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Editor: Richard G. Smolka

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*Washington Focus: The Republican Party of Alaska plans to appeal to the United States Supreme Court a decision of the Alaska Supreme Court that requires the party to allow any registered voter to vote in its primary elections. (O'Callahan v. Ulmer, State of Alaska, No. S-6249, dec. March 20, 1996). Party rule restricted voting in primary elections to Republicans and Independents. Alaska law provides for a blanket primary with voters permitted to vote in any party primary for any office but not in more than one party for the same office. Other Alaskan parties defended the law in court.*

**NASS COMMITTEE EXAMINES PRESIDENTIAL PRIMARY ELECTION PROCESS CHANGES**

A committee of the National Secretaries of State (NASS) charged with examining the presidential nominating system heard comments from former presidential candidate Lamar Alexander, and seven other speakers on May 10 in Washington, D.C.

NASS created the Committee on Presidential Primaries and Caucuses, chaired by William Gardner, (N.H.) and Ronald Thornburgh, (Kan.), to examine the process and suggest what role or recommendations NASS can make to improve the system. Most Secretaries of State are the chief electoral officer of their respective States. Several Secretaries had expressed concern that the presidential primaries in their States, especially in the latter part of the primary season, are of diminishing relevance. They also reported candidates and voters increasingly are showing indifference, States incur major expenses to conduct these elections, and the presidential primaries produce negative impacts on the State electoral system.

Alexander told the Secretaries that Senator Bob Dole, R-Kan. would have been the Republican favorite under any system but did recommend that ways be found to enable more potential candidates to seek the presidency. Alexander said the current process places the real campaign (fundraising and building bases) in the year prior to the election. By the time the heavily

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frontloaded primaries and serious media coverage starts the election is over, because those who lose early primaries have little chance of raising money to continue.

Alexander also commented that "early voting" -- voters casting ballots up to three weeks prior to the election date -- could affect outcomes because voters who make up their minds on or near election day have access to more information. He said exit polls from New Hampshire showed many voters make up their minds in the final days before the election and that those who decided on election day gave him a much higher percentage of the vote than those who apparently made up their minds weeks earlier. Alexander's home State, Tennessee, allows early voting.

Democratic National Committee Co-Chair Don Fowler observed that the past reforms of the Democratic Party have had unintended consequences, not all of which have been favorable. Fowler also commented that "frontloading" was not all bad. The system favors experienced candidates who command wide support and financial backing.

David Norcross, Legal Counsel, Republican National Committee reported that the RNC has created a task-force to study the presidential primary process. Norcross invited NASS to present any recommendations. Fowler and Norcross emphasized that political parties are the appropriate body to make the final decision on how their candidates are nominated.

Mark Siegel., a former assistant to President Carter and Democratic party activist who participated on many of the party commissions, said that "frontloading" produced dramatic changes in the nomination process. In a discussion paper prepared for the NASS committee, Siegel showed that a majority of all delegates to Democratic national party conventions were selected by the middle of May in 1972, by the middle of April in 1984, and by the middle of March this year.

Siegel identified ten negative effects of the current "frontloaded" system. Among them: inflexibility because delegates are frozen too early in process; candidates do not receive appropriate scrutiny -- "of ideas, ideology, background, electability or character"; too much money -- at least \$20 million -- must be raised before first primary; campaigns are limited to well known, well organized candidates; demagogues might dominate early tests; late entries into race are precluded; process discourages otherwise potentially able contenders; general election of seven months is too long; twilight zone of disinterest between nominee clinching in March and November election could chill voter participation in November; and, the national party conventions become rubber stamps.

Siegel called "intriguing" the idea of a regional primary system -- four regions with presidential primaries one month apart as proposed in the Senate by Joseph Lieberman (D-N.J.)

