

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10445 HOUSE STATE AFFAIRS

ALASKA STATE HOUSE OF REPRESENTATIVES

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State Capitol
Room 102

REPRESENTATIVE JOHN COGHILL

Memorandum

Date: March 27, 2002
To: Barbara Craver, Legislative Counsel
From: Rynnieva Moss, Legislative Aide *R. Moss*
Re: 22LS1177J

I have a couple of additional changes to HB 315 version "L" after discussions with Retirement and benefits.

Page 1, line 11:

Delete: "or"

After the words "small associations" INSERT:

“, or special services organizations”

Page 2, line 15:

Delete: "or"

After the words "small associations" INSERT:

“, or special services organizations”

Page 2, line 19:

Delete: "a certified copy of"

Page 4, line 6:

Ignore change from yesterday to AS 39.30.090(b) and add new section that reads:

AS 39.30.090(b)(1) is amended to read:

(1) "eligible employee" means

(A) an employee who has served in permanent full-time or part-time employment with the same governmental unit except an emergency or temporary employee;

(B) an elected or appointed official of a governmental unit, effective upon taking the oath of office; and

(C) a contractual employee of the legislative branch of state government under AS 24.10.060(f) if the employee's personal services contract provides that the employee is entitled to coverage;

(D) small businesses, employees of small nonprofit organizations, members of small association, or special services organizations for 30 days or more, including the sole proprietor or the sole shareholder of a proprietorship or corporation described in (4)(A) of this subsection; "eligible employee" does not include an emergency or temporary employee.

Alaska State Hospital & Nursing Home Association

We're helping people care for people!

March 20, 2002

To Members of State Affairs Committee

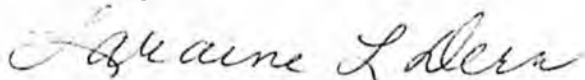
The Alaska State Hospital and Nursing Home Association represents all the hospitals and nursing homes in the state. This letter is in support of HB 315 which allows employers of small business, small nonprofit organizations, or small associations for insurance purposes to join state employee insurance coverage as a group. We want to be assured that health care facilities are included in the legislation.

Many of ASHNHA's facilities are nonprofit organizations with less than 300 employees and have extremely high insurance rates for their employees. For example, one facility with less than 100 employees has experienced rate increases of 32% in 2000, 37% in 2001, and 7% in 2002. The insurance carrier contends that half of these increases are due to continued inflationary trends in health care costs on local, state and national levels. The other half of the increases are due to continued coverage of some employees with ongoing and potentially large claims. The medical conditions of those employees are identified and because the organization does not have sufficient employees to spread the losses, are classified in the "adolescent phases" (organizations with employees between 12 and 100 that do not provide actual claims experience data by group because the potential for additional large claims on these employees is too high).

Allowing organizations such as these to participate in the large umbrella of the state's insurance group would reduce the cost of insurance substantially. In the example cited above, the cost would be reduced from approximately \$1000 a month to \$700.

Thank you for the opportunity to provide this information and support of the legislation.

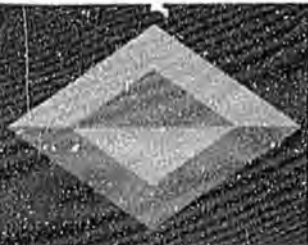
Sincerely,



Laraine L. Derr
President/CEO

426 Main Street, Juneau, Alaska 99801

Phone: 907-586-1790 • Fax: 907-463-3573 • Web: ashnha.com



Affordable Health

For additional information contact **Representative Sharon Cissna**

The 13+% (100,000 Alaskans) of the uninsured in our state who must self-pay their medical costs:

- Pay most for health care (up to 60% more than Medicaid, Medicare)
- 56% are between 18 to 34 years old
- 71% are working
- Are usually small business owners and/or employees, self employed and non-profit employees
- 57% are men
- 66% live in households with less than \$35,000 annual household income
- More than 13% of all people in Anchorage are uninsured

Survey results for the Anchorage Access to Health Care Coalition, December 2000

Dear Policymaker:

I've been prompted to a desperate act by the health insurance crisis in Alaska — reveal my age! At the age of 57, I have lived long enough to develop a couple of “pre-existing conditions.” Nothing life threatening, but with a pre-existing condition I can't transfer my insurance to another individual plan at ANY price. The handful of insurers of individuals (not groups) doing business in Alaska can't take a risk on practically anyone my age, let alone someone who has ever used their health insurance.

Between April 1996 and December 2001, my health insurance premium costs became as much out of kilter as a washing machine full of blue jeans. At the beginning of this period, I paid \$188.13/month or \$2232/year. By the end, my premiums were \$830.88/month or \$9970/year! Mine was no Cadillac plan. I had no eye, dental, maternity, or separate pharmaceutical benefits. In addition to these astronomical premiums, I had to pay the first \$2500 of all medical bills before my insurance company contributed a dime. Until November of each year, I paid so much money for health insurance coverage that I could not afford to go to the doctor until the last two months of the year when my deductible was met through my prescriptions. I survived on “telemedicine” and home remedies.

AGE	Date	Cost
51	4/30/96	\$188.13
51	5/31/96	\$226.79
52	6/16/97	\$263.56
53	6/15/98	\$292.74
54	6/15/99	\$380.95
55	6/15/00	\$647.42
56	6/16/01	\$765.89
57	12/15/01	\$830.88

My premium history for one insured with a deductible of \$2500 is shown on the chart to the left.

You can see that I have been through the works! I feel like Dorothy on the way to see the Wizard of Oz! As you remember, her companions were on their way to finding a brain and a heart. Lest we be as hollow as the Wizard, we need legislation passed that uses both compassion and logic to get out of this mess. We need to find another way to encourage preventive care and insure against catastrophic risks at an affordable price for all Alaskans.

Marjorie T. Linder



Retired Public Employees of Alaska, APEA/AFT

Anchorage Office

1689 C Street, Suite 204, Anchorage, Alaska 99501-5131
Phone (907) 274-1703, (800) 478-9992, Fax 907-277-4588

March 22, 2002

Richard F. Schmitz
Representative Jeannette James' Office
State Capitol
Juneau

RE: HB 380

Dear Mr. Schmitz:

At Tuesday's hearing, committee members asked several relevant questions I might be able to help answer. One question related to the status of the medical benefits lawsuit RPEA filed against the State of Alaska over diminishment of benefits. Attached is a copy of the Superior Court decision issued in this case in September 2001. In essence, the Court found that RPEA showed the State had modified the health benefit plans of retired public employees and diminished their health benefits, in violation of Article XII, Section 7 of the Alaska Constitution. Interestingly, the Court granted Summary Judgment in RPEA's favor in this case without trial, as there were not genuine issues of material fact and we were entitled to judgment as a matter of law. See the next to last paragraph on page 3 of the order.

In order for the court to grant this Summary Judgment, it had to find there was a factual basis the employees were advised at the time of hire, and during their employment, the State would pay for medical expenses upon retirement of the employee. Old employee handbooks provided by the State, letters to employees from the State, as well as affidavits from retirees were provided to the court. All of that material is in the court files; I do not have a copy here to provide the Committee. However, I think the court made the finding in the 2nd paragraph, page 4 of its order, these promises were made to the employees by the State. Otherwise, there would have been no basis for the Summary Judgment.

The State has appealed this decision to the Alaska Supreme Court. RPEA's brief is due next week, and the State has two weeks to respond. Oral arguments are expected within the next 90 days thereafter.

Let me know if I can provide additional information for the Committee.

Sincerely,

Sam Trivette

President

789-5116

7870 Glacier Highway, Juneau

Attachment:

RPEA v Poe, 9-19-2001

Protecting & Enriching

Your Retirement Years



IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

SEP 21 2001

THIRD JUDICIAL DISTRICT

AT ANCHORAGE

RETIRED PUBLIC EMPLOYEES OF)
 ALASKA, INC. et al.,)
)
)
 Plaintiffs,)
)
 vs.)
)
 BOB POE, Commissioner of the)
 Alaska Department of)
 Administration, et al.)
 Defendants.)

Case No: 3AN-00-7540 CI
 (Consolidated with Case Nos.
 3AN-00-7834 CI and
 3AN-00-8213 CI)

**ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT
 AND DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Introduction

This case involves whether medical retirement benefits are protected under Article XII, Section 7 of the Alaska Constitution. Upon reviewing the Plaintiffs' and Defendants' Cross Motions for Summary Judgment, the undisputed material facts establish that the medical benefits in question are protected under the Constitution. Accordingly, the State cannot constitutionally diminish or impair such benefits. The record indicates that changes to the medical benefits plan implemented in 1999 and 2000 diminished or impaired medical benefits for at least some retirees. Therefore, the

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 Order Re: Summary Judgment

Plaintiffs' Motion for Summary Judgment is granted and the Defendants' Cross Motion for Summary Judgment is denied.

Relevant Procedural History

Three lawsuits were filed in May and June 2000 by several public employee-retiree organizations and individual public employee-retirees.¹ The lawsuits allege that modifications made to the health benefit plans of retired public employees impair or diminish the retirees' benefits, in violation of Article XII, Section 7 of the Alaska Constitution. Plaintiffs also claim breach of contract and breach of fiduciary duties.

The lawsuits were ordered consolidated in September 2000. A February 2001 order certified two classes under Alaska R. Civil P. 23(a) and (b). The classes are: 1) All retired public employees eligible for retirement benefits under the provisions of AS 39.35.010 - .690 (the "PERS" class) and; 2) All retired public employees eligible for retirement benefits under the provisions of AS 14.25.010 - .220 (the "TRS" class).

On December 14, 2000, the State filed its amended answers to the complaints denying the allegations and asserting various defenses including good faith performance of duties. The State also asserted that Plaintiffs' claims are barred by absolute immunity, and Defendants have qualified immunity.

On June 7, 2001, Defendants' filed a Motion to Dismiss and for Summary Judgment arguing that the benefits in question are medical insurance and are not constitutionally protected, thereby allowing Defendants' to modify the health plans.

¹ The three lawsuits are: 1) Retired Public Employees of Alaska, Inc. v. Poe, et al., Case No. 3AN-00-7540 CI; consolidated with 2) Alaska AFSCME Retiree Chapter 52, et al. v. Poe, et al., Case No. 3AN-00-7834

Defendants' also argue that they have made good faith efforts within their lawful discretion to provide balanced changes to such benefits.

On June 7, 2001, the Plaintiffs' filed a Motion for Summary Judgment arguing that retiree medical benefits are a vested contractual right protected by Article XII, Section 7, of the Alaska Constitution.

Both parties submitted Oppositions to the Cross Motions for Summary Judgment, and Replies to the Oppositions. Oral argument regarding the Cross Motions for Summary Judgment was heard on August 16, 2001.

Standard for Summary Judgment

A party seeking to recover upon a claim may move for summary judgment in his or her favor as to all or any part thereof. Summary judgment may be granted in favor of a party if there are no genuine issues of material fact and it is entitled to judgment as a matter of law. AK Civ.R. 56(c). In considering the motion for summary judgment, the court shall draw all reasonable factual inferences in favor of the non-moving party.

Alaska Southern Partners v. Prosser, 972 P.2d 161, 164 (Alaska 1999); Rush v. Alaska Mortgage Group, 937 P.2d 647, 651 (Alaska 1997).

The moving party, "has the initial burden of making a prima facie showing establishing the absence of genuine issues of material fact and his or her right to judgment as a matter of law." Yurioff v. American Honda Motor Co., Inc., 803 P.2d 386, 389 (Alaska 1990).

CI; consolidated with 3) National Education Association-Alaska, et al. v. State of Alaska, et al., Case No. 3AN-00-7834 CI.

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Where the moving party has made a prima facie showing that he or she is entitled to judgment on the established facts as a matter of law, "the opposing party must demonstrate that a genuine issue of fact exists to be litigated by showing that it can produce admissible evidence reasonably tending to dispute the movant's evidence." French, 911 P.2d 23 (Alaska 1988) (citing Wassink v. Hawkins, 763 P.2d 971, 973).

Factual Background

In 1975, the legislature granted free comprehensive medical insurance as part of the retirement benefits provided to all retired teachers in Teachers' Retirement System ("TRS") and all public employees in the Public Employees' Retirement System ("PERS"). Defendant State of Alaska (the "State") has established various retirement systems under state statutes² to provide benefits to retired public employees in order to encourage qualified personnel to enter and remain in public employment. All Plaintiffs are either individual retirees or organizations that represent retirees from public employment, who are eligible for benefits under PERS or TRS.

The 1999 medical plan available to the retirees (the "1999 Plan") included the following changes: 1) the annual deductibles were re-imposed on claims exceeding \$50,000; 2) the plan only paid 80% on claims over \$50,000 (not 100%); 3) the lifetime maximum increased from \$1 million to \$2 million; and 4) the travel benefit changed from one-way to round-trip. (Pl.'s Mem. in Supp. Mot. for Summ. J. at 7.) Plaintiffs contend

² See AS 14.25.012(a): The purpose of this chapter is to encourage qualified teachers to enter and remain in service with participating employers by establishing a system for the payment of retirement, disability, and death benefits to or on behalf of the members; and AS 39.35.010(a): The purpose of this chapter is to encourage qualified personnel to enter and remain in the service of the state or a political subdivision or

that two changes in the 1999 plan acted as a diminishment (the elimination of the deductible waiver and the cut from 100% to 80% coinsurance) and two changes provided enhanced benefits (the increased lifetime maximum benefit and the round trip travel reimbursement). (Pl.'s Mem. in Supp. Mot. for Summ. J. at 7.)

The 2000 medical plan (the "2000 Plan") included seven changes. Plaintiffs allege the following four diminished or impaired their medical benefits: 1) the individual deductible was increased from \$100 to \$150 per year; the deductible for a family of three went from \$300 to \$450 per year; 2) the plan eliminated the 80%/90%/100% formula, now the plan would pay 80% of the first \$4,000 and 100% of the remainder (i.e. the \$690 maximum out-of-pocket co-payment went to \$800 per year for each covered family member); 3) the cost for retirees buying prescription drugs locally went from zero to \$4 per generic prescription and from \$5 to \$8 per prescription for brand name drugs; and 4) a managed care and a preferred provider program were implemented for chemical dependency and mental health treatment. (Pl.'s Mem. in Supp. Mot. for Summ. J. at 7-8.)

Plaintiffs acknowledge the following changes to the 2000 Plan may be considered improvements for some of the retirees: 1) the plan paid 80% if the patient selected a preferred provider for outpatient mental health and chemical dependency treatment, but only 50% for other providers, rather than \$15 per visit; 2) retirees using a Texas mail order service paid nothing for generic or brand name drugs; and 3) the plans'

public organization of the state by establishing a system for the payment of retirement, disability, and death benefits to or on behalf of the employees.

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reimbursement rate for Medicare eligible retirees increased from 80% to 100% of covered expenses not paid by Medicare. (Pl.'s Mem. in Supp. Mot. for Summ. J. at 7.)

Defendant Bob Poe ("Poe") is the current Commissioner of the Department of Administration for the State and is responsible under state statutes for the administration of the retirement systems for retired public employees. Defendant Guy Bell ("Bell") is the current Director of the Division of Retirement and Benefits for the State and has been delegated the responsibility under state statutes for the administration of benefits under the retirement systems for retired public employees.

Discussion

Plaintiff-retirees class action complaints against Defendants Poe, Bell, and the State (hereinafter collectively referred to as the "State") allege that the State modified medical benefits available to retired public employees, and that this modification diminished or impaired the benefits they received upon retirement. Plaintiffs seek declaratory and injunctive relief against the State for alleged breach of contract, breach of fiduciary duty, and violation of constitutional protection.

This matter presents to the court an unavoidable constitutional issue. Plaintiffs' main argument is that retiree medical benefits are a vested contractual right protected by Article XII, Section 7 of the Alaska Constitution, which provides:

Membership in employee retirement systems of the State or its political subdivisions shall constitute a contractual relationship. Accrued benefits of these systems shall not be diminished or impaired.

The State argues that the medical benefits in question are not retirement benefits protected by the Constitution. The State also argues that even if such benefits are constitutionally protected, it may modify the health plans, and that the court must evaluate the plans *as a whole* to ensure that the modifications are balanced (i.e. favorable changes offset disadvantageous modifications). (Def.'s Mem. in Supp. Mot. for Summ. J. at 23.)

Plaintiffs argue that Hammond v. Hoffbeck, 627 P.2d 1052 (Alaska 1981), controls this matter. In Hoffbeck, several statutory amendments were made to PERS in 1976. These changes had the effect of reducing the occupational disability benefits of public safety employees from 67% to 40% of monthly salary for occupational disability, and reduced occupational death benefits from 100% to 40% of monthly salary at death.

