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MEMORANDUM

March 11, 2026

SUBJECT: Meaning of "to the extent possible"
(HCS CSSB 64(FIN); Work Order No. 34-LS0153\R)

TO: Representative Neal Foster
Co-Chair of the House Finance Committee
Attn: Brodie Anderson

FROM: Andrew Dunmire 
Legislative Counsel

Section 8 of the House Finance Committee's CS for SB 64 directs the Division of Elections (division) to adopt regulations to review voter registration records and update the master register. The bill dictates that the division shall gather and examine data from a list of certain resources "to the extent possible."

The House Finance Committee added this phrase to the bill in Draft Version "R," and you asked what legal definition the phrase carries. As far as I can tell, this phrase has no legal meaning. The phrase (or a variation of it, such as "maximum extent possible") is used almost 60 times in the Alaska Statutes.¹ In none of those statutory occurrences is the phrase defined. Neither is it defined in *Black's Law Dictionary*.

Similar to its occurrence in statutes, Alaska's appellate courts have used the phrase without ever defining it. For example, in *Treacy v. Municipality of Anchorage*, the Alaska Supreme Court used the phrase to describe the standard for reviewing legislative enactments: "A duly enacted law or rule, including a municipal ordinance, is presumed to be constitutional. Courts should construe enactments to avoid a finding of unconstitutionality to the extent possible."² The supreme court has repeatedly invoked that standard without defining it.³

¹ For one example, see AS 09.65.305(1) ("A nonprofit organization approved by the department is not liable for distributing recycled used eyeglasses if the eyeglasses are distributed and fitted free of charge and the fitting conforms, to the extent possible, with a written prescription . . .").

² 91 P.3d 252, 260 (Alaska 2004) (footnotes omitted).

³ See, e.g., *Griswold v. City of Homer*, 579 P.3d 1187, 1202 (Alaska 2025) ("We presume that duly enacted municipal ordinances are constitutional, and we construe them to avoid

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If a court is ever required to interpret the phrase as it occurs in this bill, the analysis will begin with assessing its plain meaning.⁴ I have consulted usage guides, English (non-legal) dictionaries, and a thesaurus but cannot find an entry for the phrase. In the absence of any authority, I suspect that a court would interpret it to mean that the division must consult the listed resources to the degree that consulting those resources is possible.

Please call me if you have questions.

ASD:boo

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unconstitutionality to the extent possible. This ordinance is not difficult to understand in the context of the larger zoning code, and Griswold's arguments to the contrary rest mainly on his policy disagreements with the ordinance or minor inconsistencies in word choice. None of these criticisms establishes or even suggests that the ordinance is unconstitutionally vague." (quotations and footnotes omitted)).

⁴ *State v. Planned Parenthood of the Great Nw.*, 436 P.3d 984, 992 (Alaska 2019) ("When interpreting a statute, we consider its language, its purpose, and its legislative history, in an attempt to give effect to the legislature's intent, with due regard for the meaning the statutory language conveys to others. We begin with the text and its plain meaning" (quotations omitted)).