

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Brian Jackson
Division of Elections

FROM: Scott Meriwether, Office of the Lieutenant Governor 
465.4081

DATE: January 11, 2018

RE: Filed Permanent Regulations: Office of the Governor

Division of Elections regulations re: administration of elections (6 AAC 25.010(d); 6 AAC 25.025(d); 6 AAC 25.027; 6 AAC 25.212; 6 AAC 25.240(l); 6 AAC 25.670(e); 6 AAC 25.720)

Attorney General File:	JU2017200727
Regulation Filed:	1/11/2018
Effective Date:	2/10/2018
Print:	225, April 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DIVISION OF ELECTIONS

The attached 6 pages of regulations, dealing with the administration of elections, voter registration, how a candidate's name will appear on the ballot and a deadline for the submission of material for the official election pamphlet, are adopted and certified to be a correct copy of the regulation changes that the Division of Elections adopts under the authority of AS 15.15.010 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Division of Elections paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date:

1/9/2018



Josie Bahnke, Director

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that¹ on

January 11, 2018, at 855 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective: February 10, 2018

Register: 225, April 2018

6 AAC 25.010(d) is amended to read:

(d) At the time the election supervisor provides identification badges, the election supervisor shall provide the division's *Guide for Poll Watchers*, revised as of **March 2016** [MAY 2013] and adopted by reference. The party committees, candidates in the primary election, and candidates not representing a political party in the general election, and groups sponsoring or opposing a ballot measure are responsible for the training of all poll watchers under their authority on the proper conduct of poll watchers according to the *Guide for Poll Watchers* and are responsible for the conduct of the poll watchers. (Eff. 10/1/74, Register 52; am 7/11/82, Register 83; am 8/22/2004, Register 171; am 5/14/2006, Register 178; am 4/25/2008, Register 186; am 2/28/2014, Register 209; am 2 / 10 / 2018, Register 225)

Authority: AS 15.10.170 AS 15.15.110 AS 15.15.170
AS 15.15.010 AS 15.15.160

6 AAC 25.025(d) is amended to read:

- (d) A registrar, while acting in an official capacity may
- (1) assist an applicant with the completion of a voter registration application or absentee ballot application;
 - (2) provide information to the applicant on voter registration solely as set out in the division's *Registrar Handbook*, revised as of **February 2016** [JUNE, 2013] and adopted by reference;
 - (3) provide information to the applicant on absentee voting as provided by the division; or

(4) provide an absentee ballot application to the applicant.

(Eff. 7/17/88, Register 107; am 8/24/96, Register 139; am 8/22/2004, Register 171; am 5/14/2006, Register 178; am 4/25/2008, Register 186; am 2/28/2014, Register 209; am 2 / 10 / 2018, Register 225)

Authority: AS 15.07.070 AS 15.07.100 AS 15.07.200
AS 15.07.081 AS 15.07.140

6 AAC 25.027(c) is amended to read:

(c) An individual may request registration or reregistration on behalf of a voter if the voter has executed a general power of attorney in accordance with AS 13.26.645 [AS 13.26.332] or a special power of attorney in accordance with 6 AAC 25.683 authorizing that individual to register the voter. In addition to the completed registration application and applicable identification [AND PROOF OF RESIDENCY DOCUMENTATION] for the voter, that individual must provide, for each registration or reregistration,

(1) identification as listed in (a) of this section; and

(2) a copy of the power of attorney authorizing the individual to register the voter on that voter's behalf.

6 AAC 25.027(d) is repealed:

(d) Repealed 2 / 10 / 2018.

Register 225, April 2018

GOVERNOR'S OFFICE

6 AAC 25.027(e) is repealed:

(e) Repealed 2 / 10 / 2018.

6 AAC 25.027(h) is amended to read:

(h) The documentation provided under (c) of this section will be [MICROFILMED OR OTHERWISE] retained by the division as part of the voter's record.

