

**ALASKA STATE LEGISLATURE  
HOUSE STATE AFFAIRS STANDING COMMITTEE**

February 15, 2001

8:02 a.m.

**MEMBERS PRESENT**

Representative John Coghill, Chair  
Representative Jeannette James  
Representative Hugh Fate  
Representative Gary Stevens  
Representative Peggy Wilson  
Representative Harry Crawford  
Representative Joe Hayes

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 109

"An Act relating to failure by an election official to execute the voter's certificate on an absentee ballot or by a person authorized by law to execute the voter's certificate on a questioned ballot."

- MOVED HB 109 OUT OF COMMITTEE

HOUSE BILL NO. 110

"An Act relating to driver's licenses and instructional permits; and providing for an effective date."

- HEARD AND HELD

**PREVIOUS ACTION**

BILL: HB 109

SHORT TITLE: VOTING IN PERSON BY ABSENTEE BALLOT

SPONSOR(S): REPRESENTATIVE(S) COGHILL

Jrn-Date	Jrn-Page		Action
02/05/01	0240	(H)	READ THE FIRST TIME - REFERRALS
02/05/01	0240	(H)	STA
02/15/01		(H)	STA AT 8:00 AM CAPITOL 102

BILL: HB 110

SHORT TITLE: SOCIAL SECURITY # & DRIVER'S LICENSES

SPONSOR(S): REPRESENTATIVE(S) COGHILL

Jrn-Date	Jrn-Page		Action
02/05/01	0241	(H)	READ THE FIRST TIME - REFERRALS
02/05/01	0241	(H)	STA, JUD
02/05/01	0241	(H)	REFERRED TO STATE AFFAIRS
02/15/01		(H)	STA AT 8:00 AM CAPITOL 102

**WITNESS REGISTER**

RYNNIEVA MOSS, Staff  
to Representative Coghill  
Alaska State Legislature  
Capitol Building, Room 102  
Juneau, Alaska 99801  
POSITION STATEMENT: Presented HB 109.

GAIL FENUMIAI, Election Program Specialist  
Central Office  
Division of Elections  
Office of the Lieutenant Governor  
Post Office Box 110017  
Juneau, Alaska 99811-0017  
POSITION STATEMENT: Answered questions on HB 109.

CHARLES R. HOSACK, Deputy Director  
Division of Motor Vehicles  
3300B Fairbanks Street  
Anchorage, Alaska 99503  
POSITION STATEMENT: Testified on HB 110.

KEVIN SHORES, Assistant Attorney General  
Human Services Section  
Department of Law  
Post Office Box 110300  
Juneau, Alaska 99811-0300  
POSITION STATEMENT: Testified on HB 110.

**ACTION NARRATIVE**

TAPE 01-13, SIDE A  
Number 0001

CHAIR JOHN COGHILL called the House State Affairs Standing Committee meeting to order at 8:02 a.m. Members present at the call to order were Representatives Coghill, Fate, Stevens, Wilson, and Crawford. Representatives James and Hayes joined the meeting as it was in progress.

HB 109-VOTING IN PERSON BY ABSENTEE BALLOT

Number 0180

CHAIR COGHILL announced the first order of business as HOUSE BILL NO. 109, "An Act relating to failure by an election official to execute the voter's certificate on an absentee ballot or by a person authorized by law to execute the voter's certificate on a questioned ballot."

RYNNIEVA MOSS, Staff to Representative Coghill, Alaska State Legislature, came forward to present HB 109. She explained that during the municipal election last year, a constituent who wanted to vote in the had gone to the city hall in North Pole and cast a questioned ballot. A couple of weeks later, the voter received a letter from the borough clerk's office explaining that his ballot was not counted because it had not been signed by an election official. House Bill 109 deals with questioned ballots and absentee ballots. When people vote questioned or absentee [ballots], they fill out a certification [on an envelope in which the ballot will be enclosed]. State law says if an absentee or questioned ballot is not filled out correctly by the election official, the vote will count. This does not happen often; this is the first time she has heard of it and she has been an election worker since 1970. But because it does happen, the voters should not be punished.

CHAIR COGHILL said that the bill is giving the benefit of the doubt to the voter.

Number 0431

REPRESENTATIVE WILSON asked what a questioned ballot is.

