

Kevin Meyer  
Lieutenant Governor  
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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Brian Jackson  
Division of Elections

**FROM:** April Simpson, Office of the Lieutenant Governor 465.4081 

**DATE:** February 13, 2020

**RE:** Filed Permanent Regulations: Division of Elections  
Division of Elections Regulation re: Payment of Election Officials (6 AAC 25.035)

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Attorney General File:	2019200851
Regulation Filed:	2/12/2020
Effective Date:	3/13/2020
Print:	233, April 2020

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE DIVISION OF ELECTIONS

The attached two pages of regulations, dealing with payment of election workers, 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.

It is estimated that this action will require increased appropriations as shown on the attached fiscal note.

Although no public comments were received, 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: 1/27/2020

  
Gail Fenumiai, Director

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

Febr 12<sup>th</sup>, 2020, at 3:38 P.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
Lieutenant Governor

Effective: March 13, 2020.

Register: 233, April 2020.

6 AAC 25.035(a) is amended to read:

(a) Election board workers will be paid \$12 [\$9.50] an hour for time spent at their election duties.

6 AAC 25.035(b) is amended to read:

(b) Election board chairpersons [, MEMBERS OF THE RECEIVING TEAM, WRITE-IN COUNTING TEAMS, RECOUNT TEAMS, ELECTION NIGHT WORKERS, ACCU-VOTE BALLOT PROCESSORS, AND ABSENTEE VOTING OFFICIALS PAID HOURLY] will be paid \$12.50 [\$10] an hour for time spent at their election duties.

6 AAC 25.035(c) is amended to read:

(c) Members of the district absentee ballot, [AND] questioned ballot review [COUNTING] boards, and absentee voting officials paid hourly will be paid \$12 an hour for time spent at their election duties.

6 AAC 25.035(e) is amended to read:

(e) Members of the regional ballot tabulation [ACCU-VOTE REVIEW] boards, as appointed by the regional election supervisors, will be paid a fee of \$25 per hour for time spent at their election duties.

6 AAC 25.035(h) is amended to read:

(h) Absentee voting officials at absentee sites will be paid \$100 [\$75] for time spent at their election duties.

6 AAC 25.035(i) is amended to read:

(i) Absentee voting station officials at absentee stations will be paid \$12.50 [\$12] an hour for time spent at their election duties.

6 AAC 25.035(k) is repealed:

(k) Repealed 3/13/2020.

6 AAC 25.035(l) is amended to read:

(l) Ballot tabulation [ACCU-VOTE] coordinators, polling place [ACCU-VOTE] field workers, individuals appointed as personal representatives, and absentee and questioned ballot processors will be paid \$12.50 an hour for time spent at their election duties.

6 AAC 25.035 is amended by adding a new subsection to read:

(n) Extra election day and election night workers and write-in counting team members will be paid \$10.50 an hour. (Eff. <sup>7/11/82, Register 83; am 7/17/88, Register 107;</sup> ~~7/11/88~~ am 8/24/96, Register 139; am 6/22/98, Register 147; am 10/31/98, Register 148; am 8/13/2000, Register 155; am 8/22/2004, Register 171; am 4/25/2008, Register 186; am 10/16/2009, Register 192; am 3/13/2020 Register 233)

<b>Authority:</b>	AS 15.07.100	AS 15.15.030	AS 15.20.190
	AS 15.10.110	AS 15.15.380	AS 15.20.220
	AS 15.15.010	AS 15.15.390	AS 15.20.900

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** February 5, 2020

**File No.:** 2019200851

**Tel. No.:** 465-3600

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

**Re:** Division of Elections  
Regulation re: 6 AAC 25.035 -  
Payment of Election Officials

The Department of Law has reviewed the attached regulations of the Division of Elections against the statutory standards of the Administrative Procedure Act. Based upon our review, 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. The regulations were adopted by the Division of Elections after the close of the public comment period. The regulations concern the payment of election workers.