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and Slade Gorton (R-Wash.). The bill, S. 1589, also provides that the Federal Election Commission certify to the States the names of candidates to be placed on the ballot and prescribes that delegates elected in the process be bound for two ballots at the national convention. The bill has not yet commanded attention in the Senate, no such bill has been introduced in the House, and passage this year is very unlikely.

Others who addressed the Secretaries included Lyn Nofziger, former advisor to President Ronald Reagan; Curtis Gans, Director of the Committee for the Study of the American Electorate; Rhodes Cook, Senior Correspondent, *Congressional Quarterly*, and Richard Smolka, professor emeritus, American University, and Editor, *Election Administration Reports*.

Seventeen states were represented at the meeting, most by Secretaries of State. Following the presentations, Secretaries devoted the remainder of Friday afternoon and three and one-half hours on Saturday to searching out areas of agreement both on substance and procedures to bring about changes. The Secretaries focused attention on details States can address such as "frontloading," but recognized in some areas improving the process will require a cooperative effort with the political parties.

The committee will make a report including possible recommendations to be considered at the NASS summer meeting in July. Presentations and follow-up discussions May 10 were aired on C-Span and will be shown again on later dates.

#### **POSTAL SERVICE TESTING WELCOME KITS INCLUDING VOTER REGISTRATION FORMS FOR NEW RESIDENTS**

Beginning this month, the U.S. Postal Service (USPS) is testing a Welcome Kit for new residents that includes a voter registration form in five areas of the country. The Welcome Kit is being tested in greater Boston, Mass; Buffalo, N.Y.; Indianapolis, Ind.; San Antonio, Texas; and Sacramento, Cal.

The Welcome Kit will be among the first pieces of mail a new resident receives. The envelope, which bears a return address of the U.S. Postal Service carries a large message in bright red ink: "IMPORTANT: Official Change of Address Confirmation Enclosed."

The postal change of address confirmation notice advises the recipient that a permanent change of address has been received and that mail will be forwarded as shown. This form also advises the recipient that previously registered voters need to reregister after they move or if they change their name.

During the test, only one state or local mail voter registration form will be included. Whether more than one form may be included in future kits, has not yet been decided. The kit will include much useful information including a one-page important numbers telephone directory, motor vehicle information and requirements such as when, where and how to register motor vehicles and to obtain a driver's license.

Among other useful information is an Internal Revenue Service change of address mailer, a long distance telephone company advertising card, and a settling-in guide providing useful tips on maintaining and improving a new home.

The Welcome Kit test market has three phases - a home envelope version that will be distributed in May, an apartment envelope version in June, and a home box version in July that will include some product samples. If the tests prove successful, Welcome Kits could be provided



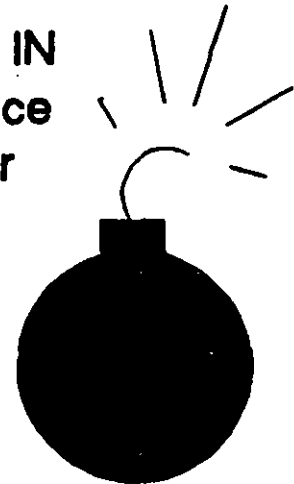
## **EXTREME EMERGENCIES**

IF VOTING PLACE MUST BE LEFT  
UNATTENDED DUE TO CATASTROPHIC  
EMERGENCY (*tornado, fire, bomb threat,  
other situations where election officers may be  
ordered to leave premises*):

1. DON'T PANIC!
2. SEAL MACHINES -- Record public counter for later reference
3. IF THERE IS TIME, LEAVE A NOTE for die-hard voters
4. LEAVE -- Taking Signature Roster and Registration Book  
All other supplies are to be left
5. AS SOON AS ELECTION OFFICERS ARE IN  
SECURE LOCATION CALL election office  
to advise of situation and receive further  
instructions

### IF VOTING PLACE CAN BE REOPENED:

1. CUT SEAL ON MACHINES -- Double  
check Public Counter number
2. RESUME VOTING AS NORMAL
3. CALL ELECTION OFFICE TO ADVISE OF SITUATION
4. ANOTHER SEAL WILL BE SENT to be used for closing  
the polls at 7:00 PM



to new residents nationwide before the end of the year.

