TO REGISTER TO VOTE AT THE SAME TIME AND PLACE; REQUIRING THE SECRETARY OF STATE AND DIRECTOR OF DEPARTMENT OF TRANSPORTATION TO BRING LICENSE APPLICATION AND VOTER REGISTRATION FORMS INTO SUBSTANTIAL CONFORMITY; BY AMENDING TITLE 16, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 1.1, AND AMENDING TITLE 16, CHAPTER 1, ARTICLE 3, SECTION 166, BY ADDING A NEW SUBSECTION D.

SECTION 1. BE IT ENACTED BY THE PEOPLE OF ARIZONA: TITLE 16, CHAPTER 1, ARIZONA REVISED STATUTES, IS AMENDED BY ADDING ARTICLE 1.1 TO READ:

#### ARTICLE 1.1 DRIVER'S LICENSE VOTER REGISTRATION

##### A.R.S. § 16-111, DEFINITIONS.

1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. DRIVER'S LICENSE, AN OPERATOR'S OR CHAUFFEUR'S LICENSE OR A NON-OPERATING IDENTIFICATION LICENSE ISSUED BY THE MOTOR VEHICLE DIVISION OF THE DEPARTMENT OF TRANSPORTATION
2. APPLICANT, A PERSON WHO APPLIES FOR A DRIVER'S LICENSE.
3. DRIVER'S LICENSE EXAMINER, AN EMPLOYEE OF THE MOTOR VEHICLE DIVISION OF THE DEPARTMENT OF TRANSPORTATION WHO IS AUTHORIZED TO EXAMINE APPLICANTS FOR DRIVER'S LICENSES.
4. DEPUTY REGISTRAR, A PERSON DULY QUALIFIED AND APPOINTED PURSUANT TO § 16-132 TO REGISTER PERSONS TO VOTE IN ELECTIONS IN ARIZONA.

##### A.R.S. § 16-112, DRIVER'S LICENSE VOTER REGISTRATION.

A. EVERY PERSON APPLYING FOR A DRIVER'S LICENSE AND WHO IS OTHERWISE QUALIFIED TO VOTE, SHALL, AT THE SAME TIME AND PLACE, BE PERMITTED TO REGISTER TO VOTE BY COMPLETING AN AFFIDAVIT THAT CONFORMS TO § 16-152.

B. THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION AND THE SECRETARY OF STATE SHALL, AFTER CONSULTATION WITH ALL COUNTY RECORDERS AND WITHIN 120 DAYS OF THE EFFECTIVE DATE OF THIS SECTION, ADOPT REGULATIONS TO IMPLEMENT A SYSTEM PERMITTING DRIVER'S LICENSE APPLICANTS TO REGISTER TO VOTE AT THE SAME TIME AND PLACE AS THEY APPLY FOR DRIVER'S LICENSES. SUCH REGULATIONS SHALL:

1. BRING THE LICENSE APPLICATION AND VOTER REGISTRATION APPLICATION FORMS INTO SUBSTANTIAL CONFORMITY;
2. PERMIT THE APPOINTMENT OF DRIVER'S LICENSE EXAMINERS AS DEPUTY VOTER REGISTRARS;
3. PERMIT THE TRANSFER OF DRIVER'S LICENSE APPLICATION (INCLUDING RENEWAL AND CHANGE OF ADDRESS) AND VOTER REGISTRATION

1354

Changes or additions in text are indicated by CAPITALS;

## ELECTION RESULTS

FOR INFORMATION FROM THE DEPARTMENT OF TRANSPORTATION TO THE VOTER REGISTRATION ROLLS, AND

4. RESPECT ALL REGULATIONS AND STATUTES OF THE STATE OF ARIZONA CONCERNING THE CONFIDENTIALITY OF DRIVER'S LICENSE APPLICATION INFORMATION.

C. EVERY COUNTY RECORDER SHALL APPOINT, PURSUANT TO § 16-132, SUBSECTION D, SUCH DRIVER'S LICENSE EXAMINERS AS DEPUTY VOTER REGISTRARS AS MAY BE REQUESTED BY THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION. ONCE SO APPOINTED, SUCH DEPUTY REGISTRARS SHALL NOT RECEIVE COMPENSATION ADDITIONAL TO THAT RECEIVED FOR PERFORMANCE OF THEIR DUTIES AS DRIVER'S LICENSE EXAMINERS.

D. REGISTRATION PURSUANT TO THIS SECTION, DURING A PERIOD OF CLOSED REGISTRATION, SHALL BECOME EFFECTIVE AT THE END OF THE CLOSED PERIOD.

SECTION 2. § 16-166, ARIZONA REVISED STATUTES, IS AMENDED TO READ:

§ 16-166. Cancellation for failure to vote; notice of cancellation; restoration of registration; EXCEPTION

A. The county recorder shall, on January 1 of the year following each general election, remove and cancel from the general county register the registration of any elector who did not vote in the preceding general election.

B. The county recorder shall, by February 1 of the year following a general election, send to each elector whose registration was canceled under subsection A of this section, a notice stating that such elector's registration has been canceled for failure to vote. The notice shall state that if the information on the return notice is correct, the elector may sign and return the notice by April 1 and his registration will be restored. The notice shall also state that if the information on the notice is not correct, the elector must re-register.

C. If a return notice is received by April 1, the county recorder shall indicate on the record of the elector the date of the restoration of his registration and the fact that it was restored. If a return notice is not received by April 1 immediately following the general election, the recorder shall file the canceled registration. The canceled registration may be disposed of under the conditions and in the manner prescribed by § 16-164, subsection C.

D. THE PROVISIONS OF SUBSECTIONS A, B, AND C SHALL NOT APPLY TO A PERSON WHO MAINTAINS A VALID DRIVER'S LICENSE AS DEFINED BY § 16-111 A.

Proposition 202    Yes 347,559    No 331,985

deletions by strikeouts

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STATE OF ALASKA  
THE LEGISLATURE

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May, 1986

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

Jeanie Henry

: House State Affairs Committee, 3/24/1986, 3:00pm