The public notice and the adoption order both state that this action is expected to require an increased appropriation. Therefore, a fiscal note is included as required by AS 44.62.195.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP:hjh

cc: Gail Fenumiai, Director  
Division of Elections

Brian Jackson, Regulations Contact  
Division of Elections

April Simpson, AAC Coordinator  
Office of the Lieutenant Governor

Cori Mills, Senior Assistant Attorney General  
Department of Law

ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE DIVISION OF ELECTIONS

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It is estimated that this action will require increased appropriations as shown on the attached fiscal note.

Although no public comments were received, 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:

1/27/2020



Gail Fenumiai, Director

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

Febr 12<sup>th</sup>, 2020, at 3:38P.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective:

March 13, 2020.

Register:

233, April 2020.

NOTICE OF PROPOSED CHANGES ON PAYMENT OF ELECTION OFFICIALS  
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 payment of election officials. All changes are within 6 AAC 25.035. Amendments to existing subsections include:

- 1) a pay increase for election board workers, board chairpersons, absentee voting officials, and absentee voting station officials;
- 2) an increase in compensation for time spent at election duties by absentee voting officials at absentee stations;
- 3) removing references to unnecessary positions;
- 4) repealing a subsection related to municipal employees providing absentee voting services.

This proposal would also add a new subsection to 6 AAC 25.035 that would include payment for extra election day and election night workers and payment for write-in counting team members.

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](mailto: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 4:30 p.m. on January 21, 2020.

You may submit written questions relevant to the proposed action to Brian Jackson at [brian.jackson@alaska.gov](mailto: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.

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](mailto:brian.jackson@alaska.gov) or by calling 907-465-4611 not later than Tuesday, January 7, 2020 to ensure that any necessary accommodation can be provided.

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 15.01.100; AS 15.15.030; AS 15.20.190; AS 15.10.110; AS 15.15.380; AS 15.20.220; AS 15.15.010; AS 15.15.390; AS 15.20.900

**Fiscal information:** It is estimated that the proposed regulation changes will require increased appropriations as follows: FY 21, 392.2; FY 22, 196.1; FY 23, 196.1.

The Division of Elections keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Division of Elections notices of proposed regulation changes. To be added to or removed from the list, send a request to the Division of Elections at [elections@alaska.gov](mailto:elections@alaska.gov), giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: 12/17/19

  
Gail Fenumiai, Director, Division of Elections



## FISCAL NOTE

Agency: Office of the Governor, Division of Elections \_\_\_\_\_

Appropriation/Allocation: Appropriation \_\_\_\_\_

General subject of regulation: Payment of election officials \_\_\_\_\_

Citation of regulation: 6AAC 25.035 \_\_\_\_\_

Estimated appropriations required (in thousands of dollars) \$392.3 \_\_\_\_\_

### Expenditures/Revenues

	FY 21 Appropriation Requested	(Thousands of Dollars)	
<b>OPERATING EXPENDITURES</b>	<b>FY 21</b>	<b>FY 22</b>	<b>FY 23</b>
Personal Services			
Travel			
Services	392.2	196.1	196.1
Commodities			
Capital Outlay			
Grants & Benefits			
Miscellaneous			
<b>TOTAL OPERATING</b>			

<b>FUNDING SOURCE</b>		(Thousands of Dollars)		
1002	Federal Receipts			
1003	GF Match			
1004	General Fund	392.2	196.1	196.1
1005	GF/Program (DGF)			
1007	I/A Rcpts (Other)			
1037	GF/MH (UGF)			

<b>POSITIONS</b>				
Full-time				
Part-time				
Temporary				

<b>CHANGE IN REVENUES</b>	<b>392.2</b>	<b>196.1</b>	<b>196.1</b>
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Date 12/17/19

Prepared by: Gail Fenumiai

Gail Fenumiai, Director

Division of Elections

Phone No.: (907) 465-4611

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Office of the Governor, Division of Elections
2. General subject of regulation: Payment of election workers
3. Citation of regulation (may be grouped): 6AAC 25.035
4. Department of Law file number, if any: 2019200851

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): Several wages were below minimum wage and have not been reviewed in more than 10 years.