The Alaska Supreme Court held in Hoffbeck that "accrued benefits" (as stated in the Alaska Constitution) is the same as "vested benefits." Hoffbeck at 1057. The Hoffbeck court held that Article XII, Section 7 of the Alaska Constitution mandates that retirement benefits are regarded as an element of the bargained-for consideration given in exchange for an employee's assumption and performance of duties as a state employee. Id. The court further held that rights in PERS vest on employment. Id.

In addition, the Hoffbeck Court ruled that any disadvantageous changes in a pension plan must be accompanied by comparable new advantages. Id. The court also ruled that the determination of whether vested benefits have been diminished must be made on a case-by-case basis. Id. at 1059.

Plaintiffs argue that the Hoffbeck Court adopted a broad view of what constitutes a vested retirement benefit. This court agrees. The Hoffbeck Court applied the “plain meaning” of Article XII, Section 7 of the Constitution and determined that the changes made to the retirement benefits were unconstitutional. This court is bound to do the same.

The State argues that the medical plans in question are not benefits, but merely health insurance. (Def.’s Mem. in Supp. Mot. for Summ.-J. at 16-17, 23.) Therefore, according to the State, the issue is what services are available to members, not what services a person might need from one year to the next. The State argues that depending on one’s health, costs for an individual will vary from year to year. The State contends that major medical insurance does not equate to free medical care. Defendants assert that the court must look at the plan as a whole, balancing the availability of benefits to a member, not the actual use at the moment which they are implemented. (Def.’s Mem. in Supp. Mot. for Summ. J. at 23.)

We disagree with the State’s argument. The plain meaning of “retirement systems” includes medical benefits. Retirement systems are typically considered to be a *package* of available services/benefits, not simply the monthly “pension” check. In contrast, the State argues that the court should look only at the dollar amount it contributes to the retirees’ medical benefits. The State argues that since it still pays the same amount towards health benefits, the allocation of that amount among the components of the health plan is irrelevant. The State argues that it has the power to change the health plans as long as disadvantageous changes are offset by advantageous

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changes and the total contribution or cost to the State does not decrease. (Def.'s Mem. in Supp. Mot. for Summ. J. at 23.)

Hoffbeck does not support the State's argument. The Hoffbeck Court applied the plain meaning of the constitutional provision. In the present matter, using the plain meaning approach, the medical plans in question are part of the constitutionally protected retirement benefits. Hoffbeck and its progeny³ dictate to this court that a determination of whether vested rights to retirement benefits have been diminished must be made by the affected individual on a case-by-case basis. Hoffbeck at 1059. Such an individual analysis implies that the retirement benefits protected by the Constitution are more than the overall cost of the plan. Hoffbeck's recognition that retirement benefits are to be regarded as "an element of the bargained-for consideration given in exchange for an employee's assumption and performance of the duties of his employment" and should "reflect[] the realities of public employment in Alaska," also support this conclusion. Id. at 1056-57.

Other jurisdictions have addressed the issue of the extent that retirement benefits are protected under state constitutions.⁴ The State argues that New York has addressed

³ See State ex rel. Hammond v. Allen, et al., 625 P.2d 844 (Alaska 1981) (finding that the Alaska Constitution protected repealed retirement system program); Sheffield v. Alaska Public Employees' Association, Inc., 732 P.2d 1083 (Alaska 1987) (finding that adoption of new actuarial table for early retirement benefits was unconstitutional and applied Hoffbeck's diminution of benefits on a case-by-case basis); Municipality of Anchorage v. Gallion, 944 P.2d 436 (Alaska 1997) (prohibiting joinder of weaker retirement plan with existing plans); and Flisock v. State of Alaska, 818 P.2d 640 (Alaska 1991) (holding that retirement benefits vest upon enrollment into the retirement system).

⁴ See Betts v. Board of Administrc of the Public Employees' Retirement System, 21 Cal.3d 859, 582 P.2d 614, 148 Cal. Rptr. 158 (1978) (California Supreme Court ruling that "limited vesting" approach allows reasonable modification of the employee's vested pension rights); Musselman v. Governor, 450 Mich. 574, 545 N.W.2d 346 (1995) (Michigan Supreme Court divided whether health benefits fall within

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the issue presented before this court and relies on Lippman v. Board of Education of the Sewanhaka Central High School District, 66 N.Y.2d 313, 487 N.E.2d 897, 496 N.Y.S.2d 987 (1985). In Lippman, the New York Court of Appeals ruled that the medical benefits in question were not protected under its constitutional provision similar to Article XII, Section 7 of the Alaska Constitution.

The Lippman Court found that “health benefits” were not “retirement benefits” as that term is used in the New York Constitution, noting that the constitutional provision “protects only the benefits of membership in a retirement system; other employment conditions, though they may be protected by statute, resolution or individual or collective bargaining agreement, are not within its coverage.” Id. at 317. The court noted that the health insurance premium payment provision is contained not in the New York Retirement and Social Security Law, but in the State’s Civil Service Law. This is not the case in Alaska where the right to medical benefits is included in Title 39. This court declines to follow Lippman, because Lippman involved a medical plan that was separate from the state retirement system. As discussed previously, Alaska’s retirement system includes a system of retirement benefits that include more than just a pension.

The State also argues that this court be guided by how health benefits are treated under the federal Employee Retirement Income Security Act (“ERISA”). The State refers to In Re Unisvs Corp. Retiree Medical Benefit “ERISA” Litigation, 58 F.3d 896 (3rd Cir. 1995), in which the court held that Congress did not impose automatic vesting

the protection of the state constitution); and Lippman v. Board of Education of the Sewanhaka Central High School District, 66 N.Y.2d 313, 487 N.E.2d 897, 496 N.Y.S.2d 987 (1985) (New York Court of Appeals finding that health benefits independently funded are not protected within state constitution).

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of welfare benefit plans. Under ERISA a distinction is made between "pension plans" and "welfare plans," and medical benefits fall into the latter category. There is no basis for such a distinction under Alaska law.⁵

Municipality of Anchorage v. Gentile, 922 P.2d 248 (Alaska 1996) is the only other case in Alaska that addressed the issue of whether Article XII, Section 7 of the Alaska Constitution protected retiree *medical* benefits. In Gentile, the issue was whether the Municipality of Anchorage ("MOA") and its public safety employees intended collective bargaining agreements to vest post-retirement medical benefits at retirement. The Gentile Court ruled that "since PERS benefits are vested," it was fair for the trial court to infer that the parties also intended the medical benefits to vest. Id. at 258. Accordingly, Plaintiffs argue that any benefit derived from membership in PERS and TRS is a vested right, including medical benefits.

The Alaska Supreme Court decided the Gentile matter using contract law, based on explicit contracts: the collective bargaining agreements, and did not reach the constitutional issue presented here.⁶ The trial court in Gentile,⁷ however, ruled, "Post-

⁵ Thus for example, disability benefits are considered to be part of a welfare plan under ERISA and thus not subject to vesting. 58 F.3d at 901. Hoffbeck, however, specifically concerned a reduction in disability benefits.

⁶ See Municipality of Anchorage v. Gentile, 922 P.2d 248 (Alaska 1996) (Note 13 states, "The trial court held that by diminishing the medical benefits, MOA violated article XII, section 7 of the Alaska Constitution. Because the class members' contract claim fully resolves the question of whether the medical benefits vested when the covered employees retired, it is unnecessary to consider claimants' constitutional claim.")

⁷ John M. Gentile, et al. v. Municipality of Anchorage, Case No. 3AN-92-9377 CI (Superior Court June 25, 1993).

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retirement medical coverage is provided to the vast majority of MOA employees under [PERS]. Those benefits may not be diminished subsequent to retirement under Article XII Section 7 of the Alaska Constitution.” Plaintiffs argue that the Supreme Court’s opinion in Gentile implies that medical retirement benefits are constitutionally protected. While this court is not bound by the trial court’s opinion in Gentile, nor by dicta in the Supreme Court’s affirming of that case, this court does find both decisions to be significant and persuasive.

This court is bound under Hoffbeck to apply the natural meaning of “retirement systems” to include medical benefits. Accordingly, any changes in the medical plans that operate to an employee’s disadvantage must be offset by a comparable new advantage to that employee. Hoffbeck, 627 P.2d at 1057. A determination of whether vested rights to benefits have been diminished must be made on a case-by-case basis. Id. at 1059.

Defendants strongly argue that changes to the plans that benefit employees offset any changes that are disadvantageous to employees. Defendants’ argument appears similar to the hypothetical data used by the State in Hoffbeck in its attempt to justify the changes to the benefits at issue there. See 627 P.2d at 1058. The Hoffbeck Court rejected this approach noting that “ ‘the comparative analysis of disadvantages and compensating advantages must focus on the particular employee whose own vested pension rights are involved,’ ...and not on hypothetical cases.” Id., quoting Betts v. Board of Administration of the Public Employees Retirement System, 582 P.2d 614, 617 (Cal. 1978). While adjustments to the retirement system that satisfy this test may be

constitutionally implemented under Hoffbeck, no such adjustments have ever been upheld by the Alaska Supreme Court under this test.⁸

Plaintiffs have submitted affidavits⁹ from several class members demonstrating that "at least as to some individuals, the new system cannot be said to offer advantages which outweigh its obvious disadvantages." Hoffbeck, *supra*, 627 P.2d at 1058. This court finds that the changes to the medical benefits system violate Article XII, Section 7 of the Alaska Constitution, at least as to those class members who are adversely affected by them.

Relief

Plaintiffs have requested that this court postpone any discussion regarding the appropriate remedy for the retirees if the court finds that medical benefits are constitutionally protected. Plaintiffs request an opportunity to reach an agreement on relief, or alternatively submit additional briefing on the appropriate remedy. This court concludes that further briefing on the issue of remedy is appropriate. The parties shall meet and confer within two weeks of the date of this decision and thereafter shall file with the court a proposed order regarding further briefing. If either party desires a status conference, one will be scheduled upon request.

For the reasons set forth above, IT IS HEREBY ORDERED that Plaintiffs' Motion for Summary Judgment is GRANTED and that Defendants' Cross Motion for

⁸ See Hoffbeck, *supra*, and cases cited in footnote 3, *supra*.

⁹ See Aff. Edward P. Shellinger, Ex. 10; Aff. Robert J. Deitrick, Ex. 11; Aff. Terry Stimson, Ex. 12; Aff. Carol Eamhart, Ex. 13; Aff. Barbara DeBoff, Ex. 15; and Aff. Sam Trivette, Ex. 16., attached as exhibits to Pls.' Mem. in Supp. Mot. for Summ. J.

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Summary Judgment is DENIED. The issue of remedy is reserved for further decision by this court.

DATED at Anchorage, Alaska this 19 day of September 2001.

Mark Rindner
Mark Rindner
Superior Court Judge

*I certify that on September 20,
2001 a copy of the above was
mailed to each of the following:*

D. Clocksin B. Owens
AG-Strasbaugh J. Trumble

Lynn Shaw
Lynn Shaw

RPEA v. Poe
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Teleconference Order Form

Fax #465-2864

#4782

Sponsor and/or Committee Name			Date
HSTA- Rep. Coghill, Chair			3/26/02
Start/End Time	Chairing site	Juneau Room	Testimony
8am / 10 am	Juneau	Cap102	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Invitational <input type="checkbox"/>
Contact Person and	Phone Number	Other sites may add?	Testimony Limit
Rynniva Moss	465-4963		

Subject of meeting and/or Bills on agenda

HB 315 Group Insurance

Sites - LIOs	Sites - Offnets	Phone #
Anchorage	Bob Lehr Div of Insurance	269-7896
Barrow		
Bethel		
Cordova		
Delta Junction		
Dillingham		
Fairbanks		
Glennallen		
Homer		
Juneau		
Kenai		
Ketchikan		
Kodiak		
Kotzebue		
Matsu		
Nome		
Petersburg		
Seward		
Sitka		
Tok		
Valdez		
Wrangell		

Notes

ALASKA STATE HOUSE OF REPRESENTATIVES

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Session

(907)-

FAX# (907)-465-

State

REPRESENTATIVE JOHN COGHILL

Memorandum

Date: March 26, 2002
To: Barbara Craver, Leg Legal
From: Rynniva Moss, Legislative Aide *RW Moss*
Re: HB 315 Work Order#1177J

Representative Coghill would like Sec. 3 of HB 483 added to the Committee Substitute you are preparing. I have attached the language for your convenience.

Thank you for your assistance.

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



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Department of Education & Early Development
State of Alaska

Teleconference Order Form

Fax #465-2864

#4782

Sponsor and/or Committee Name			Date
HSTA- Rep. Coghill, Chair			3/26/02
Start/End Time	Chairing site	Juneau Room	Testimony
8am / 10 am	Juneau	Cap102	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Invitational <input type="checkbox"/>
Contact Person and	Phone Number	Other sites may add?	Testimony Limit
Rynniva Moss	465-4963		

Subject of meeting and/or Bills on agenda

HB 315 Group Insurance

Sites - LIOs	Sites - Offnets	Phone #
Anchorage	Bob Lehr Div of Insurance	269-7896
Barrow		
Bethel		
Cordova		
Delta Junction		
Dillingham		
Fairbanks		
Glennallen		
Homer		
Juneau		
Kenai		
Ketchikan		
Kodiak		
Kotzebue		
Matsu		
Nome		
Petersburg		
Seward		
Sitka		
Tok		
Valdez		
Wrangell		

Notes

Bonus - compensation for retirement

ALASKA STATE HOUSE OF REPRESENTATIVES



Session

(907)-

FAX# (907)-465-

State

Contact:

Interim Address:

465-3719

119 N. Cushman, Suite 211

3258

Fairbanks, AK 99701

Capitol

(907)-456-5081

Room 102

Fax# (907)-456-8245

REPRESENTATIVE JOHN COGHILL

Memorandum

Date: March 26, 2002

To: Barbara Craver, Leg Legal

From: Rynniva Moss, Legislative Aide *R. Moss*

Re: HB 315 Work Order#1177J

Representative Coghill would like Sec. 3 of HB 483 added to the Committee Substitute you are preparing. I have attached the language for your convenience.

Thank you for your assistance.

1 or temporary employee;

2 (B) an elected or appointed official of a governmental unit,
3 effective upon taking the oath of office; and

4 (C) a contractual employee of the legislative branch of state
5 government under AS 24.10.060(f) if the employee's personal services contract
6 provides that the employee is entitled to coverage;

7 * **Sec. 3.** AS 39.30.090(b) is amended by adding a new paragraph to read:

8 (4) "special services organization" means

9 (A) an entity, including a sole proprietorship and a corporation
10 solely owned by one person,

11 (i) operating a child care facility that is licensed under
12 AS 14.37;

13 (ii) operating a residential child care facility, child
14 placement agency, foster home, or maternity home that is licensed
15 under AS 47.35;

16 (iii) operating an assisted living home that is licensed
17 under AS 47.33;

18 (iv) operating a community-based center for adult day
19 care as that term is defined in AS 47.65.290; or

20 (v) providing home care services as defined in
21 AS 47.65.290;

22 (B) a corporation incorporated under AS 10.20 that

23 (i) receives state grants to provide services; or

24 (ii) makes grants to other corporations incorporated
25 under AS 10.20 that receive state grants to provide services; or

26 (C) a nonprofit organization, regardless of whether
27 incorporated, whose primary purpose is to provide assistance to disadvantaged
28 classes or groups.

29 * **Sec. 4.** AS 39.30 is amended by adding a new section to read:

30 **Sec. 39.30.098. Regulations.** The commissioner of administration may adopt
31 regulations under AS 44.62 (Administrative Procedure Act) to implement



Alaska State Legislature

Please enter into the record my testimony to the House State Affairs
Committee name

Committee on HB 315, dated 3/26/02
Bill/Subject

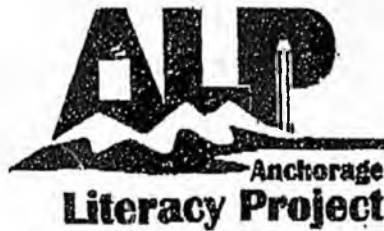
I am testifying today on behalf of Life Quest. Life Quest is a private nonprofit organization dedicated to meeting the mental health needs of the residents of the Mat-Su Borough. We are the community mental center for the Mat-Su. We are funded by a mix of grants (both state and federal), contracts and fees. In the last five years we have seen our health care premiums increase by over 100%. A number of years ago we were forced to drop employer-funded dependent coverage - it became too expensive. This last benefit cycle we were forced to drop vision and dental coverage and increase deductibles because of the dramatic increase in premiums. As a small non-profit, with an employee base of about 110 employees, it is very difficult to find affordable health care premiums. Our ability to attract and retain qualified, effective employees is compromised by the quality of the health care ^{coverage} we are able to provide. We applaud and support the efforts outlined in HB 315 to give nonprofits like Life Quest access to participate in a large insurance pool and to take advantage of the premium rates such a large pool can command. Thank you.