MS. MOSS explained that a questioned ballot is [cast] when a voter votes out of his/her precinct. There is a registered voter list at each precinct, and if the voter is not on that precinct list, he/she cannot be refused the right to vote, but he/she has to vote a questioned ballot, by which the voter certifies that he/she is a registered voter. The ballot goes to [the Division of] Elections and goes through a canvassing

process where it is checked to be sure the voter is registered and then the vote is counted.

REPRESENTATIVE WILSON asked where a voter can vote a questioned ballot.

MS. MOSS replied that a voter can vote at [the polling place for] any precinct. The constituent who voted at the North Pole city hall [and whose vote was not counted] lived in another precinct.

REPRESENTATIVE WILSON wondered if there wasn't anyone at city hall who could have initialed it.

MS. MOSS said the election official is supposed to do so, but during a general election, especially a presidential election, things can get hectic and mistakes can happen.

Number 0569

REPRESENTATIVE STEVENS said the election official didn't do what he/she was supposed to do. He wondered if passing HB 109 would make possible any abuse of the system by someone voting when he/she shouldn't be voting.

MS. MOSS replied that she didn't think so. This [HB 109] basically says if the error is on the part of the election worker, then the vote will be counted. The voter also has to complete the document properly. If an error is the voter's fault, the ballot doesn't count; if the error is the election worker's fault, then the ballot does count.

REPRESENTATIVE FATE asked if there was any chance of abuse of this. For example, if the signature isn't required, is there a chance of [counting] a counterfeit questioned ballot? Could the box be stuffed without the election officials' signatures on [questioned ballots]?

MS. MOSS answered that first of all, the voter has to sign the document for it to be valid. In order to vote a questioned ballot, the voter must show identification. She doesn't see any way to abuse it.

REPRESENTATIVE CRAWFORD asked: If a questioned ballot was found and it wasn't signed by an election official, and the election official said he/she didn't remember [the ballot] and didn't

think it had come through his/her precinct, would it still be allowed even though he/she believed it didn't belong there?

MS. MOSS explained that the questioned ballots are brought before a canvassing board, and if an election worker felt that an envelope had been placed in the ballot box improperly, that would be dealt with by the canvassing board.

REPRESENTATIVE STEVENS said the purpose of the election official's signature is to show that he/she has looked at the identification. [Otherwise,] how would the canvassing board know that that person had the proper identification?

MS. MOSS replied that the canvassing board would have to deal with [such questions], and if it came to the point of having to call the election worker to the canvassing board and interviewing that worker, there is a process for doing that.

REPRESENTATIVE STEVENS said that gets back to Representative Crawford's question about putting the responsibility on someone's memory.

MS. MOSS explained that precincts are close-knit. Election boards are [made up of] very responsible people. Most of the election board people work 20-25 years; they know everybody in the precinct; they have very good memories. The purpose of this bill is to protect an individual's right to vote.

CHAIR COGHILL explained that positive identification and a signature [are required of] the voter. If, inadvertently, the date was not properly put on or the signature block wasn't signed properly by the election official, HB 109 is saying that the voter still voted properly, in good faith, and "we" messed up. Chair Coghill added that he is not trying to "lift the lid" on any fraud opportunity.

REPRESENTATIVE WILSON expressed her reluctance on this issue because it might open.

Number 1009

GAIL FENUMIAI, Election Program Specialist, Central Office, Division of Elections, Office of the Lieutenant Governor, came forward to answer questions. She explained the questioned ballot process. If somebody votes out of precinct and his/her name is not on the precinct register, at that time he/she would then be asked to vote a questioned ballot because everybody has

the right to vote. The other reason somebody would vote a questioned ballot is if he/she did not have identification or was not personally known by an election worker at that precinct. The questioned ballot envelope has the same information [on it] that is required on a voter registration form. If that person is not registered at the time, he/she ... would then be registered by completing that envelope. Information the voter provides includes: Name, residence address, a mailing address, the city lived in, and optional information such as place of birth, date of birth, and Social Security number. She said about 95 percent of the people provide that information plus his/her signature and also the signature of the election official. When somebody votes a questioned ballot, he/she also signs a questioned register at the precinct, which is another tool precinct workers use in the ballot accountability [procedure] at the end of the night. The register is used to verify the number of questioned ballots.