At the completion of the test mailings, the Welcome Kit developer, Targeted Marketing Solutions, Inc. (TMSI) will conduct surveys to determine reaction of recipients. As part of this research, TMSI will determine how well recipients liked and used the voter registration forms.

Welcome Kits distributed by the Postal Service are financed by paid advertising included in the envelopes and packages. USPS has not yet decided whether to impose a charge on State and local governments to insert the voter registration form in the kit.

### **SEDGWICK COUNTY, KS OFFERS POLL WORKERS DIRECTIONS ON CATASTROPHIC EMERGENCIES**

The Sedgwick County, Kansas Election Commission places an emergency advice sheet in each poll kit providing instructions to poll workers in case of extreme emergencies that may require them to leave the poll. The Sedgwick County catastrophic emergency advice sheet is printed on bright lemon-lime paper and included in all poll kits. (See example on page 4).

County Election Commissioner Marilyn Chapman told *Election Administration Reports* the notices have been given out each election since 1994. During an election in 1993, a bomb threat was reported at a school being used as a poll. Election workers were moved immediately to a church across the street but the poll books and election supplies remained at the school.

When the election commission learned of the incident some hours later, the poll was officially moved to a nearby polling location, enabling voting to continue.

After this event, and recognizing that Sedgwick County, (Wichita) is in an area susceptible to tornado damage at certain election times, Chapman decided to provide poll workers with emergency procedures before rather than after catastrophic events. Fortunately, there has been no need since 1993 to use any emergency procedure.

### **MINNESOTA ENACTS MULTIPLE NOMINATION LAW, ASKS SUPREME COURT TO REVIEW DECISION**

The Minnesota legislature, reacting to a recent federal Court of Appeals ruling that struck down a state law prohibiting candidates from being listed as the nominees of more than one party, passed a law specifying the conditions under which candidates may do so. The State also has asked the U.S. Supreme Court to stay the ruling and to review the Court of Appeals decision (*Twin Cities Area New Party v. McKenna*, No 94-3417, 8th Cir., January, 1996).

The new law permits candidates to seek a major party nomination and one or more minor party nominations simultaneously with the consent of the state chairs of the parties whose nomination is sought.

The law provides that the candidate's name appear on the ballot only once, that any party nominations be listed below the candidate's name. The law also contains what is believed to be a unique sore loser provision. Any candidate who fails to be nominated in the state major party primary automatically forfeits any minor party nominations.

Included in the law is a sunset provision making the law inoperable upon a stay or a reversal of the Court of Appeals decision.

## **VICE PRESIDENT ALBERT GORE FEATURED SPEAKER AT IACREOT 25TH ANNUAL CONFERENCE**

Vice President Albert Gore will be the featured speaker at the 25th International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT) Annual Conference and Trade Show June 1-5 in Nashville, Tenn.

The Election Officials program this year emphasizes poll worker recruitment and training. The two and one-half hour program will include presentations by Derm Whelan, Chief Electoral Officer of Alberta, Canada; Marilyn Chapman, Election Commissioner, Sedgwick County, Kan.; Gayle Hamilton, Assistant Elections Administrator, Tarrant County, Texas; Joyce Wallace, Deputy Director of Elections, Greene County, Ohio; and Karen Hartenbower, County Clerk, Lyon County, Kansas.

"International Elections: How You Can Help," features three election officials with substantial experience assisting in foreign elections. Sharing their expertise will be Charles Lasham, Liverpool, U.K. Electoral Registration Officer, who has assisted and observed elections in many nations of Europe and Africa; Connie Kaplan, Chicago Board of Election Commissioners who helped train poll officials in South Africa and China; and Loren Wells, Elections Canada, who includes in her foreign election experience several months working on elections in Haiti. Dr. Pierre-Michel Sajous, President, Provincial Electoral Council, Haiti, and Karen Sieger of the International Foundation for Election Systems will also participate.