Signed: [Signature]
Testifier

Life Quest
Representing (Optional)

230 E Paulson, Ste 68, Wasilla, AK 99654
Address

(907) 376 2411
Phone number



Changing Lives Through Literacy



*Member of Laubach Literacy Action and LLI
National Award for Outstanding Program, 2000-2002*

March 20, 2002

Representative John Coghill, Chair
State Affairs Committee
State Capitol, Rm 102
Juneau, AK 99801-1182

RE:HB 483

Dear Representative Coghill:

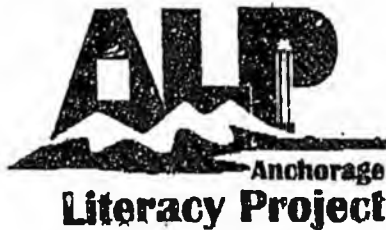
I am writing in support of bills HB 315 and HB 483. I work at the Anchorage Literacy Project in the position of Office Administrator. ALP is a small nonprofit agency that provides basic literacy instruction to both American-born and foreign-born adult students.

Every two weeks, \$211 is deducted from my salary to cover the premiums for my Blue Cross Traditional Program. This program does not cover any vision or dental expenses. Because of increases in the price of premiums, I have had to further reduce my take-home pay in order to put a minimal amount into our annuity program. I am considering changing to the Major Medical Program in order to have more annuity to draw on if I have a vision or dental emergency, but the deductible in this program is very high. At 54 years of age, this situation causes me growing concern.

I am very glad that you are addressing this issue.

Thank you,

Anne Scott



Changing Lives Through Literacy



*Member of Laubach Literacy Action and LLI
National Award for Outstanding Program, 2000-2002*

March 20, 2002

Representative John Coghill, Chair
State Capitol, Rm 102
Juneau, AK 99801-1182

RE: HB 483 and HB 315

Dear Representative Coghill:

I am writing in support of HB 483 and/or HB 315. I am a single, professional, college-educated instructor working full-time for the Anchorage Literacy Project, a small nonprofit agency that provides literacy instruction to adults and families. Our staff contributes either \$2.20 per hour worked toward an annuity or individual health insurance plan. Currently, I am not covered by a health insurance policy because I opted to contribute toward an annuity.

I am not comfortable with the fact that I don't have health insurance, but at this time the policies available to me were not within my budget or did not provide the kind of coverage appropriate for my needs. I am embarrassed to admit that most of the low-income or publicly supported clients I serve have much better health coverage than I could ever hope to have while working for such a small nonprofit. Allowing nonprofits and other small business employers to tap into the state's health insurance program makes good sense for the people of Alaska who are providing valuable services and jobs. It is an injustice to price health insurance out of the reach of the working people and small agencies. I believe the creation of a health insurance pool for nonprofits would make a difference in the cost and the type of coverage we could attain as employees.

I appreciate you addressing this issue. Thank you.

Sincerely,

Julie L. Obermeyer
Multi-Sensory Program Instructor

M: Vern Fyfe
Foreman
Nugen's Ranch
Rep. John Coghill

Health Insurance Legislation (HB 315)

Passage of HB 315 is extremely important to those of us employed in the non-profit sector. Over the past few years our premiums have skyrocketed to the point that our deductibles have been increased, employee contributions have risen substantially, and yet premiums continue to go out of sight.

My employer is ~~at~~ on the verge of being forced to drop our coverage and those of us who have had health problems will be in dire straits if this happens.

Please give this bill your full support.

Vern Fyfe
Foreman
Nugen's Ranch



BIG BROTHERS BIG SISTERS
of Southeast Alaska

PO Box 20049
Juneau, AK 99802
(P) 907.586.3350 (F) 907.586.1886
mwheeler@bbbs.ak.org

Hon. John Coghill
House State Affairs Committee
Alaska State Capitol
Juneau, AK 99801

March 26, 2002

RE: SSHB 315

Dear Rep. Coghill:

On behalf of Big Brothers Big Sisters of Southeast Alaska, as well as our sister agencies, Big Brothers Big Sisters of Anchorage and Big Brothers Big Sisters Greater Fairbanks Area, I urge you to support SSHB 315. Together, our agencies served 831 children last year across the great State of Alaska by finding caring, adult mentors for those that needed one

Big Brothers Big Sisters of Southeast Alaska is a small agency that serves Juneau and Sitka. We hope to expand our services next year to include both Hoonah and Ketchikan. In 2002, we hope to serve 155 children – all with a staff of only 5 ½ FTE equivalents. We are able to serve so many children with so few employees because volunteers perform most of our agency's service delivery. However, we need to hire professional staff to make sure we can recruit and screen volunteer mentors, match them with appropriate Little Brothers or Sisters, and then monitor and assist the match friendship as it develops. Our professional staff is critical in making sure that our Little Brothers and Sisters have safe and nurturing relationships with their Big Brothers and Big Sisters.

We need to be able to offer competitive salaries and benefits to attract and retain these professional caseworkers. To do so, we offer employees with 30 or more hours of employment medical and dental care. Unfortunately, our health care costs have risen steadily over the past several years. In 2002, our health insurance costs will increase by over 20%. Starting in April, we will have to pay almost \$4000 for each employee on our staff. This equals roughly 12% of each employee's salary. We expect these costs to continue to rise rapidly. In the future, such costs will either limit our ability to offer competitive salaries or cause us to reduce our benefit package.

SSHB 315 will help our agency and our sister agencies by allowing us to join state employee coverage as a group and thereby purchase health insurance for our employees at a reduced rate. We'll be able to continue to hire skilled, professional staff that can look out for all the children served by our programs. By supporting Big Brothers Big Sisters programs through this no-cost measure, the State Legislature will also be saving money for the long run. A recent study has shown that children matched with a Big Brother or Big Sister for at least a year are half as likely to start using drugs, a quarter less likely to start drinking, and a third less likely to hit someone. Getting Alaska's kids off to a good start will surely save the State many millions in the years to come.

Thank you for your attention to this important matter,

Marc Wheeler
Executive Director



food bank of alaska

Food Bank of Alaska

To: Alaska Legislature
From: Susannah Morgan, Executive Director *Susannah*
Date: 3/25/20023/26/02
Re: HB 315 State Health Insurance for Business/Nonprofits

Food Bank of Alaska strongly supports HB 315, which permits nonprofit organization to join state insurance coverage group. I believe that this legislation is vital to allow nonprofit organizations to provide affordable health insurance to their employees.

Food Bank of Alaska currently employs 11 staff members. We provide health insurance to each staff member, but we do not extend this benefit to spouses or children. Our health insurance plan is very bare bones – a \$250 deductible, 50/50 plan with an out-of-pocket limit of \$1500 per year.

Food Bank of Alaska pays \$63,200 per year to provide health insurance to our staff. This is more than \$5,700 per employee; **health insurance alone is 16% of our total payroll**. Not only is this amount outrageously high, but health insurance costs have escalated astronomically in the last three years. In 1999, our health insurance costs were \$20,000 per year or 6% of our total payroll. Thus, there has been **an increase of 216% over the past three years**.

We are lucky to have been able to provide this benefit, but with costs escalating at such a rapid rate, we fear that we soon have to ask our employees to pay at least a portion of their health insurance. Our employees, with an average salary of approximately \$35,000, simply cannot afford this added expense.

Nonprofit staff provide vital services to our community – Food Bank staff distribute more than 3 million pounds of food each year to nonprofit agencies serving hungry people. Our staff are not well paid for the important work they do; we can at least ensure that they can maintain their health. I urge you to allow us to join the state employee insurance which will allow us to provide equal or better health coverage at less cost.

Please contact me for more information at Food Bank of Alaska, 2121 Spar Avenue, Anchorage, AK 99501, 272-3663, smorgan@foodbankofalaska.org.



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the State Affairs
 Committee on HB 315 Dated 3/26/02
Committee Name
Bill / Subject

As an employee of a non-profit for the last 14 years I have seen first-hand the impact of rising insurance costs has on small organizations. The agency went from covering employee & family, to just the employee, and now to sharing the cost with the employee. Any potential for lowering these costs could only benefit businesses, not-for-profits and the quality of life for Alaskans who need health insurance.

SIGNED: Pamela M. Karalunas
 Testifier

self / AAP / RCPC
 Representing

P.O. Box 73893, Fairbanks, AK 99707
 Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House State Affairs
 Committee on AB 315 Dated 3-26-02
Committee Name
Bill / Subject

On behalf of both Arctic Alliance for People and Big Brothers Big Sisters, I would like to offer my wholehearted support of this bill. Finding affordable health insurance for employees is a huge and often insurmountable problem for small non-profits. I am embarrassed to say that I am the Director of a non-profit that does not currently offer health insurance coverage. It has not been for lack of trying, however. We tried to get coverage from a local insurance agent, but found that the plan we thought we could afford would actually be 2 to 3 times as expensive as the initial quote due to an employee's pre-existing condition. Then another glimmer of hope appeared through United Way of America and BC/BS who quoted us a plan that had no pre-existing condition clauses. The day we called to sign up, we were told that they no longer were writing policies in Alaska. Soon afterwards, UWA was unable to offer any insurance plan as a group, which ~~made~~ placed a huge burden on all

SIGNED: Taber S Rehbaum

Testifier Taber S Rehbaum

Arctic Alliance for People and Big Brothers Big Sisters
 Representing

P.O. Box 438 Ester AK 99725 907 452 8118 (day)
 Address / Phone Number



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the

House
State Affairs

Committee Name

Committee on

HB 315

Bill / Subject

Dated

3-26-02

participating agencies and immediately and dramatically increased the cost of health care coverage between 40% and 128%. Needless to say, it put us back at square one, only offering our employees a modest reimbursement program for their own premium costs. As a result, our ability to retain (and attract) valuable employees is compromised. Just last week one of my senior case managers started her new job at the State.

I realize that the State plan is not a total panacea to all the problems associated with insurance benefits for non-profits and small business, but it would give us an option for our employees. We owe this to the dedicated people who are working hard to help us provide efficient and effective services to the children of the State of Alaska.

SIGNED:

Taber S Rehbaum

Testifier

Taber S Rehbaum

Arctic Alliance for People and Big Brothers Big Sisters

Representing

P.O. Box 438, Ester AK 99725 907 452 8118 (day)

Address / Phone Number

ALASKA STATE HOUSE OF REPRESENTATIVES

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119 N. Cushman, Suite 211
Fairbanks, AK 99701
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Fax# (907)-456-8245



Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 102

REPRESENTATIVE JOHN COGHILL

Memorandum

Date: March 26, 2002
To: Barbara Craver, Leg Legal
From: Rynnieva Moss, Legislative Aide *RW Moss*
Re: HB 315 Work Order#1177J

The House State Affairs Committee is requesting a CS for SSHB 315 with the following amendments:

Title Change:

Delete: "join state employee insurance coverage as"

Insert: "be"

Page 4, line 21:

Page 4, line 28:

Page 5, line 2:

Delete: "300"

Insert: "50"

Page 5, line 5:

Delete: "July 1, 2003"

Insert: "January 1, 2003"

Page 4, line 16:

Insert a new section:

AS 39.30.090(b)(1) is amended to read:

(1) "eligible employee" means

(A) an employee who has served in permanent full-time or part-time employment with the same governmental unit or special services organization for 30 days or more, including the sole proprietor or the sole shareholder of a proprietorship or corporation described in (4)(A) of this subsection; "eligible employee" does not include [EXCEPT] an emergency or temporary employee;

(B) an elected or appointed official of a governmental unit, effective upon taking the oath of office; and

(C) a contractual employee of the legislative branch of state government under AS 24.10.060(f) if the employee's personal services contract provides that the employee is entitled to coverage;

(D) *small businesses*

You may have to expand the Title to accommodate redefining eligible employee. Feel free to do so.

Thanks for your assistance.

17345 Glacier Hwy
Juneau, AK 99801

March 21, 2002

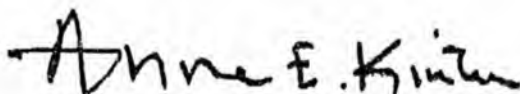
To: Members of State Affairs Committee
Reps: Coghill, Fatc, James, Stevens, Wilson, Crawford, Hayes

I urge you to support HB315

Lack of health insurance is a most significant barrier to attracting and retaining Good employees. I have sat on Boards of 3 non-profits in which we could not Afford to offer health insurance. This inability markedly narrowcd our choice Of candidates. They couldn't afford to work for us and it was the truth. Human service Workers are notoriously poorly paid any way and to have health insurance not available Or unaffordable is the final injustice.

Furthermore, I hope you will somehow get the issue of personal income tax as a A fair-perhaps the fairest -source of rovenue debated fully and openly. As a percentage Of the federal tax, those poor who do not pay federal tax will not therefore pay state Income tax.. I really feel to rule out arbitrarily this possibility is undemocratic and Thus outrageous.

Thank you for your attention..



Anne E. Kinter

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:
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Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245



Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 102

REPRESENTATIVE JOHN COGHILL

House State Affairs Committee Aide Contact Report

Date: Friday, March 29, 2002

To: Representative John Coghill, Chairman
House State Affairs Committee

From: Rynniva Moss, Committee Aide *Rynniva Moss*

Re: HB 315

*File
State Affairs
testimony*

I returned a call to Mike Wiggins with Aetna Insurance in Seattle. [206-701-8106; fax 206-701-8175] He listened in on the hearing Thursday on HB 315 and HB 483. He said he does not think it hurts to try creating a larger pool of employer related insurance clients but doesn't feel it will save anyone any money. He said 90% of the cost of medical insurance is controlled by what is paid out in benefits. He said it might get the employees better benefits for the cost of the premium but that is it.

He said the state would have to charge administrative costs for collecting the premiums because the state becomes the middleman that deals with the insurance company. This creates more bureaucracy and more expenses. While there may be an economy of scale for the administrative costs, the non-profits will have to pay those expenses.

Finally, he said the passage of this legislation would require the non-profits to join the group, not the employees. He feels that the non-profits need to understand this legislation is creating a burden on them to provide health insurance for their employees whereas now, they can provide the availability of insurance and provide some of the cost or none of the cost of the premiums.

He predicts that the state will solicit insurance companies for the group created by this legislation and they will get responses from two or three companies but the cost will not be attractive and the businesses will not be interested.

HB

320

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BUDGET SUBCOMMITTEE
ALASKA COURT SYSTEM
DEPT. OF CORRECTIONS
DEPT. OF LABOR

Representative Joe Green

District 10

Sponsor Statement for House Bill 320

"The Frank Haas Act"

Every registered voter in Alaska should be able to cast his or her ballot privately and securely. Unfortunately visually impaired Alaskans are not able to do so. To vote, a blind individual must take a sighted person into the voting booth to read the ballot out loud and assist them in casting their vote.

House Bill 320 makes two changes to current statute to help alleviate this problem. It removes the requirement that ballots be printed on paper, and allows the Division of Elections to purchase electronic, paper-less balloting equipment. The bill also requires that any electronic balloting equipment purchased by the Division after the effective date of the bill be visually impaired accessible.

While passage of this bill will not provide every visually impaired person in Alaska instant access to this new technology, it is a first and necessary step in the process. This bill lays the foundation for future accommodations, while recognizing that to immediately purchase a large quantity of new balloting equipment isn't wise in Alaska's current fiscal situation.

Frank Haas, a long-time Alaskan, was an active advocate for the visually impaired community. He lobbied state legislators and the Division of Elections for many years to provide large-print ballots for visually impaired voters. HB 320 has been named in his honor because it continues the work he started; to allow those who are visually impaired the opportunity to cast their ballot privately.

FROM :

FAX NO. :

Jan. 23 2002 04:30PM P2

FROM : INDEPENDENT LIVING CENTER

PHONE NO. : 9072356236

Jan. 18 2002 01:03PM P1



INDEPENDENT LIVING CENTER

P.O. Box 2474 • Homer, Alaska 99603

HOMER
SELDOVIA
PORT GRAHAM
NANWALEK
ANCHOR POINT
NINILCHIK

Representative Joe Green
Attn: Laura Aches
State Capitol, Room 403
Juneau AK, 99801-1182

January 18, 2002

Honorable Representative Green:

CLAM CULCH
KASILOF
SOLDOTNA
KENAI

The Kenai Peninsula Independent Living Center strongly supports HB 320. In a republican democracy access to the electoral process is the most fundamental of rights. While the State of Alaska is among the leaders in insuring alternative access to this right, the fact is that too many Alaskans cannot access their designated polling places.