MS. FENUMIAI explained there is a tight ballot accountability process that [is followed] at the end of the evening. The election workers must account for every ballot that they had when the polls opened at 7 a.m., every ballot issued, and every ballot that has been spoiled, until 8 p.m. The questioned ballot is contained in an envelope and goes to the regional election office that has jurisdiction for the House district in which that ballot was cast, and [the questioned ballot is] reviewed by a bipartisan board that checks to see if the person was registered, based on the information provided on that envelope. Signatures also are examined. If the person is registered to vote based on the information provided on the envelope, the eligibility of the right to have voted that ballot is then determined. If the residence address is still the same as what appears on the voter registration system, then the voter just voted "out of precinct" but not "out of district," and it would be a "full count ballot." If the residence address is changed and the person is voting out of district, then it is a "partial count ballot," which means certain portions of the ballot would count. [Votes on] statewide issues would count for everybody as long as the voter was registered 30 days before the election. If the voter moves from House District 12 to House District 13 and he/she voted in House District 13, the House District portion would not count unless that change of address had been made 30 days prior to the election.

MS. FENUMIAI noted there are good checks and balances in place to see if people are trying to abuse the system, and it just doesn't happen. Everybody that signs a precinct register on

election day establishes a "voter history" that goes into the voter registration data base. It is flagged in the system that the individual voted in person. When the review board reviews absentee and questioned ballots, if they find somebody who had already voted in person, a flag goes up ... and further investigation is done. If it turns out the voter voted twice, the second ballot is not counted and the voter's name is sent to the Department of Law.

CHAIR COGHILL asked, "If a person voting a questioned ballot doesn't sign it or fails to complete the paperwork in the mandatory area, would the vote still count?"

MS. FENUMIAI said it would be rejected because the voter didn't provide sufficient information.

CHAIR COGHILL said that if the voter does everything right, but there is an inadvertent mistake on the election official's part, the voter's vote still counts; [that] is where this bill is trying to go.

MS. FENUMIAI agreed. She gave some statistics from the last general election. There were only two absentee in-person ballots and one questioned ballot statewide that were rejected for this reason. If the voter has done everything in his/her power to do it right, if it was an election official's error, she does not want to see the voter penalized. It happens very rarely.

CHAIR COGHILL explained that he introduced the bill not to highlight a major error, but many things come down to one vote and he wants to make sure that the voter has the benefit of any doubt.

REPRESENTATIVE STEVENS agreed that made sense, but if the signature is not needed in this case, why is there ever a reason?

MS. FENUMIAI said they would still like to have it because the only way to get a questioned ballot or absentee in-person ballot is to get it from an election official. It is another safeguard. It helps to protect the validity of that ballot being cast. She said she doesn't think he would want witnessing to go away altogether. If no witnessing was required, there might be more opportunity for potential abuse of the system.

Number 1522

REPRESENTATIVE WILSON asked if there were only two questioned ballots this [last] time, how many would there have to be before the Division of Elections would think it was unusual enough to check.

MS. FENUMIAI replied that if an election official didn't sign about 15 [of the questioned ballots], the Division of Elections would be concerned that it had not done a good job in training those people. She thinks that in past court cases, the Division of Elections has been advised that if there is an error on the part of the election official, the division should rule in favor of the voter.

Number 1582

CHAIR COGHILL noted that Representative James had joined the committee meeting.

Number 1619

REPRESENTATIVE JAMES asked if [when handling] absentee military votes, the Division of Elections pays attention to the date stamp or the date the voter signed the ballot. She said she was concerned because many military personnel have no control over when mail is posted and much military mail does not have a postmark on it.

MS. FENUMIAI said the Division of Elections does look at the postmark to see that the ballot was postmarked on or before election day, and the ballot has to be received within so many days after the election in order to be counted.

REPRESENTATIVE JAMES asked if they ever get military ballots from overseas that do not have a postmark.

MS. FENUMIAI did not know.

REPRESENTATIVE JAMES said all the mail she had received from her husband when he was in military service came without a postmark. That was a long time ago, and she wondered what the situation is now. She has heard concern from military personnel that they have no control over when mail is posted when they are at sea or on a mission.

MS. FENUMIAI said "special advance overseas" ballots are sent 60 days in advance to military personnel who are going to be out of

the state at election time. She does not recall seeing one [come back] that did not have a postmark, but she remembers seeing a lot of federal FPO and APO postmarks with the dates on them.

Number 1774

REPRESENTATIVE STEVENS asked if the question [addressed by HB 109] could be approached from the other direction, by making sure that no ballot gets through without a signature. He asked how the signing takes place and what the procedure is.