Other sessions include: legislation and litigation; new technology; election management; NVRA procedures including list purging and fail-safe voting management; and statewide voter registration systems. In addition, the Federal Voting Assistance Program and the International Foundation for Election Systems will describe their work and relationship with local election officials.

Election Officials are encouraged to bring for display innovative election materials, including printed matter, videos, posters, etc. The Election Officials Committee will award two prizes for items on display. For further information on the election officials booth, contact: Janis Womack, City Secretary, 630 East Hopkins, San Marcos TX 78666. Tel. 512-353-4444.

On site registration fee is \$250. For Registration Information contact: Mahalia Hughes, PO Box 549, Gallatin TN, 37066. Tel. 615-4520-4367. For hotel reservations contact Opryland Hotel and Convention Center (619) 889-1000.

## **FEDERAL COURT DISMISSES SUIT AGAINST TEXAS SORE LOSER LAW**

A federal court, without yet issuing a written opinion, last month dismissed a challenge brought by the U.S. Taxpayers Party to Texas' "sore loser" law. The Party wants the right to name Pat Buchanan as its candidate for President if he does not receive the Republican Party nomination.

Texas advised the U.S. Taxpayers Party that the State "sore loser" law would prevent Buchanan, who ran second to Robert Dole, R-Kan. in the Texas Republican Presidential Primary, from being listed on the ballot other than as a Republican. The Party claimed the law does not apply, but if it does, is unconstitutional. Further, the party alleges State interpretation of the law hindered the party's ballot access petition efforts.

Texas argued the challenge was premature and speculative because Buchanan has not yet been named the party's candidate, has not agreed to such a candidacy, and the party has not yet qualified for a ballot position in November.

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## ELECTIONotes

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Calvert County, Maryland is accepting sealed bids for 85 reconditioned 40-column AVM Print-o-Matic Voting Machines, series 130,000 through 150,000. Machines are being sold "as is." Deadline for bidding is June 7, 1996. Buyer must pay cost for removal of machines and must complete removal within 30 days of purchase. For more information contact: Gail Hatfield, Elections Administrator, 150 Main St., Suite 107, PO Box 798, Prince Frederick MD 20678-0798. Tel. (410) 535-2214 or (301) 855-1376. Fax: 410-535-1600 x392.

The Electoral Board for Fairfax County, Va. is interested in acquiring additional Shoupronic 1242 Voting Machines. Persons with information about available Shoupronic 1242s are asked to contact Patricia W. Drain, Electoral Board Secretary, Fairfax County Electoral Board, 12000 Government Center Parkway, Suite 323, Fairfax VA 22035-0081. Tel. (703) 324-4734. Fax. (703) 324-4706.

The International Foundation for Election Systems recently published an *International Directory of Election Offices*. The directory describes the national election administration in 144 countries and explains the legal status of the authority. The directory provides the name of the current administrative head of elections for the country, descriptions of the election authority's members and how they are named, the terms of those members, and the primary responsibilities of that authority.

The directory is now available from the F. Clifton White Resource Center at IFES for \$25. A discounted price of \$20 is available to election professionals, educational institutions and students. To purchase a copy contact: Michael Boda, IFES, 1101 15th St NW, 3rd Floor, Washington, DC 20006. Tel: (202) 828-8507. Fax: (202) 452-0804. Email: mboda@ifes.org

San Francisco City Attorney Louise Renne will not yet have to prepare a ballot title and summary for a proposed Immigrant Voting Rights Initiative. A judge granted her petition for a stay of these duties pending a ruling on whether the initiative is contradictory to the California constitution. California Secretary of State Bill Jones joined Renne is seeking the stay. The proposed initiative would allow noncitizens to vote in San Francisco school board elections.