NIKISKI
STERLING
COOPER LANDING
MOOSE PASS

While providing alternative access to the electoral process satisfies the letter of the Americans with Disabilities Act (ADA), no citizen should be prevented from personally registering their vote. We thank you for your support of the right of all Alaskans, regardless of physical ability level, to cast a ballot without help or special considerations.

SEWARD

Thank you for your attention.

HOPE

Jim Brady

KODIAK ISLAND

VALDEZ

Kenai Peninsula Independent Living Center

CORDOVA

Toll Free
1 (800) 770-7911
(V/TT)

Homer Office
(907) 235-2911
(V/TT)
(907) 235-6236
(FAX)

Central Peninsula
Office
(907) 262-6333
(V/TT/FAX)

Seward Office
(907) 224-8711
(V/TT/FAX)

Date: 1/18/02		QUICK FAX™	
To: Lynne Koral	From: Jim B.		
Cell/Dept:	Cell/Dept:		
Phone: 562-5951	Fax: 235-6236		
Phone:	Phone:		
Fax:	Fax:		





ALASKA INDEPENDENT BLIND

1102 W. International Airport Road • Anchorage, AK 99518 • Phone: 563-2525 • Fax 562-5951



Frank Haas was an advocate for access issues for the visually impaired in Alaska. Voting access was especially important to Haas, and he advocated by writing and speaking with the Division of Elections and state legislators on this issue, focusing on the need for independence in his voting rights such as large print ballots or other technical means. Alaska Independent Blind is pleased that Rep. Joe Green recognized Haas' contribution to better voting access for the blind by naming House Bill 320 "The Frank Haas Act."

Originally from Wisconsin, Haas always wanted to see Alaska. As a young Army petroleum lab tech, Haas traded an assignment in Europe for an assignment at the Army tank farm in Lutak, near Haines. Following his stint in the Army, Haas returned to Haines where he lived for 44 years. Haas held a number of positions in his professional life. Immediately after his return to Haines he worked in a civilian position at the tank farm becoming operations supervisor.

In the 1970's, Haas earned a degree in education, but instead of teaching he was hired by the city of Haines, to be in charge of the water and waste water systems. He also earned a degree in travel and tourism and operated a ticket concession on Second Avenue in Haines.

In his private life Haas also wore a number of hats. He was active in his local church and chamber of commerce, as well as the American Legion, Elks, Haines Fire Department and Lynn Canal Community Players. That fire department still misses his cooking. Haas was also a public servant, holding seats on the Port Chilkoot city council and the Haines Borough Assembly. Haas joined the American Council of the Blind in 1984 and was a long-time member of Alaska Independent Blind, serving on the group's board of directors.

He thought it was important that blind people have easy access to the vehicles they travel in, especially in winter, and was instrumental in bringing about parking placards for those vehicles. He also worked to ensure that the city of Haines complied with the Americans with Disabilities Act.

Since his death in 1999, others have continued the work that Haas started to bring voting independence to the visually impaired. Passage of this bill would be a fitting legacy to this man who worked so hard on behalf of others.

Post-it® Fax Note	7671	Date	1/22/02	# of pages	2
To	Rep. Joe Green	From	Lynne Koral		
Co./Dept.	Laura Acker	Co.			
Phone #		Phone #			
Fax #	465-4316	Fax #			

FROM :

FAX NO. :

Jan. 23 2002 04:30PM P2

FROM : INDEPENDENT LIVING CENTER

PHONE NO. : 9072356236

Jan. 18 2002 01:03PM P1



INDEPENDENT LIVING CENTER

P.O. Box 2474 • Homer, Alaska 99603

HOMER
SELDOVIA
PORT GRAHAM
NANWALEK
ANCHOR POINT

Representative Joe Green
Attn: Laura Aches
State Capitol, Room 403
Juneau AK, 99801-1182

January 18, 2002

NINILCHIK
CLAM CULCH
KASILOF
SOLDOTNA
KENAI

Honorable Representative Green:

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Thank you for your attention.

HOPE
KODIAK ISLAND
VALDEZ
CORDOVA

Jim Brady

Kenai Peninsula Independent Living Center

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Homer Office
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(V/TT)
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(FAX)

Central Peninsula
Office
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(V/TT/FAX)

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(907) 224-8711
(V/TT/FAX)

Date: 1/18	Pages: 1	QUICK FAX™	
To: Lynne, Koral	From: JIM B		
Cell: 562-5951	Fax: 235-6236		
Phone:			
Fax:			





ALASKA INDEPENDENT BLIND

1102 W. International Airport Road • Anchorage, AK 99518 • Phone: 563-2525 • Fax 562-5951



Frank Haas was an advocate for access issues for the visually impaired in Alaska. Voting access was especially important to Haas, and he advocated by writing and speaking with the Division of Elections and state legislators on this issue, focusing on the need for independence in his voting rights such as large print ballots or other technical means. Alaska Independent Blind is pleased that Rep. Joe Green recognized Haas' contribution to better voting access for the blind by naming House Bill 320 "The Frank Haas Act."

Originally from Wisconsin, Haas always wanted to see Alaska. As a young Army petroleum lab tech, Haas traded an assignment in Europe for an assignment at the Army tank farm in Lutak, near Haines. Following his stint in the Army, Haas returned to Haines where he lived for 44 years. Haas held a number of positions in his professional life. Immediately after his return to Haines he worked in a civilian position at the tank farm becoming operations supervisor.

In the 1970's, Haas earned a degree in education, but instead of teaching he was hired by the city of Haines, to be in charge of the water and waste water systems. He also earned a degree in travel and tourism and operated a ticket concession on Second Avenue in Haines.

In his private life Haas also wore a number of hats. He was active in his local church and chamber of commerce, as well as the American Legion, Elks, Haines Fire Department and Lynn Canal Community Players. That fire department still misses his cooking. Haas was also a public servant, holding seats on the Port Chilkoot city council and the Haines Borough Assembly. Haas joined the American Council of the Blind in 1984 and was a long-time member of Alaska Independent Blind, serving on the group's board of directors.

He thought it was important that blind people have easy access to the vehicles they travel in, especially in winter, and was instrumental in bringing about parking placards for those vehicles. He also worked to ensure that the city of Haines complied with the Americans with Disabilities Act.

Since his death in 1999, others have continued the work that Haas started to bring voting independence to the visually impaired. Passage of this bill would be a fitting legacy to this man who worked so hard on behalf of others.

Post-it [®] Fax Note	7671	Date	1/22/02	# of pages	2
To	Rep. Joe Green	From	Lynne Koral		
Co./Dept.	Laura Achee	Co.			
Phone #		Phone #			
Fax #	465-4316	Fax #			

Thank you again for introducing this bill for Frank Haas, Don Graham, and all others who have expressed concern about their right to vote independently and secretly.

Sincerely

Lynne Koral, president



ALASKA INDEPENDENT BLIND

1102 W. International Airport Road • Anchorage, AK 99518 • Phone: 583-2525 • Fax: 562-5951



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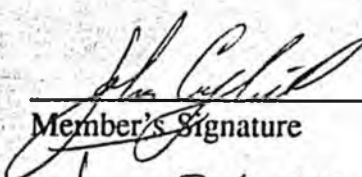
**HOUSE OF REPRESENTATIVES
COSPONSOR REQUEST**

TO: CHIEF CLERK

Please add my name as cosponsor
to the following:

320

*Use one slip for each request.



Member's Signature

Jan 31, 02

Date

Send to Chief Clerk before consideration
of the daily calendar.

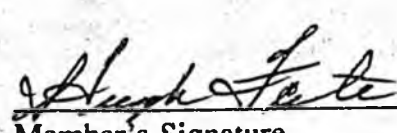
**HOUSE OF REPRESENTATIVES
COSPONSOR REQUEST**

TO: CHIEF CLERK

Please add my name as cosponsor
to the following:

HR 320

*Use one slip for each request.



Member's Signature

Jan 31, 02

Date

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of the daily calendar.

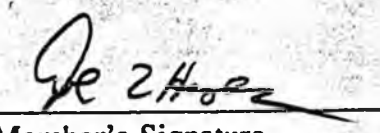
**HOUSE OF REPRESENTATIVES
COSPONSOR REQUEST**

TO: CHIEF CLERK

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to the following:

HR 320

*Use one slip for each request.



Member's Signature

01/31/02

Date

Send to Chief Clerk before consideration
of the daily calendar.

**HOUSE OF REPRESENTATIVES
COSPONSOR REQUEST**

TO: CHIEF CLERK

Please add my name as cosponsor
to the following:

HB 320

*Use one slip for each request.


Member's Signature

Jan. 30, 02
Date

Send to Chief Clerk before consideration
of the daily calendar.

**HOUSE OF REPRESENTATIVES
COSPONSOR REQUEST**

TO: CHIEF CLERK

Please add my name as cosponsor
to the following:

HB 320

*Use one slip for each request.


Member's Signature

1-31-02
Date

Send to Chief Clerk before consideration
of the daily calendar.

**HOUSE OF REPRESENTATIVES
COSPONSOR REQUEST**

TO: CHIEF CLERK

Please add my name as cosponsor
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HB 320

*Use one slip for each request.


Member's Signature

1/30/02
Date

Send to Chief Clerk before consideration
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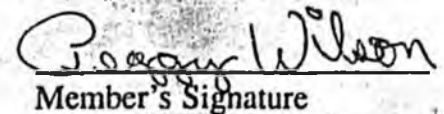
**HOUSE OF REPRESENTATIVES
COSPONSOR REQUEST**

TO: CHIEF CLERK

Please add my name as cosponsor
to the following:

HB 320

*Use one slip for each request.


Member's Signature

2-1-02
Date

Send to Chief Clerk before consideration
of the daily calendar.

Sectional Description

HB 320

Prepared by Rep. Joe Green – Sponsor

Section 1

AS 15.15.035(5)

The changes in this section remove the requirement that ballots be printed on paper, allowing the use of electronic ballots in later sections. This section does preserve the requirement that white paper be used for printed ballots.

Section 2

AS 15.15.030(13)

The changes in this section allow the use of electronically generated ballots in addition to optically scanned (paper) ballots. This section also places into statute the requirement that any electronic ballot equipment that is used must be accessible by visually impaired individuals, allowing them to vote without assistance.

Section 3

AS 15.20.900

Technical amendment – conforms the use of electronic ballot machines with other areas of statues.

Alaska State Legislature

WHILE IN SESSION
CAPITOL BUILDING
JUNEAU, ALASKA 99801-3102
(907) 465-4331
1-800-870-4931
(907) 465-4310 FAX

INTERIM ADDRESS
710 WEST 11TH AVENUE
ANCHORAGE, ALASKA 99501
(907) 269-0123
(907) 269-0124 FAX



CHAIRMAN, LEGISLATIVE COUNCIL
VICE CHAIR, ECONOMIC DEVELOPMENT
TRADE & TOURISM
MEMBER, RESOURCES
MEMBER, ETHICS
MEMBER, MILITARY & VETERAN AFFAIRS

BUDGET SUBCOMMITTEES
ALASKA COURT SYSTEM
DEPT. OF CORRECTIONS
DEPT. OF LAW

Representative Joe Green
District 10

Sponsor Statement for House Bill 320

"The Frank Haas Act"

Every registered voter in Alaska should be able to cast his or her ballot privately and securely. Unfortunately visually impaired Alaskans are not able to do so. To vote, a blind individual must take a sighted person into the voting booth to read the ballot out loud and assist them in casting their vote.

House Bill 320 makes two changes to current statute to help alleviate this problem. It removes the requirement that ballots be printed on paper, and allows the Division of Elections to purchase electronic, paper-less balloting equipment. The bill also requires that any electronic balloting equipment purchased by the Division after the effective date of the bill be visually impaired accessible.

While passage of this bill will not provide every visually impaired person in Alaska instant access to this new technology, it is a first and necessary step in the process. This bill lays the foundation for future accommodations, while recognizing that to immediately purchase a large quantity of new balloting equipment isn't wise in Alaska's current fiscal situation.

Frank Haas, a long-time Alaskan, was an active advocate for the visually impaired community. He lobbied state legislators and the Division of Elections for many years to provide large-print ballots for visually impaired voters. HB 320 has been named in his honor because it continues the work he started; to allow those who are visually impaired the opportunity to cast their ballot privately.

STATE OF ALASKA

OFFICE OF THE LT. GOVERNOR

Division of Elections
P.O. Box 110017
Juneau, Alaska 99811-0017
PHONE (907) 465-4611

Jan. 14, 2002

Representative Joe Green
State Capitol Building
Room 403
Juneau, AK 99801

Dear Representative Green:

I have reviewed the legislation, HB 320, that you sent me regarding the use of electronic ballots and the purchase of voting equipment that is accessible to those who are visually impaired.

This legislation takes a major step forward in meeting the needs described to me by the visually impaired community. Your bill as introduced supports the Division's current project to expand secret ballot voting in the polling place to all Alaskans. The bill does not place an undue burden on the Division of Elections' processes or our budget. Without this enabling legislation, the Division cannot provide electronic secret ballot voting to voters who have no or low vision.

Since providing this service is a goal of the Division, I strongly support this bill. Please let me know if I can answer any questions that you might have.

Sincerely,



Janet Kowalski
Director
Division of Elections

cc: Lt. Governor Fran Ulmer

FROM :

FAX NO. :

Jan. 23 2002 04:30PM P2

FROM : INDEPENDENT LIVING CENTER

PHONE NO. : 9072356236

Jan. 18 2002 01:03PM P1



INDEPENDENT LIVING CENTER

P.O. Box 2474 • Homer, Alaska 99603

- HOMER
- SELDOVIA
- PORT GRAHAM
- NANWALEK
- ANCHOR POINT
- NINILCHIK
- CLAM GULCH
- KASILOF
- SOLDOTNA
- KENAI
- NIKISKI
- STERLING
- COOPER LANDING
- MOOSE PASS
- SEWARD
- HOPE
- KODIAK ISLAND
- VALDEZ
- CORDOVA

Representative Joe Green
 Attn: Laura Aches
 State Capitol, Room 403
 Juneau AK, 99801-1182

January 18, 2002

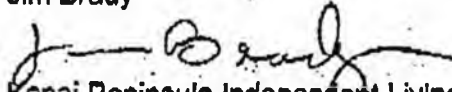
Honorable Representative Green:

The Kenai Peninsula Independent Living Center strongly supports HB 320. In a republican democracy access to the electoral process is the most fundamental of rights. While the State of Alaska is among the leaders in insuring alternative access to this right, the fact is that too many Alaskans cannot access their designated polling places.

While providing alternative access to the electoral process satisfies the letter of the Americans with Disabilities Act (ADA), no citizen should be prevented from personally registering their vote. We thank you for your support of the right of all Alaskans, regardless of physical ability level, to cast a ballot without help or special considerations.

Thank you for your attention.

Jim Brady


 Kenai Peninsula Independent Living Center

Toll Free
 1 (800) 770-7911
 (V/TT)

Homer Office
 (907) 235-7911
 (V/TT)
 (907) 235-6236
 (FAX)

Central Peninsula
 Office
 (907) 262-6333
 (V/TT/FAX)

Seward Office
 (907) 224-8711
 (V/TT/FAX)

DATE: 1/18/02		QUICK FAX™	
TO: bunne, Koral		FROM: JIM B	
CO/DEPT: J		CO/EMPL:	
FAX: 502-5951		FAX: 235-6236	
PHONE:		PHONE:	
FAX:		FAX:	





ALASKA INDEPENDENT BLIND

1102 W. International Airport Road • Anchorage, AK 99518 • Phone: 563-2525 • Fax: 562-5951



January 16, 2002

Joe Green
State Capital, Room 403
Juneau, AK 99801-1182

Dear Representative Green:

Alaska Independent Blind has, as advocates for inclusion in society, long been interested in private, verifiable voting. HB320 is a long-awaited first step in this effort. I applaud you, Representative Green, for your foresight in drafting and crafting this legislation. Your capable staff has also been an excellent resource on this bill.

Two members of this organization pointed out problems with voting. One, Frank Haas, wanted large print ballots he could read independently. After numerous letters were written, and a protracted dialoguc with the Division of Elections, nothing came of it. A second member, Don Graham, mentioned a time when one of his votes was known by a small community. He hoped for a time when his privacy would be respected.

After the 2000 elcctions, there was interest in assessing ballots and machinery. Thus, this seems to be the right time for Alaska to study its procedures.