6. Appropriation/Allocation: Elections

7. Estimated annual cost to comply with the proposed action to: The Division does not anticipate any costs to be taken on by a private person, another state agency or a municipality.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):


	Initial Year	Subsequent
	FY 21	Years
Operating Cost	\$ _____	\$ _____
Capital Cost	\$ _____	\$ _____
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ <u>392.2</u>	\$ <u>196.1</u>
1005 General fund/ program	\$ _____	\$ _____
Other (identify)	\$ _____	\$ _____

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<sup>7</sup>  
☐ Other (identify): \_\_\_\_\_

11. Date: 12/17/19 Prepared by: 

Name: Brian Jackson  
Title: Election Program Manager  
Telephone: 907-465-4611

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

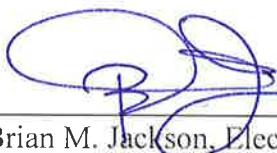
I, Brian Jackson, Election Program Manager, of the Division of Elections, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to Title 6, Chapter 25 payment of election workers has been given by being

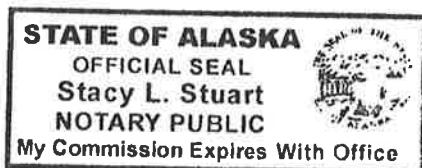
- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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).

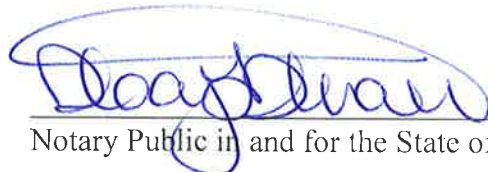
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 1/27/20

  
\_\_\_\_\_  
Brian M. Jackson, Election Program Manager

Subscribed and sworn to before me at Juneau, AK on  
January 27, 2020.  
(date)



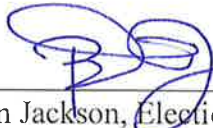
  
\_\_\_\_\_  
Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

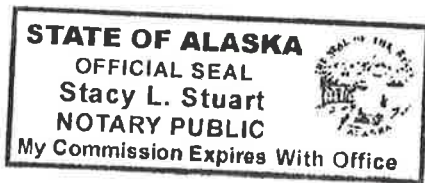
I, Brian Jackson, Election Program Manager for the Division of Elections, being duly sworn, state the following:

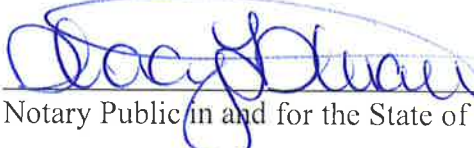
In compliance with AS 44.62.215, The Division of Elections did not receive any factual or other substantive information that was submitted in writing or orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Division of Elections regulation on the payment of election workers.

Date: 1/27/20

  
\_\_\_\_\_  
Brian Jackson, Election Program Manager

Subscribed and sworn to before me at Juneau, AK on  
January 27, 2020  
(date)



  
\_\_\_\_\_  
Notary Public in and for the State of Alaska

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

RECEIVED

DEC 30 2019

Director's Office  
Division of Elections

Account #: 269003

PO BOX 110017, JUNEAU, AK 99811

Order #: W0012779

Cost: \$393.46

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily 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 afore-said 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

12/22/2019

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



Subscribed and sworn to before me  
this 23rd day of December 2019.

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

STATE OF ALASKA  
NOTARY

PUBLIC

Jada L. Nowling

MY COMMISSION EXPIRES

7/14/2020

### NOTICE OF PROPOSED CHANGES ON PAYMENT OF ELECTION OFFICIALS IN THE REGULATIONS OF THE DIVISION OF ELECTIONS OFFICE OF THE GOVERNOR

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Statutory authority: AS 15.15.010

Statutes being implemented, interpreted, or made specific: AS 15.01.100; AS 15.15.030; AS 15.20.190; AS 15.10.110; AS 15.15.380; AS 15.20.220; AS 15.15.010; AS 15.15.390; AS 15.20.900

Fiscal information: It is estimated that the proposed regulation changes will require increased appropriations as follows: FY 21, 392.2; FY 22, 196.1; FY 23, 196.1.

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Date: 12/17/19

By: /s/ Gail Fenumiai,  
Director, Division of Elections

Published: December 22, 2019