If a call to the Cuyahoga County, Ohio Board of Elections is any indicator, at least one voter may be anticipating voting by telephone or by remote electronic device. A very serious newly registered voter who had completed registration two weeks earlier called the board ask what the holdup was on receiving his pin number. Apparently he had been told that he would be receiving a card with his ward, precinct, and voting location but did not remember exactly what he was to receive.

Jefferson County, Ky. Clerk Rebecca Jackson recently visited Bulgaria as part of a team sponsored by the International Republican Institute. Jackson provided a working group of Bulgarians with a practical summary of the way primary elections are conducted in the United States. Bulgaria has since organized and will hold a presidential primary election in June.



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## DISTRICT OF COLUMBIA JURY CONVICTS ITS FIRST CANDIDATE PETITION FORGER

A District of Columbia Superior Court jury last month found a petition circulator guilty of one count of corrupt election practices. This was the first instance of prosecution for petition forgeries in the District of Columbia since municipal voting was restored to the capital in 1971.

The jury found that Gregory Mitchell falsified the affidavit of the circulator on a petition sheet of signatures that was submitted to the Board of Elections in 1994 to support the candidacy of JePhujunneh Lawrence for the office of Chairman of the Council of the District of Columbia in the November, 1994 general election. The petition was challenged by an opponent. The election board found that signatures on several sheets did not appear to match those on registration records. The matter was referred to the Corporation Counsel.

At the trial a metropolitan police department handwriting expert testified that the signatures on the petition sheet all appeared to be written in the same hand. Mr. Mitchell's signature appeared in the circulator's affidavit where he affirmed that he had witnessed each individual sign the petition. Witnesses whose names were on the petition testified they did not sign the petition.

Three other petition circulators earlier had pleaded guilty to one count of corrupt election practices and will be sentenced May 16.

## ELECTION LEGISLATION INTRODUCED AND ACTION TAKEN

TOPIC	CHIEF SPONSOR, MAJOR BILLS	CONGRESSIONAL ACTION
Repeal or delay of the National Voter Registration Act	Bob Stump, R-Ariz. H.R. 370 Paul Coverdell, R-Ga. S. 91	House Oversight Committee held hearing in July. Prospects for final passage are slim. Enacted. (1-26-96) Continuing Resolution with amendment exempting States with election day registration as of August 1, 1994 from NVRA.
Campaign Finance Reform, limits on PACs, spending, for candidates, committees, other provisions	Tom Daschle, D-S.D. S. 10 John McCain, R-Ariz. S.1219	The House Oversight Committee held several hearings on campaign finance reform. Senate hearings began February 1, 1996. Wide range of options suggested. Agreement still distant.
Amendments to the Uniformed and Overseas Citizens Absentee Voting Act to allow Fax transmission of voting materials and absentee ballots	Bill Thomas, R-Cal. Vic Fazio, D. Cal. H.R. 3058	House Oversight Committee March 12 adopted amendments allowing federal write in ballots for primary and special elections and other procedural changes. House may pass bill but Senate prospects are uncertain.
Official Language Act of 1995 makes English the Official language; repeals Voting Rights Act bilingual mandates	Toby Roth, R- Wis. H.R. 739	Various bills prohibiting bilingual ballots have been introduced. Hearings have been held in House and Senate. Action is expected in House during 1996 but no agreements have been reached on any bill likely to pass.

Bills listed above are those most likely to be acted upon or have the greatest potential impact on state and local election administration. Election related bills not listed above do not appear to have sufficient support to be considered seriously in the near future. Information current as of date of publication. *Changes from previous issue in italics.*

To contact Members of Congress write: Member, House of Representatives, Washington DC 20515  
Member, United States Senate, Washington DC 20510  
Tel. For House and Senate Members or Committees (202) 224-3121

For further information on these or other election related bills  
contact: Election Administration Reports (202) 244-5844