The challenges in the voting process for those of us with visual impairments include such concerns as that we must "dictate" our choices, and/or remember what our choices are. We must sort through the complicated ballot propositions with either a stranger who is a voting official, or a friend or colleague. Many of us feel this is an intrusion into our privacy.

Both individuals who first brought these problems to our attention are, unfortunately, gone now, but those of us who are still alive can carry out their wishes for independent voting.

This bill is a winning proposition in a number of ways. First, Alaska will win by the passage of this legislation. Alaska is unique, because the Division of Elections has statewide authority over elections, which means this bill will cover the whole state. Some states may have regulations governing access to voting by people with disabilities, but those can be done away with at a moment's notice. It will be a win-win situation for the wonderful Alaska legislature when you pass this bill. It will be a win for those who had the foresight to first sponsor, and then co-sponsor this legislation. Blind people who have hoped for accessible voting will gain by the passage of this bill.

FROM : . . .

FAX NO. :

Jan. 16 2002 03:54PM P2

Thank you again for introducing this bill for Frank Haas, Don Graham, and all others who have expressed concern about their right to vote independently and secretly.

Sincerely

Lynne Koral, president

Aug-31 - 2001 Voting Inclusion



Official Ballot



Miss Ribault High School 2001-2002 Election

Thursday, April 26, 2001

Completely fill in the oval next to the name of the candidate you wish to vote for as shown
Completely fill in one and only one oval with the pen provided.



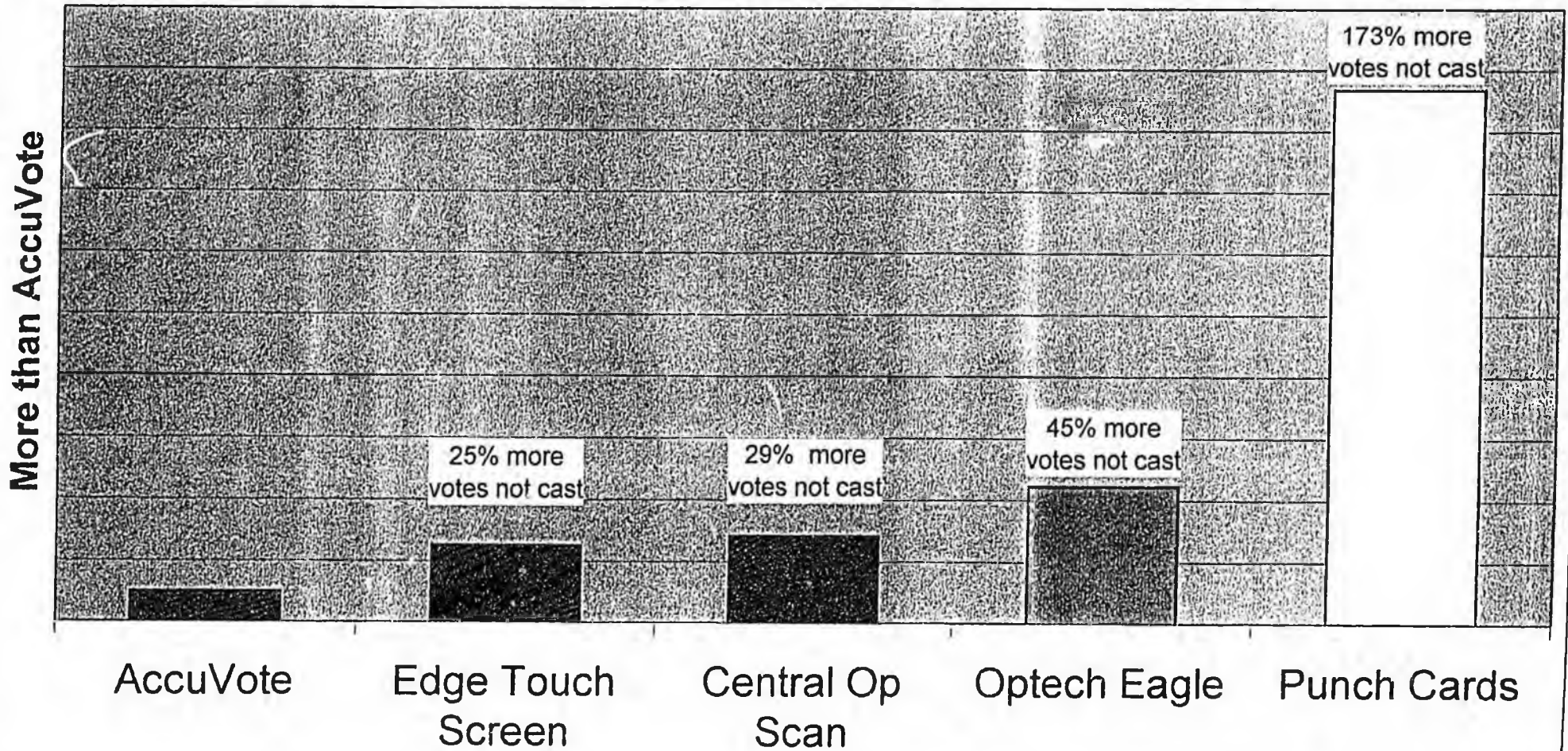
Miss Ribault High School Contestants 2001-2002

Vote for One (1)

- Markecia Rose Bivins
- Adawna Keyara Brown
- Keonna Cristine Diamond
- Delencia Breon Emperor
- Nikenya Nikole Flowers
- Tanya Amy Howard
- Shiquana Desha Jones
- Sisteria Evette Mixson
- Robin Deon Sanders

State of California - November 7, 2000 Presidential Election

Other Systems' Votes Not Cast Compared to AccuVote



GEMS™ – Global Election Management System

The industry's only fully integrated election management software

Overview

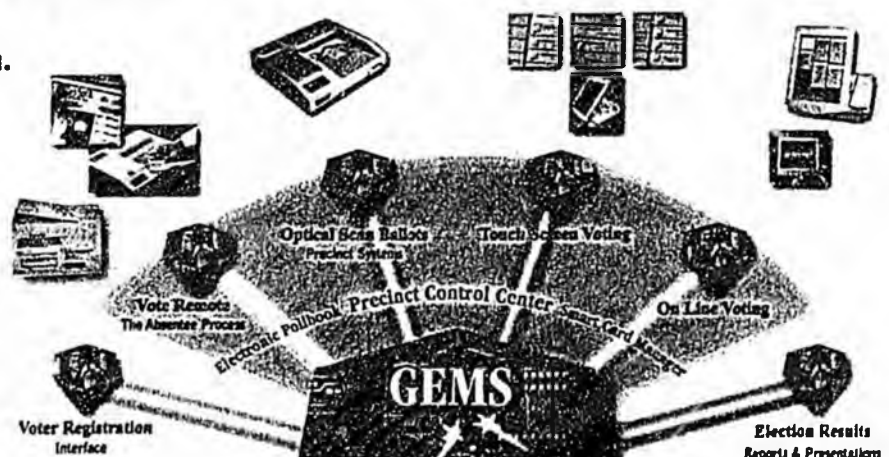
- **GEMS™** – Global Election Management System – Windows NT-based election management and tabulation software product.
- **GEMS** allows election administrators to easily and completely control every step of the election process, from ballot layout to election reporting.
- **GEMS** automates the complete election cycle from precinct/district setup to race definition to tabulation to reporting. **One step ballot layout for paper and electronic ballots.** Double ballot layout eliminated – an industry exclusive!
- **GEMS** utilized in multiple election environments throughout North America.
- **GEMS** multilingual support for up to nine languages in both standard and ADA modes – an industry exclusive!

Fast, accurate, user-friendly ballot layouts

- **Simplifies the cumbersome task of defining ballot styles and layouts:** Using straightforward menus and prompts, specific election parameters are presented and defined in an orderly manner. Automation then takes over to generate ballot layouts and styles. Simple point-and-click procedures.
- **Preview any and every ballot right on the screen.**

Flexible, foolproof reporting

- **Fast and customizable:** GEMS' standard Internet and reporting capabilities allow election administrators to quickly report results and to customize reports for specific needs.
- **The most extensive and flexible report templates in the industry:** There are dozens of standard reports to assist with proofing election databases and confirm ballot styles.
- **Most sophisticated import/export features** allows interface to existing voter registration systems. Data entry tasks reduced or eliminated.
- **Internet results reporting:** GEMS can also provide election results to the Internet in HTML, text, PDF and Java (applet) formats.
- **GEMS can integrate:**
 - Election data entry
 - Interfaces to voter registration
 - Ballot layout
 - Accumulation and reporting of results
 - Audio recording for visually impaired voting



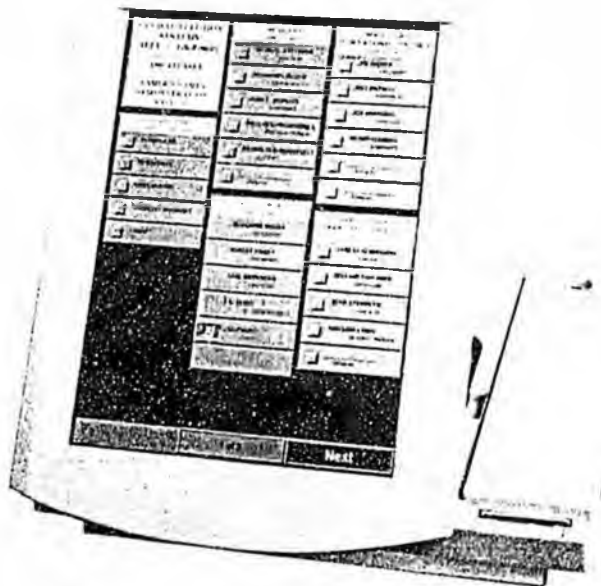
Election infrastructure for the 21st century... today.

The AccuVote-TS™ System

Simple, secure, proven touch screen voting without geographic limitations

Overview

- AccuVote-TS™ is a robust voter-activated interactive touch screen voting system utilizing smart card technology.
- Each ballot station uses a direct-entry computerized voting application that automatically records and stores ballot information and results.
- Integrated system components include:
 - **The AccuVote-TS Ballot Station:** The heart of the system – counts and tabulates votes quickly and transmits results to the host computer at election central.
 - **The GEMS Application Software:** This proprietary multi-user/multi-functional NT-based software performs all election functions seamlessly. It concurrently and automatically:
 - Generates all appropriate ballot styles for each precinct
 - Generates postscript ballot files for postal ballots that eliminate manual typesetting and proofing
 - Generates vote tally files which receive totals needed to produce and distribute cumulate election results



Why election officials prefer AccuVote-TS

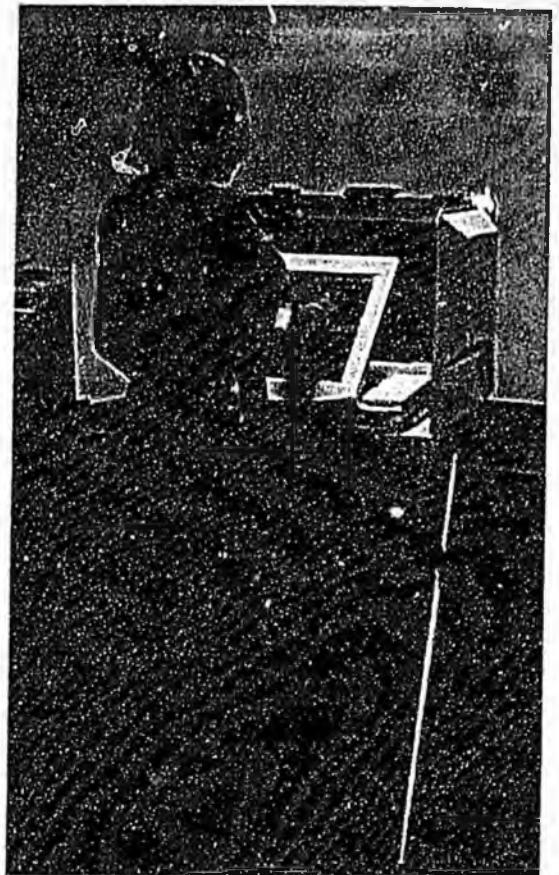
- **Complete:** AccuVote-TS gives election administrators the ability to put every ballot style within the voting jurisdiction on each ballot station.
 - **Smart card technology:** Enables interaction between the voter and the AccuVote-TS without poll worker intervention.
- **Multilingual support** for up to nine languages in both standard and ADA modes – an industry exclusive.
- **Eliminates overvoting.**
- **Cost effective** – visually impaired voters can vote on same unit as other voters.
- **Complete audit trail:** System provides a full complement of Electronic Audit Files that may be converted to hard copies on demand. Real time pre- and post-election transaction audit logs are also available.
- **Fast results:** At the end of the voting period, the system can print precinct totals to be included as part of the permanent record and modem results to a host computer.
- **Fast, accurate data transfer:** Global's industry-standard system – TeleResults – uses standard landlines or cellular telephones for modem transmission of precinct results directly from the polling place to the host computer.
- **Large capacity ballot screen** can accommodate 50 or more candidate names within a single office on a single screen – not the confusing multi-page landscape mode ballots on small-capacity competitive systems.
- **Self-contained** in voting booth
- **Battery back-up**

Why voters prefer AccuVote-TS

- **Simplicity:** AccuVote-TS lets voters cast their votes by simply touching target areas on an electronically generated ballot.
- **Voters can cast their ballot anywhere, on any ballot station, at any time, without geographic limitations** – encourages early voting.
- **Allows convenient voting anywhere people congregate** – shopping malls, schools, post offices, early voting centers.
- **Largest high-resolution color screen in the industry.** Touch screen has 117.5 square inches of viewable area.
- **Ballot presented in portrait mode** – looks like a ballot, votes like a ballot – not a pop-up Microsoft Windows application.
- **Private voting for the visually impaired** – AccuVote-TS uses a voice system that reads the ballot aloud. The voter marks the ballot by listening to spoken prompts and pressing a corresponding key on a 12-button keypad.

AccuVote-TS Standard Features

- On-screen write-ins
- On-screen system and public counters
- Overvote protection
- Straight party and crossover voting
- Three secure storage devices for results protection
- Adjustable screen for maximum ergonomics



AccuVote™

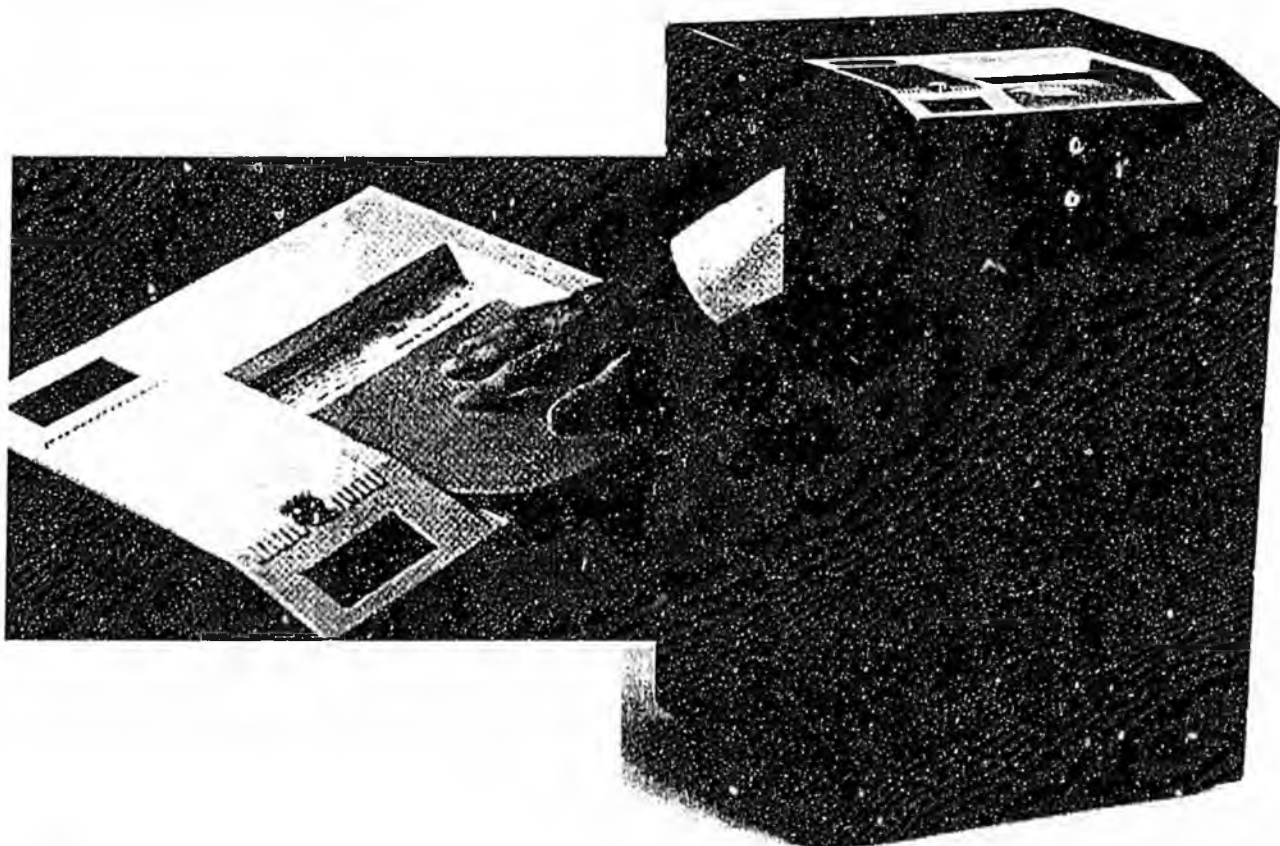
The new standard for speed and simplicity in the election process

Overview

- AccuVote™ is a precinct and central accumulation optical scan voting system that brings a new level of speed and simplicity to conducting elections.
- The system uses robust, integrated system components to streamline and simplify the entire election process:
 - The AccuVote Tabulator processes the ballots at precincts on election day and transmits its results to a host computer at Election Central.
 - The GEMS Application Software: This proprietary multi-user/multi-functional NT-based software performs all election functions seamlessly. It concurrently and automatically:
 - Generates all appropriate ballot styles for each precinct
 - Generates postscript ballot files for postal ballots that eliminate manual typesetting and proofing
 - Generates vote tally files which receive totals needed to produce and distribute cumulate election results

Why precinct workers prefer AccuVote

- **Compact, modular design:** The durable AccuVote tabulator measures just 14" x 16" x 3" and weighs only 13.75 pounds.
- **Easily transported** to and from the polling place.
- **Minimal training and no computer expertise required:** Precinct workers can set up and monitor elections with ease and confidence with minimal training.
- **Ballots are processed in the polling place,** not transported to a central location. Only the voter touches their ballot between the time it is voted and the time it is counted.
- **Provides absolute precinct management control** from ballot preparation to verifying results, and helps provide a secure election environment with passwords, security levels and physical locks.