6 AAC 25.027(i) is repealed:

(i) Repealed 2 / 10 / 2018. (Eff. 7/17/88, Register 107; am 8/24/96, Register 139; am 8/22/2004, Register 171; am 5/14/2006, Register 178; am 2/28/2014, Register 209; am 2 / 10 / 2018, Register 225)

Authority:	AS 15.05.010	AS 15.07.030	AS 15.07.070
	AS 15.05.011	AS 15.07.050	AS 15.07.195
	AS 15.05.020	AS 15.07.060	AS 15.15.225

6 AAC 25.212 is repealed and readopted to read:

6 AAC 25.212. Appearance of candidate's name on the ballot. (a) Subject to the limitations of AS 15.15.030 and the provisions of this section, a candidate's name will appear on a ballot in the manner in which the candidate has requested on that individual's candidacy filing paperwork submitted to the director.

(b) A candidate's name may not appear on a ballot

(1) with a designation of any academic, professional, personal, or honorary

degree or title held by a candidate; or

(2) in a manner that is confusing or misleading to voters or compromises the fairness or neutrality of the ballot.

(c) A candidate's nickname may appear on a ballot if the nickname

(1) is a name by which the candidate is commonly and generally known in the community; and

(2) does not imply any action or position the candidate intends to take if elected.

(d) Written notice of a candidate's request to change how the candidate's name appears on a ballot must be received by the director not later than the deadline for the candidate to withdraw from the election as provided under AS 15.25.055 for the primary election and AS 15.25.200 for the general election.

(e) A decision under this section will be made by the director based on a preponderance of the evidence and may be directly challenged in superior court. (Eff. 4/25/2008, Register 186; am 2/28/2014, Register 209; am 2 / 10 / 2018, Register 225)

Authority: AS 15.15.010 AS 15.15.030 [AS 15.15.130]

6 AAC 25.240(l) is repealed:

(l) Repealed 2 / 10 / 2018. (Eff. 8/6/87, Register 103; am 7/8/88, Register 107; am 7/17/88, Register 107; am 6/21/90, Register 115; am 8/12/90, Register 115; am 12/15/99, Register 153; am 8/13/2000, Register 155; am 8/22/2004, Register 171; am 5/14/2006, Register 178; am 4/25/2008, Register 186; am 2/28/2014, Register 209; am 2 / 10 / 2018, Register 225)

Authority: AS 15.15.010 AS 15.45.320 AS 15.45.560

Register 225, April 2018

GOVERNOR'S OFFICE

AS 15.45.090	AS 15.45.330	AS 15.45.570
AS 15.45.100	AS 15.45.350	AS 15.45.590
AS 15.45.120	AS 15.45.360	AS 15.45.600
AS 15.45.130	AS 15.45.370	AS 15.45.610
AS 15.45.140	AS 15.45.400	AS 15.45.640
AS 15.45.245	AS 15.45.465	

6 AAC 25.670(e) is amended to read:

(e) A voter who is eligible to use the federal write-in **absentee** ballot and who simultaneously applies for a ballot and votes using the federal write-in **absentee** ballot will not be sent the official ballot if the voted federal write-in **absentee** ballot is received by the division 45 days or less before a statewide primary, general, or special election. **If a federal write-in absentee ballot is incomplete for voting, the federal write-in absentee ballot will be processed following voter registration and absentee ballot application procedures.** If the voter simultaneously applies for a ballot and votes the federal write-in **absentee** ballot 46 or more days before a statewide primary, general, or special election, the division will process the application for a ballot and send an official ballot to the voter. (Eff. 8/12/90, Register 115; am 8/22/2004, Register 171; am 5/14/2006, Register 178; am 10/16/2009, Register 192; am 5/11/2012, Register 202; am 2/28/2014, Register 209; am 2/10/2018, Register 225)

Authority:	AS 15.05.011	AS 15.15.360	AS 15.20.081
	AS 15.05.014	AS 15.15.365	AS 15.20.203
	AS 15.15.010		

6 AAC 25 is amended by adding a new section to Article 4 to read:

6 AAC 25.720. Language compliance deadline for submission of official election pamphlet material. (a) If they want their materials for inclusion in the election pamphlet translated into the appropriate Alaska Native languages, candidates for federal or statewide office, for state senate in Senate Districts C, S, and T, for state representative in House Districts 6, 37, 38, 39, and 40, and for judicial retention for supreme court, court of appeals, and judicial districts 2, 3, and 4 must file all the candidates' information and comply with AS 15.58.030 at least 30 days before the applicable filing date in AS 15.58.030.