Why election officials prefer AccuVote

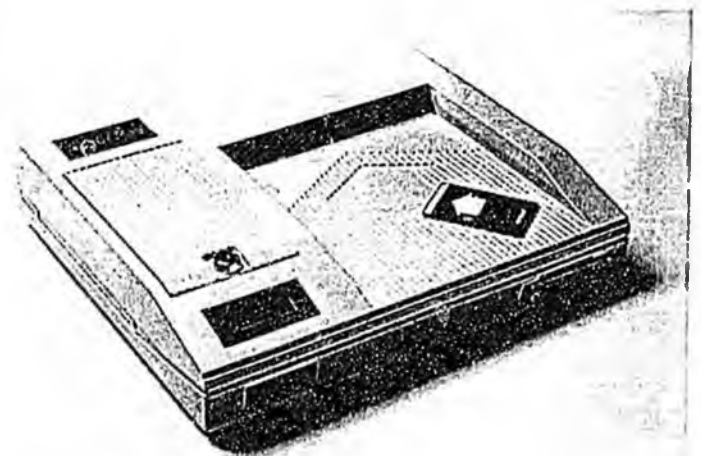
- **Ballots are processed in the polling place**, not transported to a central location. Only the voter touches their ballot between the time it is voted and the time it is counted.
- **Uses paper ballots** to collect permanent, physical records of voter choices and accommodates traditional recounting procedures.
- **Provides absolute management control** from ballot preparation to verifying results, and helps provide a secure election environment with passwords, security levels and physical locks.
- **Postscript electronic ballot generator** produces an industry-standard postscript file for ballot production. This eliminates time-consuming typesetting and significantly reduces the task of proofreading and making corrections. Costs reduced.
- **Ballot size, flexibility:** Ballot layout is freeform and flexible and can be formatted in one, two, three or four columns, front and back. The standard 8.5" width also makes printing less complicated. Return absentee ballots fit in a standard #10 envelope, thus reducing printing and mailing costs.
- **TeleResults:** Global pioneered modem transmission of precinct results directly from the polling place to the host computer for jurisdiction-wide results using standard landlines or cellular telephones. It is now the industry standard in the United States and Canada.
- **"Technology Transfer"** ensures backward compatibility and eliminates built-in obsolescence.
- **Ease of storage and maintenance:** Each tabulator requires only .39 cubic feet of storage space. 24 units can be stacked on shelving 4-feet wide and 1.5-feet deep.

Why voters prefer AccuVote

- **Straightforward, easy-to-understand name-on-the-ballot concept.**
- **Voters can review their final decisions on paper** before casting their vote by inserting the ballot into the AccuVote tabulator.
- **Visible light reader technology** permits voters to shade in the oval next to the candidate of choice with any standard pen or pencil. This is especially advantageous in an uncontrolled absentee-by-mail voting environment.

AccuVote Special Features

- **Simple, straight-through read path.**
- **Provides a clear, distinct and complete audit trail** to confirm election results, and performs only those functions specified by election officials.
- **Internal battery backup** acts as an uninterruptible power supply and permits the voting process to continue during a power failure.
- **Portable** for poll workers to accomplish TeleResults.

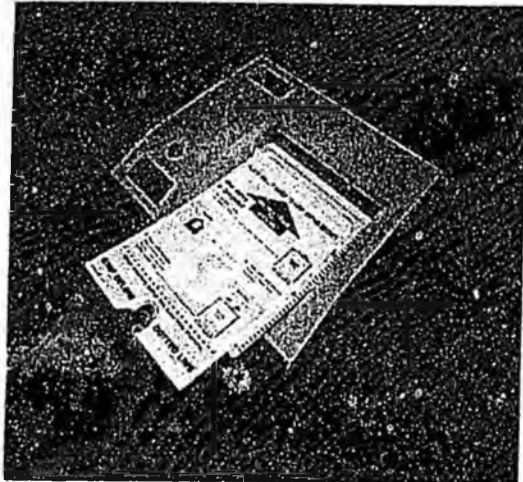


GLOBAL

ELECTION SYSTEMS

John McLaurin - Ormond Bch, FL
904-672-0460
jmglobal@earthlink.net

Wes Krivanek - Valdosta, GA
229-247-7831
wkglobal@earthlink.net



Accu-Vote ES 2000 Optical Scan Tabulator

GEORGIA CERTIFIED

RELIABLE – PRACTICAL – AFFORDABLE

VOTER & POLL WORKER FRIENDLY

FILL IN THE OVAL TO VOTE

12 GEORGIA COUNTIES

U.S. REPRESENTATIVE	DEMOCRAT	REPUBLICAN
1st DISTRICT	577	311
2nd DISTRICT	577	311
3rd DISTRICT	577	311
4th DISTRICT	577	311
5th DISTRICT	577	311
6th DISTRICT	577	311
7th DISTRICT	577	311
8th DISTRICT	577	311
9th DISTRICT	577	311
10th DISTRICT	577	311
11th DISTRICT	577	311
12th DISTRICT	577	311
GOV	577	311

GEMS

Global Election Management System

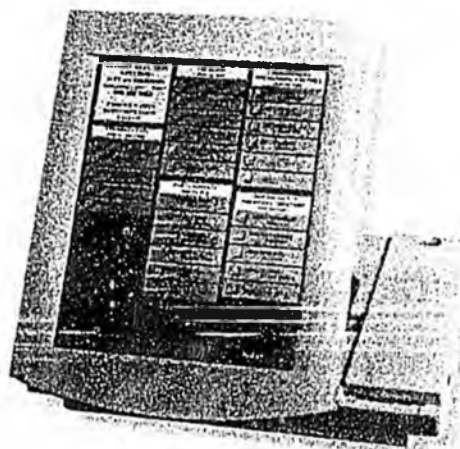
MICROSOFT WINDOWS NT™

SINGLE SOFTWARE PACKAGE

GEORGIA CERTIFIED

INTEGRATED – AUTOMATED

AUTONOMOUS OPERATION



Accu Vote Touch Screen

SMART CARD "VOTER" ACTIVATED

A.D.A. COMPLIANT

MULTIPLE LANGUAGES

EARLY – NON GEOGRAPHIC – ABSENTEE VOTING

GEORIGIA CERTIFICATION APPLIED FOR



At Hart InterCivic, our vision is simple: State and local governments will be more efficient, effective, and accessible because Hart InterCivic delivers technology that brings results quickly and cost effectively.

Hart InterCivic. The name means a lot to us, beginning with the Hart name that has meant quality, trust, and service for nearly a century. InterCivic represents our commitment to delivering products and services that help state and local governments interact, interconnect, and interrelate more efficiently and effectively with the citizens they serve.

Through best of breed technology in electronic government and election solutions, Hart InterCivic partners with counties, cities, and state governments who are redefining the way government works.

Hart InterCivic's election and e-government solutions enable state and local governments to enhance productivity and improve services by using leading edge information technologies. Hart InterCivic's offerings include:

- Complete, fully integrated voting systems, ranging from traditional paper-based balloting systems to direct electronic voter registration, balloting, tabulating, and reporting. Hart InterCivic designed and markets the eSlate™ Electronic Voting System, the most accurate and fully-featured electronic voting system on the market;
- Electronic government solutions that allow public agencies to manage official public records, process documents, and support key public services more efficiently and effectively; and
- Public access solutions that enable government to offer private citizens and businesses the convenience of on-line access to information and services, increasing citizen satisfaction and leveraging resources.

Hart InterCivic provides products and services to more than 5,000 customers nationwide. With headquarters in Austin, TX, Hart InterCivic employs more than 250 people nationwide with production facilities in Texas, Colorado and Alabama, as well as sales offices across the U.S.



Hart InterCivic corporate headquarters in Austin, Texas

- 1912** A division of Hart Graphics, Inc.
- 1980** Division established as a separate subsidiary called Hart Forms & Services.
- 1995** Name change to Hart Information Services as the company moves into the full scope of electronic document management services.
- 1997** Acquisition of a major election services provider, Texas County Printing & Services in Fort Worth, TX, expands service capabilities.
- 1998** Acquisition of another major election services provider, Computer Link in Tuscaloosa, AL, expands services in the southeast United States.
- 1998** Hart Information Services spins-off from Hart Graphics, becoming a separate and independent company.
Acquisition of the government services and election printing divisions of Paragon Systems Group of Denver, CO.
- 1999** Company receives initial round of venture funding.
- 2000** Acquisition of innovative election products developer, Worldwide Election Systems in Boulder, CO.
Hart Information Services becomes Hart InterCivic, reflecting the company's market focus: innovative technology solutions that redefine the way governments interact with the citizens they serve.
Company receives \$32.5 million venture capital investment.
- 2001** Company selected to install the nation's largest electronic voting system in Harris County, Texas the third largest county in the United States. The award is the largest in United States history for the acquisition and implementation of electronic voting, valued at \$25,152,830.

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Austin, TX 78708
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Ten Reasons to Select the eSlate™ Electronic Voting System

In the debate about which voting system is best, important differences between systems can be lost. The eSlate Electronic Voting System is ISO 9001 certified in both design and manufacturing, resulting in the industry's most full-featured, yet affordable, electronic voting system. In many cases, election officials can have the benefit of eSlate's many features at half the cost of competitive systems. When evaluating the best system for your elections, consider how eSlate rises above the rest.

1. **"Tough Screen," not Touch Screen** - eSlate's full color, high-resolution display is shielded with a tough, polycarbonate cover. The result is a rugged, field-ready display that can't be poked or punctured. Furthermore, eSlate's "tough screen" display is not subject to problems with calibration that may negatively impact touch screen accuracy.
2. **A Clear Audit Trail** - eSlate's Cast Vote Verification System provides election officials with a complete trail to support recounts or audits. eSlate can provide a Cast Vote Record, either in paper or electronic form, for each voting device, or on a precinct basis.
3. **As Simple as Turning a Dial** - eSlate's Rotary Select™ ballot navigation system is easy to learn and use, providing precise, highly visible selection and confirmation. Rotary Select has been acclaimed by national organizations representing persons with disabilities.
4. **Easy to Set-up, Learn, and Store** - eSlate is simple to set up and manage, and poll workers and voters can learn the system in minutes. eSlate has a full range of education materials and support services to assist election administrators. Once the election is complete, eSlate requires minimal storage space.
5. **Lightning Fast** - eSlate can complete tabulation of the largest precincts in a matter of minutes. eSlate's Tally™ software supports fast, accurate central tabulation and complete reporting. Results can be transmitted securely via modem or by using eSlate's unique Mobile Ballot Box™.
6. **Absolutely ADA Accessible** - eSlate is designed to be fully accessible to voters with special needs, from the integrated audio ballot reader and flexible switches to the specially designed polling booth.
7. **Lightweight and Transportable** - Each eSlate weighs less than 8 pounds, including eight "D" cell batteries that provide back up power. With battery backup in place, any poll worker can transport an eSlate to a voter, allowing election officials to offer curbside voting, for example.
8. **Secure, Private, and Reliable** - With eSlate, each precinct is a secure network, with no external network access that would allow intrusion. Integrated security features prevent tampering with ballots or results. eSlate access codes enable voter access without compromising voter privacy, and eSlate includes a fully integrated capability to manage challenged ballots. eSlate stores cast votes in three separate locations, providing redundant storage that is not affected by power outages or other interruptions.
9. **Complete Flexibility in Ballot Design** - eSlate's Ballot Origination Software System™ (BOSS™) allows election officials complete flexibility to design clear ballots and to comply with all state requirements.
10. **No Questions About Voter Intent** - Like all quality systems, eSlate does not allow overvoting. eSlate goes even farther, however, by providing voters with an alert of undervoting, and a summary of unvoted races. eSlate also provides voters with clear visual confirmation of cast votes.



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Introduction to Diebold / Global

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Diebold employs more than 11,000 people worldwide with international offices located in Canada, the United Kingdom, Germany, Thailand, China, India, Brazil, Singapore, Venezuela, and Mexico.

Diebold's experience in automated terminals dates back to 1968 when we developed the world's first self-service ATM terminal. Today, Diebold has hundreds of thousands of automated systems installed throughout the world, including a countrywide electronic voting terminal system consisting of 360,000 voting terminals in Brazil. The acceptance of Diebold system technology is due primarily to our dedication to meeting the need of the markets we serve and satisfying our customer's current and future technology and service requirements.

The countrywide election in Brazil, held October 1, 2000, was very effectively completed through the use of over 360,000 Diebold electronic Voting terminals. Over 109 Million voters used the electronic terminals, many of which were located in the most remote areas of Brazil. Only electronic voting terminals were used for the election. The Brazilian election covered a geographical area larger than the continental United States. Brazil has approximately 5,500 counties and 27 States, compared to approximately 3,100 Counties and 50 States in the United States.

The design of the electronic voting terminal had to be engineered to overcome a number of challenges presented by the unique cultural and environmental characteristics of Brazil. Many polling stations lacked reliable electrical power, and over one-fifth of the voters in the country are illiterate. Diebold provided all electronic voting terminals used in the Brazilian election, and worked closely with the Brazilian Tribunal Superior Electoral (TSE) to ensure all required features were integrated throughout the system. Up to 2,000 Diebold electronic voting terminals were manufactured per day to accommodate the deadlines of the Brazilian election agency.

The Brazilian electronic voting system provided a rapid and very effective election solution, eliminated voter confusion, and safeguarded the integrity of the voting process. *In addition, the Brazilian voters had countrywide results in less than four hours!*

After an exhaustive examination of the Elections industry within the United States, Diebold is in the process of acquiring Global Election Systems Inc. as a domestic election solution partner. The combination of Diebold's financial status, manufacturing capabilities and service capabilities, and Global's superior product technology and election system expertise will provide the best possible solution for the voters.

Global Election Systems, headquartered in McKinney, Texas, was formed in early 1991 in direct response to extensive market studies, which revealed a significant void of election-related products that utilized state-of-the-art technology. There was also strong evidence of dissatisfaction in the level of service and support being provided by some of the established voting system vendors, and dismay over marketing strategies that appeared to be steeped in planned product obsolescence.

In mid-1991, Global Election Systems acquired the AccuVote system and immediately grew its customer base from one to over 850 throughout the U.S. and Canada in just nine years. The AccuVote is a precinct-based optical scan tabulator which was used to pioneer TeleResults (modem transmission) and Postscript ballot production, which have since become industry standards.

In mid-1997, Global acquired I-Mark Systems, which has developed into the most technologically advanced touch screen system available The AccuVote-TS. Powered by SmartCard technology, this system addresses the industry's fundamental shift to remove geographic limitations, which will give voters a more convenient means of participating in the election process. Its expanded functionality, enhanced by Biometric encryption authorization, also permits voting on the Internet and Web TV.

System Highlights:

The AccuVote

The AccuVote optical scan system is a precinct count and central accumulation voting system that brings a new level of speed and simplicity to both the voting process and the task of conducting elections. It gives the election administrator powerful resources for individual polling places as well as the accumulation center (i.e., Election Central). Furthermore, the AccuVote system streamlines the entire election process from the initial definition of candidates and issues until the polls close and results are final.

Of paramount importance is the fact that the AccuVote system has at least three characteristics that are desired by many in today's election environment both among the voting public and within the election administration community. They are: (1) name-on-the ballot; (2) ballots that are counted in the polling place, not transported to a central location; and (3) a clear and distinct audit trail.

The AccuVote system also addresses the needs for accuracy, security and integrity throughout the voting process.

Accuracy: Using paper ballots, the system collects permanent, physical records of voter choices. It accommodates traditional recounting procedures

Security: The system features management controls over the voting process, from ballot preparation to the verification of results.

Integrity: The system performs only those functions specified by the election officials. It provides a complete audit trail to confirm election results.

The AccuVote system also provides the advanced features necessary to conduct elections with ease and confidence.

For election administrators/officials, the AccuVote system streamlines each stage of an election while providing comprehensive security measures. The system helps provide a secure election environment through a combination of passwords, security levels, and physical locks.

For precinct workers, the AccuVote is compact and lightweight so that it can be easily transported to and from the polling place. They can start using the AccuVote with minimal

training and no computer expertise. After just a few hours of introduction and training, precinct workers can set up and monitor elections with ease and confidence.

For voters, the ultimate end users of the system, the AccuVote features a straightforward, easy-to-understand concept. Voters simply indicate their choices by shading in an oval just as they would when choosing answers on a school test, or a lottery ticket. They have the opportunity to review their final decisions on paper before casting their vote by inserting the ballot into the AccuVote tabulator. The AccuVote also provides for overvote protection.

The AccuVote-TS

The AccuVote-TS system is a robust voter-activated interactive touch screen system that is being hailed as the next generation voting system. It holds the promise of having the biggest impact on the voting process since the advent of the original mechanical lever machines not long after the turn of the 20th century.

The AccuVote-TS consists of components basically equal to a stand-alone computer system which uses a smart card as the voter interface. It permits voters to view and cast their votes by touching target areas on an electronically generated ballot. Each unit provides a direct-entry computerized voting application that automatically records and stores appropriate ballot information and results. At the end of the voting period, the system can print precinct totals to be included as part of the permanent record, and modem the results to a host computer via TeleResults.

The early voting environment is also ideally suited to AccuVote-TS voting. This technology, (a) eliminates the need for outdated batch processing, (b) enhances convenient voting opportunities for the public, and (c) streamlines election management with the ability to control future costs.

The AccuVote-TS is capable of addressing all phases of the election process without being totally dependent on a paper ballot. Moreover, the system provides election administrators extended capabilities heretofore not contemplated by the industry. They include among other things the ability to conduct unattended, non-geographic voting that will blend seamlessly into today's societal requirements that demand convenience, speed and accuracy, a concept dubbed "Convenience Voting" by Global Election Systems. In other words, the AccuVote-TS system will permit any voter to vote anywhere, on any ballot station, at any time, without geographic limitations.

While industry-classified as a direct record entry device, the AccuVote-TS system has capabilities that transcend traditional DRE technology. Among the major features and benefits drawing the most attention from election administrators is the ability to put every ballot style within the voting jurisdiction on each ballot station and have them accessible without poll worker intervention. Also attracting attention is the ability to grow early voting participation with the AccuVote-TS system thereby reducing pressures and costs associated with election day voting. And exploring the vast possibilities associated with the system's use of smart card technology is of major interest to election officials whose vision is directed toward the future.

Almost by definition, Global's AccuVote-TS concept provides convenient voting opportunities to otherwise disinterested eligible voters who choose to not be inconvenienced. With this application, electronic ballot stations can be placed at shopping malls, schools, post offices, early voting centers or any other convenient locations where people normally congregate.

The Integrated Advantage

The Integrated Advantage provides the election administrator, regardless of the product – AccuVote-TS or AccuVote, or a combination of both -- with powerful tools to manage the entire election process with just three basic components. This tightly integrated system requires no external devices to download memory devices, upload memory devices, erase memory devices, generate postscript files for postal ballots, tabulate early/absentee ballots, tabulate precinct results or display media results.

The AccuVote-TS system's integrated components are:

The AccuVote-TS Ballot Station: The ballot station is a multi-functional unit that is the heart of the voting system. It is the interface between the individual voter and the accumulated will of the electorate. It counts and tabulates votes quickly and efficiently in both early voting and election day precinct environments. And it communicates with the host computer at Election Central by transmitting results for accurate and timely jurisdiction-wide results.

The Application Software (GEMS): GEMS is powerful multi-user-multi-functional NT-based software that performs all of the election functions in a seamless fully integrated manner. It concurrently and automatically generates the appropriate ballot styles for each precinct, generates postscript ballot files for postal ballots that eliminates manual typesetting and endless proofing tasks, generates precinct-specific media for precinct tabulation, and generates vote tally files which receive totals to produce and distribute cumulative election results.

The Host Computer: The host computer is typically a PC-based computer system configured to perform all of the necessary integrated functions of the application software from the beginning of the election process to the posting of final jurisdiction-wide results.

Other Exclusive Features

No Single Point of Failure: The AccuVote-TS is a "plug and play" design where each individual ballot station is a self-contained stand-alone unit. As such there is no reliance on a LAN system where it is possible for failure to bring the entire precinct system down.

Large, High Resolution Color Screen: The AccuVote-TS system has the largest high-resolution screen available in the industry. The TFT active matrix color touch screen has a viewable area of 117.5 square inches. The ballot is presented in Landscape or Portrait mode so looks like a ballot, feels like a ballot, votes like a ballot, not a pop up windows application. Furthermore, it is a finger activated touch screen. No light pen is required.

Smart Card: Smart card technology permits interaction between the voter and the AccuVote-TS without third party intervention (i.e., a poll worker). Smart cards store basic ballot style and precinct identification data, and are even capable of storing voter registration data for more extended and advanced applications within the voting process.

Large Capacity Screen: The AccuVote-TS ballot station screen can accommodate races of 50 or more candidate names within a single office on one (1) screen. Most competitive systems utilize small screens in landscape mode, which are incapable of handling large individual races without paging to a second or third screen within the same office.

TeleResults: Global's AccuVote system pioneered modem transmission of precinct results directly from the polling place to the host computer for jurisdiction-wide results. TeleResults is now an integral part of the AccuVote-TS system. This feature is typically accomplished by using standard land lines or cellular telephones, and since 1994 when Global first introduced it, has become the industry standard. TeleResults is being used extensively by Global users throughout the United States and Canada.

Comprehensive Electronic Audit Files: The AccuVote-TS system provides a full complement of electronic audit files that may be converted to hard copies upon demand. Real time pre-election and post election transaction audit logs are available. Equally important are the scrambled hard copy ballot images that may be produced for use in conducting hand audits when and if necessary.

Private Voting for the Visually Impaired: Global has developed an AccuVote-TS enhancement which permits blind or visually impaired voters to exercise their right to vote in private, and without assistance. The AccuVote-TS utilizes a voice system that reads the ballot aloud. The voter marks the ballot by listening to spoken prompts and pressing a corresponding key on a 12-button keypad.

Miscellaneous Standard Features: Other standard features of the AccuVote-TS system include on-screen write-ins, on-screen system and public counters, overvote prevention, straight party and crossover voting, multiple secure storage devices for results protection, adjustable screen for maximum ergonomics

Together, ***Diebold/Global has the capacity to deliver.*** This is evidenced by our ability to manufacture 2,000 voting terminal per day for the Brazilian election order. All of our domestic production will be handled in our ISO9003 facility in Danville, VA. ***Diebold/Global has the development resources.*** We employ over 400 full-time hardware and software engineers. Our staff is dedicated to developing the highest quality products possible. Our extensive engineering resources enable us to respond rapidly to market requirements with the right product technology at the right time. Diebold/Global works very closely with our customers to verify that specific product development requirements are accurately met and delivered on time. ***Diebold/Global has dedicated Software support.*** Over 200 professionals staff our Integration and Service organization. These people are dedicated to providing the software products that meet the specific needs of our customers. We take a "Total Solution" approach, supplying a wide range of capabilities, including:

- Application development
- Product Customization
- Consulting Services
- Installation Support
- System Integration
- System Training

Diebold/Global provides Networking Solutions. We offer access to World-class communications technology, services and consulting support. We have extensive experience in dealing with the latest technologies including:

- Dedicated Networks
- Dial-up connections
- TCP/IP networks
- Satellite communications

Diebold/Global provides nationwide support. We employ one of the largest service organizations in the U.S with over 3,100 service professionals in over 400 locations. This extensive network of highly trained personnel enables Diebold/Global to provide the fast response you require. Our dedicated professionals are on the job 24/7, every day of the year, ready to respond to your call. ***Diebold/Global provides staff technical training.*** State of the art technology requires well-trained Customer Service Engineers (CSE's). It is critical for service personnel to keep current on all products, old and new. That is why Diebold/Global trains more than 3,000 staff personnel each year at our two National training centers and other area training facilities. ***Diebold/Global provides Customer Training.*** Customer education is a major element of the Diebold/Global support offering. We develop courses that are designed to meet the specific needs and requirements of our customers. Training is available at the site you choose. We have the professionals available to meet your training needs in the field. These factory-trained representatives use the latest training processes and techniques to ensure your staff will have a complete understanding and working knowledge of the system operation. Training is also available at our National Training centers in North Canton, OH and McKinney, TX. These centers provide a classroom setting where qualified instructors reinforce classroom training with hands-on lab exercises conducted on operating equipment and software.

Diebold/Global provide Total payment solutions. Diebold Credit Corporation (DCC), a wholly owned subsidiary of Diebold Incorporated, finances total solutions for our customers automated election needs, including Hardware, Software, and Services. Since 1996, DCC has financed over \$200 million in equipment value for customer's world-wide, becoming a financial leader in automated technology financing.

The Election industry is rapidly changing in order to meet the present and future needs of the voting public. Diebold/Global is addressing those needs with Technology, products, services, and training in order to provide the administration and voters of Miami-Dade County with a state of the art Election System for the 21st Century.

Diebold/Global takes no exceptions with this RFP.

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Private Voting for the Visually Impaired: Global has developed an AccuVote-TS enhancement which permits blind or visually impaired voters to exercise their right to vote in private, and without assistance. The AccuVote-TS utilizes a voice system that reads the ballot aloud. The voter marks the ballot by listening to spoken prompts and pressing a corresponding key on a 12-button keypad.

Miscellaneous Standard Features: Other standard features of the AccuVote-TS system include on-screen write-ins, on-screen system and public counters, overvote prevention, straight party and crossover voting, multiple secure storage devices for results protection, adjustable screen for maximum ergonomics

Together, ***Diebold/Global has the capacity to deliver.*** This is evidenced by our ability to manufacture 2,000 voting terminal per day for the Brazilian election order. All of our domestic production will be handled in our ISO9003 facility in Danville, VA. ***Diebold/Global has the development resources.*** We employ over 400 full-time hardware and software engineers. Our staff is dedicated to developing the highest quality products possible. Our extensive engineering resources enable us to respond rapidly to market requirements with the right product technology at the right time. Diebold/Global works very closely with our customers to verify that specific product development requirements are accurately met and delivered on time. ***Diebold/Global has dedicated Software support.*** Over 200 professionals staff our Integration and Service organization. These people are dedicated to providing the software products that meet the specific needs of our customers. We take a "Total Solution" approach, supplying a wide range of capabilities, including:

- Application development
- Product Customization
- Consulting Services
- Installation Support
- System Integration
- System Training

Diebold/Global provides Networking Solutions. We offer access to World-class communications technology, services and consulting support. We have extensive experience in dealing with the latest technologies including:

- Dedicated Networks
- Dial-up connections
- TCP/IP networks
- Satellite communications

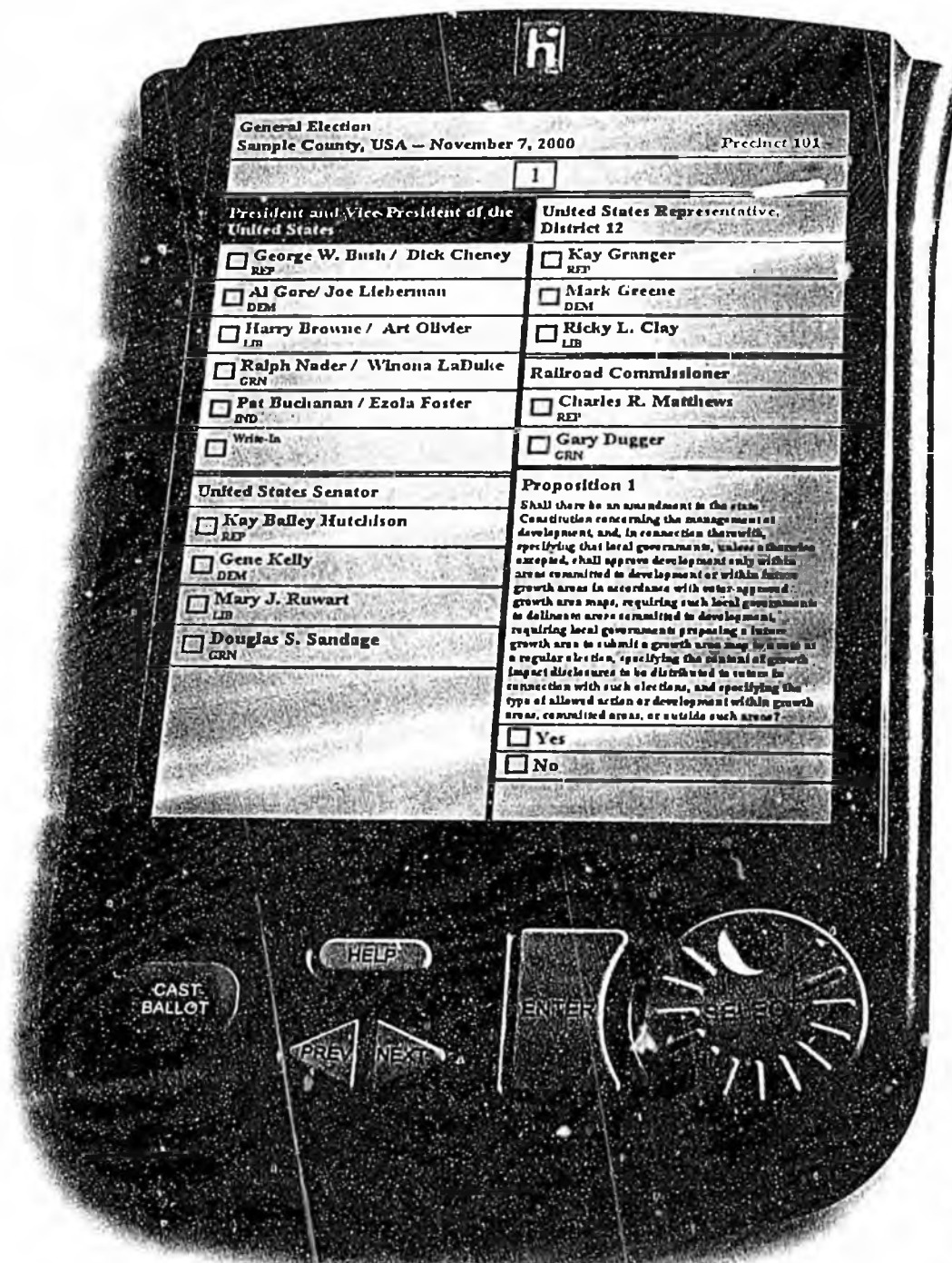
Diebold/Global provides nationwide support. We employ one of the largest service organizations in the U.S with over 3,100 service professionals in over 400 locations. This extensive network of highly trained personnel enables Diebold/Global to provide the fast response you require. Our dedicated professionals are on the job 24/7, every day of the year, ready to respond to your call. **Diebold/Global provides staff technical training.** State of the art technology requires well-trained Customer Service Engineers (CSE's). It is critical for service personnel to keep current on all products, old and new. That is why Diebold/Global trains more than 3,000 staff personnel each year at our two National training centers and other area training facilities. **Diebold/Global provides Customer Training.** Customer education is a major element of the Diebold/Global support offering. We develop courses that are designed to meet the specific needs and requirements of our customers. Training is available at the site you choose. We have the professionals available to meet your training needs in the field. These factory-trained representatives use the latest training processes and techniques to ensure your staff will have a complete understanding and working knowledge of the system operation. Training is also available at our National Training centers in North Canton, OH and McKinney, TX. These centers provide a classroom setting where qualified instructors reinforce classroom training with hands-on lab exercises conducted on operating equipment and software.