(b) If they want their materials for inclusion in the election pamphlet translated into the appropriate Alaska Native languages, other contributing entities to the election pamphlet, including state agencies and political parties, must file all the entities' information and comply with applicable provisions of AS 15.58.040 and 15.58.050 at least 30 days before the applicable filing dates in AS 15.58.040 and 15.58.050. (Eff. 2 / 10 / 2018, Register 225)

Authority:	AS 15.15.010	AS 15.58.040	AS 15.58.090
	AS 15.58.030	AS 15.58.050	

MEMORANDUM


State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: January 9, 2018

File No.: JU2017200727

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Division of Elections regulations re:
administration of elections (6 AAC
25.010(d); 6 AAC 25.025(d); 6 AAC
25.027; 6 AAC 25.212; 6 AAC
25.240(l); 6 AAC 25.670(e); 6 AAC
25.720)

We have reviewed the attached regulations from the Division of Elections against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated January 9, 2018 from the Regulations Attorney. The regulations update various provisions regarding the administration of elections; and in particular set deadlines for candidates, political parties, and other entities to submit materials to the Division of Elections, for inclusion in the official election pamphlet, if the candidates, political parties, or other entities wish those materials to be translated into appropriate Alaska Native languages, along with the pamphlet material that the Division of Elections must translate consistent with the federal court settlement and order in *Toyukak v. Mallott*, No. 3:13-cv-00137-SLG, Document 282 (D. Alaska, Sept. 30, 2015) (stipulated judgment and order).

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

Hon. Byron Mallott, Lieutenant Governor
Our file: JU2017200727

January 9, 2018
Page 2

The November 12, 2017 public notice and the January 9, 2018 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc w/enc: (via email)

Josie Bahnke, Director
Division of Elections

Brian Jackson, Regulations Contact
Division of Elections

Elizabeth M. Bakalar, Assistant Attorney General
Labor and State Affairs Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: January 9, 2018

FILE NO.: JU2017200727

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority
regarding regulations review on
Division of Elections regulations
re: administration of elections
(6 AAC 25.010(d); 6 AAC
25.025(d); 6 AAC 25.027; 6 AAC
25.212; 6 AAC 25.240(I); 6 AAC
25.670(e); 6 AAC 25.720)

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation/Regulations Section—Juneau

NOTICE OF PROPOSED CHANGES ON THE ADMINISTRATION OF ELECTIONS
IN THE REGULATIONS OF THE DIVISION OF ELECTIONS
OFFICE OF THE GOVERNOR

The Division of Elections proposes to adopt regulation changes in Title 6, Chapter 25 of the Alaska Administrative Code, dealing with administration of elections, including the following:

- (1) **6 AAC 25.010(d)** is proposed to be changed as follows: amend the regulation to remove a dated reference regarding the Guide for Poll Watchers.
- (2) **6 AAC 25.025(d)** is proposed to be changed as follows: amend the regulation to remove a dated reference regarding the Registrar Handbook.
- (3) **6 AAC 25.027(c)** is proposed to be changed as follows: amend the regulation to remove the proof of residency documentation for those that submit registrations on behalf of a voter.
- (4) **6 AAC 25.027(d)** is proposed to be repealed. The intended effect of this repeal is to free up the process for newer voter registration capabilities like online voter registration, applications delivered by email or automatic voter registration.
- (5) **6 AAC 25.027(e)** is proposed to be repealed. The intended effect of this repeal is to free up the process for newer voter registration capabilities like online voter registration, applications delivered by email or automatic voter registration.
- (6) **6 AAC 25.027(h)** is proposed to be changed as follows: documentation will be scanned and saved in the voters file; the division no longer uses microfilm.
- (7) **6 AAC 25.027(i)** is proposed to be repealed. The intended effect of this repeal is to free up the process for newer voter registration capabilities like online voter registration, applications delivered by email or automatic voter registration.
- (8) **6 AAC 25.212** is proposed to be changed as follows: repealed and readopted to include more information as to how a candidate's name may appear on the ballot.
- (9) **6 AAC 25.240(l)** is proposed to be repealed. The intended effect of this repeal is to remove language that dictates which election is used for determining the number of required signatures is required for a petition to be filed.
- (10) **6 AAC 25.670** is proposed to be changed as follows: adds language to clarify that this process is for federal write-in absentee ballots.
- (11) **6 AAC 25.720** is a proposed new section to Title 6, Chapter 25 to include information regarding deadlines for candidates to submit material for the official election pamphlet so they can be translated into Alaska Native languages.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Brian Jackson, PO Box 110017, Juneau, Alaska 99811-0017. Additionally, the Division of Elections will accept comments by facsimile at 907-465-3203 and by electronic mail at elections@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:00pm on Tuesday, December 12, 2017.

You may submit written questions relevant to the proposed action to Brian Jackson at brian.jackson@alaska.gov at 240 Main St. Suite 400, Juneau, Alaska 99801. The questions must be received at least 10 days before the end of the public comment period. The Division of

and responses available on the Alaska Online Public Notice System and agency website.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Brian Jackson at brian.jackson@alaska.gov or by calling 907-465-4611 not later than Tuesday, November 28, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Brian Jackson at brian.jackson@alaska.gov or by telephone, 907-465-4611.

A copy of material proposed for adoption by reference may be viewed at the agency's office at 240 Main St. Suite 400, Juneau, Alaska 99801.

After the public comment period ends, the Division of Elections will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

Statutory authority: AS 15.15.010

Statutes being implemented, interpreted, or made specific: AS 15.05.010; AS 15.05.011; AS 15.05.020; AS 15.07.030; AS 15.07.050; AS 15.07.060; AS 15.07.070; AS 15.07.081; AS 15.07.100; AS 15.07.140; AS 15.07.195; AS 15.07.200; AS 15.10.170; AS 15.15.010; AS 15.15.030; AS 15.15.110; AS 15.15.160; AS 15.15.170; AS 15.15.225; AS 15.45.090; AS 15.45.100; AS 15.45.120; AS 15.45.130; AS 15.45.140; AS 15.45.245; AS 15.45.320; AS 15.45.330; AS 15.45.350; AS 15.45.360; AS 15.45.370; AS 15.45.400; AS 15.45.465; AS 15.45.560; AS 15.45.570; AS 15.45.590; AS 15.45.600; AS 15.45.610; AS 15.45.640; AS 15.58.030; AS 15.58.090;

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: November 2, 2017



Josie Bahnke, Director, Division of Elections

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Office of the Governor, Division of Elections
2. General subject of regulation: Elections Administration
3. Citation of regulation (may be grouped): 6 AAC 25.010(d), 6 AAC 25.027(c)-(i), 6 AAC 25.212, AAC 25.240(l), 6 AAC 25.670, 6 AAC 25.720
4. Department of Law file number, if any: JU2017200727
5. Reason for the proposed action:
 - () Compliance with federal law or action (identify): _____
 - () Compliance with new or changed state statute
 - () Compliance with federal or state court decision (identify): _____
 - () Development of program standards
 - (x) Other (identify): To bring these regulations up to date, repeal outdated regulations, clarify the intent and create a new regulation regarding the official election pamphlet.
6. Appropriation/Allocation: Elections
7. Estimated annual cost to comply with the proposed action to:
 - A private person: None
 - Another state agency: None
 - A municipality: None
8. Cost of implementation to the state agency and available funding (in thousands of dollars): These regulations have no fiscal impact on the division.
9. The name of the contact person for the regulation:
 - Name: Brian Jackson
 - Title: Election Program Manager
 - Address: 240 Main St. Suite 400, Juneau, Alaska 99801
 - Telephone: 907-465-4611
 - E-mail address: brian.jackson@alaska.gov
10. The origin of the proposed action:

☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☐ Other (identify): _____

11. Date: 11/7/2017

Prepared by: _____

Name: Brian Jackson

Title: Election Program Manager

Telephone: 907-465-4611

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION


I, Brian Jackson, Election Program Manager, of the Division of Elections, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to Title 6, Chapter 25 of the Alaska Administrative Code dealing with election administration has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the State Affairs Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

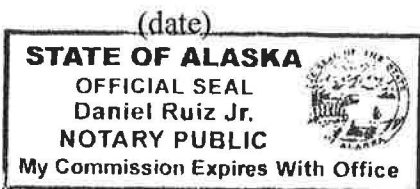
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 11/13/17



Brian Jackson, Election Program Manager

Subscribed and sworn to before me at JUNEAU, AK on
NOVEMBER 13, 2017.






Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

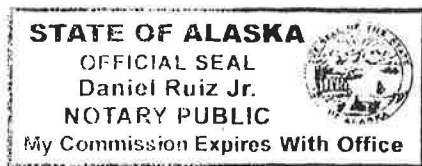
I, Brian Jackson, Election Program Manager for the Division of Elections, being duly sworn, state the following:

In compliance with AS 44.62.215, the Division of Elections has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Division of Elections regulation on dealing with the administration of elections, voter registration, how a candidate's name will appear on the ballot and a deadline for the submission of material for the official election pamphlet.

Date: 12/14/17


Brian Jackson, Election Program Manager

Subscribed and sworn to before me at JUNEAU, ALASKA on
12/14/17
(date)




Notary Public in and for the State of Alaska

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RECEIVED

NOV 17 2017

Director's Office
Division of Elections

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Joleesa Stepetin
being first duly sworn on oath deposes and
says that he/she is a representative of the
Alaska Dispatch News, a daily newspaper.
That said newspaper has been approved
by the Third Judicial Court, Anchorage,
Alaska, and it now and has been published
in the English language continually as a
daily newspaper in Anchorage, Alaska, and
it is now and during all said time was
printed in an office maintained at the
aforesaid place of publication of said
newspaper. That the annexed is a copy of
an advertisement as it was published in
regular issues (and not in supplemental
form) of said newspaper on

November 12, 2017

and that such newspaper was regularly
distributed to its subscribers during all of
said period. That the full amount of the fee
charged for the foregoing publication is not
in excess of the rate charged private
individuals.

Signed

Joleesa Stepetin

Subscribed and sworn to before me
this 14th day of November, 2017

Britney Thompson

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

2/23/2019
Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES ON THE ADMINISTRATION OF ELECTIONS IN THE REGULATIONS OF THE DIVISION OF ELECTIONS OFFICE OF THE GOVERNOR

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You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Brian Jackson, PO Box 110017, Juneau, Alaska 99811-0017. Additionally, the Division of Elections will accept comments by facsimile at 907-465-3203 and by electronic mail at elections@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:00pm on Tuesday, December 12, 2017.

You may submit written questions relevant to the proposed action to Brian Jackson at brian.jackson@alaska.gov at 240 Main St. Suite 400, Juneau, Alaska 99801. The questions must be received at least 10 days before the end of the public comment period. The Division of Elections will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and agency website.

Tentative Project Schedule
Oct 2017 rfp posting for A&E Firm
Nov 2017 Award A&E Firm
Dec 2017 Negotiate A&E contract/A&E transition phase
Dec 2017 With A&E Firm solicit contractor
Feb-Apr 2018 Select contractor/ develop project team
Continue team development of construction documents
Apr-July 2018 continuation work on development of construction documents to completion with agency reviews, submittal and shop drawings and reviews
May 2018 School ends
June-Dec 2018

Cost Estimator
HMS, Inc.
contact, Ehsan