Diebold/Global provide Total payment solutions. Diebold Credit Corporation (DCC), a wholly owned subsidiary of Diebold Incorporated, finances total solutions for our customers automated election needs, including Hardware, Software, and Services. Since 1996, DCC has financed over \$200 million in equipment value for customer's world-wide, becoming a financial leader in automated technology financing.

The Election industry is rapidly changing in order to meet the present and future needs of the voting public. Diebold/Global is addressing those needs with Technology, products, services, and training in order to provide the administration and voters of Miami-Dade County with a state of the art Election System for the 21st Century.

Diebold/Global takes no exceptions with this RFP.

You vote. It counts.



General Election
Sample County, USA — November 7, 2000

Precinct 101

1

President and Vice President of the United States

George W. Bush / Dick Cheney
REP

Al Gore / Joe Lieberman
DEM

Harry Browne / Art Olivier
LIB

Ralph Nader / Winona LaDuke
GRN

Pat Buchanan / Ezola Foster
IND

Write-In

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United States Representative, District 12

Kay Granger
REP

Mark Greene
DEM

Ricky L. Clay
LIB

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Proposition 1

Shall there be an amendment to the state Constitution concerning the management of development, and, in connection therewith, specifying that local governments, unless a limitation accepted, shall approve development only within areas committed to development or within future growth areas in accordance with their approved growth area maps, requiring such local governments in delineated areas committed to development, requiring local governments proposing a future growth area to submit a growth area map by a date as a regular election, specifying the content of growth impact disclosures to be distributed to voters in connection with such elections, and specifying the type of allowed action or development within growth areas, committed areas, or outside such areas?

Yes

No

CAST BALLOT

HELP

PREV NEXT

ENTER



HART
intercivic

A high-contrast, black and white photograph showing a hand interacting with a device. The hand is positioned to turn a circular dial. The dial has several arrow-shaped markers around its perimeter and the word 'SELECT' printed across it. To the left of the dial is a rectangular button with the word 'ENTER' printed on it. The background is dark and textured.

ENTER

SELECT

*As easy as turning a dial,
Rotary Select™ technology makes
eSlate easy to learn and use.*

Simple. Accurate. Efficient. Accessible.

Elections leave no room for error, no time for on-the-job training. Hart InterCivic, with nearly a century of experience in election management, offers election officials the most affordable, fully-featured Direct Record Electronic system on the market today, the eSlate Electronic Voting System. Hart InterCivic has combined innovation in election technology with vast experience serving government to provide an integrated and comprehensive election solution that is accurate, accessible and affordable.

As Simple as Turning a Dial

eSlate's Rotary Select interface employs a durable rotary dial to move a highlight bar through the ballot. The voter simply pushes the ENTER button when the selection of his or her choice is highlighted. The Rotary Select dial provides precise, highly visible selection and confirmation of voter intent.

No Questions About Voter Intent

eSlate provides voters with a clear visual confirmation of the votes they cast. The eSlate System prevents overvoting and ensures the voter is alerted to undervoting. Before casting a final ballot on the eSlate System, the voter is presented with a clear summary of his or her ballot, allowing verification of cast votes and a final opportunity for changes or corrections, as necessary.

Absolutely ADA Accessible

Accessible by design, the eSlate Disabled Access Unit™ enables special needs voters, including disabled and literacy-challenged voters, to cast their votes independently and privately. eSlate is fully accessible to voters with special needs — from the integrated audio ballot reader and flexible switches, to the specially designed polling booth.

Lightning Fast

Close the polls — get results. The eSlate System can complete tabulation of the largest precincts in a matter of minutes. The eSlate System transmits all results on a secure system to the central counting station via modem or by using the Mobile Ballot Box. It's that simple.

Easy to Set-up, Learn, and Store

The eSlate System automates almost all aspects of set-up, poll opening and closing. Election officials can quickly set-up and prepare polls, open polls, train poll workers, manage Early Voting and Election Day voting, integrate absentee ballots and results, and perform the wide range of other activities necessary to effectively manage a successful election. Lightweight and portable components make transporting and storing the eSlate System easy.

Lightweight and Transportable

No component of the system weighs more than 10 pounds so polling location set-up is fast and easy. The eSlate weighs in at only 5.2 pounds and features a battery pack that provides back-up power. With back-up battery power in place, any poll worker can transport an eSlate to a voter, allowing election officials to offer curbside voting.

Complete Flexibility in Ballot Design

No matter how many different ballot styles you have, the eSlate System gives election officials the tools to simplify the process of ballot preparation.

Secure, Private and Reliable

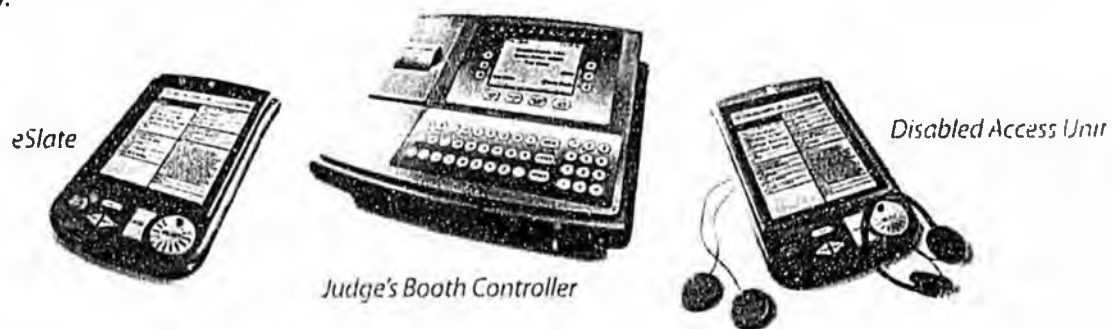
Access Codes enable secure voter access without compromising voter privacy or anonymity. Each precinct is a secure network, with no external network access that would allow intrusion. Integrated security features prevent tampering with ballots or results and all data is stored in three separate locations for back-up and reliability. Data cannot be altered or changed by unauthorized personnel because the database structure is proprietary and protected by encrypted passwords.

A Clear Audit Trail

Advanced auditing capabilities allow for both manual (paper) and electronic recounts as necessary. eSlate's Cast Vote Verification System provides election officials with a complete record to support recounts or audits.

"Tough Screen," not Touch Screen

eSlate's full color, high-resolution display is shielded with a tough, polycarbonate cover. The result is a rugged, field-ready display that resists damage from pokes or punctures. Furthermore, eSlate's "tough screen" display is not subject to problems with calibration that may negatively impact touch screen accuracy.



The eSlate System

Hart InterCivic is committed to delivering the highest quality system, evidenced by eSlate's prestigious ISO 9001 certification for design, development, and manufacturing. The eSlate System automates the balloting and tabulation process, eliminating the need to work with multiple paper ballot styles and offering accuracy, security and efficiency. The components provide central, regional, and precinct tabulation, as well as complete reporting and auditing, making the eSlate System a comprehensive and integrated election solution.

Ballot Origination Software System™ (BOSS)

BOSS manages election data and enables users to define and create formatted ballot styles for all precincts. BOSS configures every product of the eSlate System in any location.

Mobile Ballot Box™ (MBB)

Election information, including ballot styles and other precinct data, are created at the election office and stored on the MBB. The MBB is a computer memory card that inserts into the Judge's Booth Controller and provides the data necessary for managing the election at the polling place. The MBB also stores cast vote records. When polls close, the MBB is used to deliver election results to central tabulation.

Judge's Booth Controller™ (JBC 1000)

The JBC is like an electronic precinct manager. It runs the election process within each precinct, notifying the election judge which booths are in use at any given time, issuing Access Codes for voting, presenting each voter with the correct ballot style, and controlling secure modem transmission of results to election central headquarters. Each JBC can control up to 12 eSlates and is lightweight, portable and easy to store and use.

eSlate™ 3000

The eSlate 3000 is the device that voters use to cast their ballots. Lightweight and easy to use, eSlate is about the size of a legal pad. Ballots are presented to the voter on a durable color screen. Selections are made by utilizing an integrated rotary wheel selector. This unique design innovation differentiates eSlate from other electronic voting systems on the market, offering increased accuracy, reliability and ruggedness.

Disabled Access Unit™ (DAU 5000)

The DAU is an eSlate 3000 voting terminal equipped with alternative access features for disabled and literacy-challenged voters, including an audio ballot reader and flexible switches.

Ballot Now™

Ballot Now is the software application that prints paper ballots on demand for mailing to absentee voters and digitally images the returned ballots to record the cast vote records for delivery to Tally. Ballot Now also offers a unique on-screen ballot resolution feature.

Tally™

The Tally software application manages tabulation and reporting. Tally accepts results from, and tabulates all, Early Voting, Absentee, Election Day and Election Canvass data. Tally produces a standard set of reports and also features a custom report writer.



Training

Hart InterCivic's eSlate Training Program covers all areas of system functionality for all users involved. Designed by education professionals, eSlate training is systematic, incorporating multiple delivery methods including classroom, site-based, Web, manuals and video multi-media, and hands-on exercises. All training is done with a Hart InterCivic eSlate Training Services Specialist, who will lead trainees through lectures, examples, and hands-on experience to provide constant feedback throughout the process.

Voter Education & Outreach

Hart InterCivic offers local election officials a proven, comprehensive voter education and outreach program. Hart InterCivic will assist your jurisdiction in preparing every voter to arrive at the polling place confident, competent and excited about the new system. A wide range of communication approaches are employed, tailored to each community and including Web sites, advertising, direct mail, media relations and community presentations.

Service & Support

The commitment by Hart InterCivic is more than just providing equipment to run an election. It is an ongoing partnership with our customers. The installation and support of the eSlate System is tailored to our customers' specific needs. You're connected with our team every step of the way from configuration, integration, and implementation testing to training, voter outreach and on-site support.

Cost of Ownership

Design innovation makes eSlate the most affordable, fully-featured Direct Record Electronic (DRE) voting system on the market today. The eSlate system is designed to manage the diverse requirements of conducting modern elections at an affordable price.

Financing

There are many options available for acquiring the eSlate System, from direct purchase to leasing, according to your purchasing preferences and requirements.

The Hart InterCivic Commitment

An unwavering commitment to service and support, the most current technologies, and a keen understanding of our nation's voting process makes Hart InterCivic a qualified partner to work with for your election needs, today and in the future.

Hart InterCivic brings its industry-leading technology and a broad range of experience in election administration dating back over 90 years.

Hart InterCivic has clearly focused on a straightforward vision: state and local governments will be more efficient, effective, and accessible because technology applied to voting brings results quickly, securely and cost effectively.



800.223.HART
www.hartintercivic.com

Ballot system to aid blind

■ **PENDING:** New electronic voting machines would allow visually impaired to cast votes privately.

By LISA DEMER
Anchorage Daily News

Like thousands of other blind Alaskans, Sandy Sanderson lost the ability to vote privately when he lost his eyesight. For more than 25 years, he has had to state his election picks aloud to someone in the voting booth, who reads the ballot to him and marks his choices.

Now, the mess of the 2000 presidential election is opening up an opportunity for Sanderson and other blind and disabled Alaskans to vote without help.

The state Division of Elections is considering buying a small number of electronic voting machines that would eliminate the need for a paper ballot.

Visually impaired voters would listen to their choices on a headset and navigate the ballot through electronic buttons. People who can see wouldn't need the headset and would vote either by touching a screen or by using buttons connected to the screen.

One manufacturer, Hart InterCivic, even has a "sip and puff" feature, in which a quadriplegic voter could move through the ballot by sipping on a straw, and cast a vote by puffing on it.

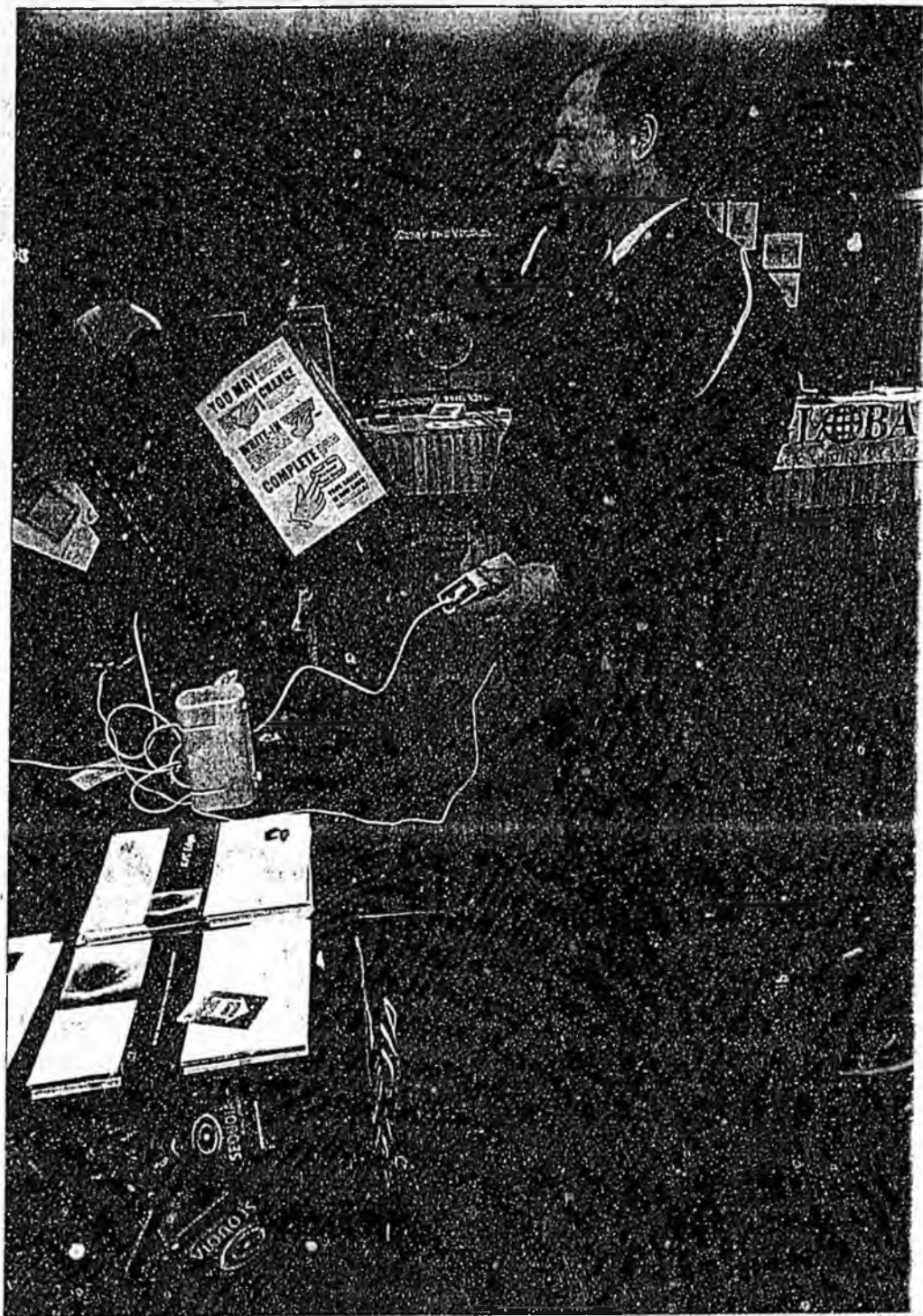
Blind people have been pushing for this kind of equipment for a long time. But it's only in the past year that technology has evolved enough for the state to consider it, said Janet Kowalski, Elections Division director.

The division appointed an 11-member advisory committee on accessible voting, which met for the first time this week in Anchorage. It checked out some machines, set up in the Egan Convention Center.

Blind and visually impaired Alaskans number an estimated 12,500, among more than 26,000 people here with disabilities, said Lynne Koral, the committee chairperson and president of Alaska Independent Blind.

See Page B-2, **BALLOT**
can make a big difference in the lives of people in need.

Alaska Guide to Winter



BILL ROTH / Anchorage Daily News

Jim King, executive director of the Alaska Center for the Blind and Visually Impaired, tests an electronic touch screen voting system that includes audio that would enable him to cast a secret ballot. King's guide dog, Spencer, is at his feet. The system was part of an accessible voting, which met for the first time this week in Anchorage. It checked out some machines, set up in the Egan Convention Center.