MS. FENUMIAI said when a voter goes to a polling place ... to vote a questioned ballot, the election official gives the voter an envelope to fill out, the voter returns it to the election official, and [the official] signs the envelope. The voter signs the questioned register, which is supposed to already have a signature on it from the official at the start of business that day. The voter then takes the ballot into the voting booth, returns it to the official, and puts it inside the envelope. Then [the envelope] is put into a special bin in the ballot box, which at the end of the night is taken out, counted to go through the ballot accountability process, then delivered to the regional office on election night for review.

REPRESENTATIVE STEVENS asked, "Then it never goes through the Accu-Vote System? At the polling place, [the voter] goes back to the official and that's when the voter signs it, or has the voter already signed the form by that time?"

MS. FENUMIAI said the voter signs the envelope when completing the information on the envelope.

REPRESENTATIVE STEVENS asked, "So you take it back to the voting official and that's when they sign it, after the voter has completed it?"

MS. FENUMIAI replied, "Yes, and the ballot is sealed in that envelope. It does not go through the precinct tabulator until it has been reviewed by the [election] board.

Number 1888

REPRESENTATIVE CRAWFORD recalled that in the election in 1996, before the Accu-Vote System, in one of his precincts, the number of questioned ballots that were put out and the numbers that were received didn't match. "We never did find out exactly why

that was, and I lost my first election by 18 votes, and I was really concerned. Can you give me an idea what might [have happened] to those questioned ballots?"

MS. FENUMIAI offered her "best guess," saying that a ballot instead of being returned to the election official to be put in the envelope may [instead] have been put directly into the ballot box. She said that happens on rare occasions, and might have happened in 1996.

Number 1992

CHAIR COGHILL wondered if with the new Accu-Vote System, that "would put a money wrench in the works" by [the ballot] not going into the Accu-Vote machine.

MS. FENUMIAI said the ballot could still go into the machine because [those people voting questioned ballots] vote on the same kind of ballot as a person who sign the precinct register. The election officials are sitting there and they try to watch who takes a questioned ballot and tell the voter to come back to the table to put the [questioned] ballot inside [the envelope], and then the envelope is sealed.

Number 2000

CHAIR COGHILL asked how many people voted in the last general election.

MS. FENUMIAI estimated about 227,000.

CHAIR COGHILL asked, "We had three mishaps?"

MS. FENUMIAI replied, "Yes."

CHAIR COGHILL said he was not trying to change the world, but just trying to give the benefit [of doubt to the voter on] that very, very rare occasion [when a volunteer election official makes a mistake].

MS. FENUMIAI said statewide, there were 61,000 people who voted [absentee], and two ballots were rejected for that reason.

CHAIR COGHILL said if he'd lost by one vote, and known that his vote, "was the one that wasn't counted but would have made the difference ...[laughter] .... That's where we're trying to get."

Number 2068

REPRESENTATIVE JAMES moved to report HB 109 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 109 was passed out of the House State Affairs Standing Committee.

HB 110-SOCIAL SECURITY # & DRIVER'S LICENSES

Number 2089

CHAIR COGHILL announced the next order of business as HOUSE BILL NO. 110, "An Act relating to driver's licenses and instructional permits; and providing for an effective date."

CHAIR COGHILL explained that HB 110 is simply saying that a person's Social Security number will not be printed on the face of that person's driver's license. The person will still have to give the Social Security number when applying for a license.

Number 2154

RYNNIEVA MOSS, Staff to Representative Coghill, came forward to testify. She began by noting that the sponsor had considered including a provision related to people who have rescinded their Social Security number. However, after being advised by Social Security officials that no numbers have been rescinded, the sponsor chose not to address that issue.

MS. MOSS explained that HB 110 conforms to the federal requirement but goes no further. The federal requirement is that a person applying for a driver's license must either provide his/her Social Security number or sign an affidavit that he/she does not have one. Compliance with the federal requirement means HB 110 poses no threat of losing federal funds.

Number 2216

CHAIR COGHILL added that the Social Security number is required on a commercial driver's license, and HB 110 does not affect that. He then noted that HB 110 says, "A license may not display," so that a person who wants the number displayed can have that option.

MS. MOSS said there had been discussion about the use of a driver's license as identification when applying for a hunting or fishing license or when cashing a check. A driver's license

is shown to many people in a lifetime, and [not displaying the Social Security number on the face of the license] is just a matter of privacy.

CHAIR COGHILL said privacy is one of the main reasons he introduced HB 110. The continuing trend toward using the Social Security number as a main identifier is something that he has resisted, and he thinks HB 110 is a good move [to protect privacy in relation to that trend].

Number 2283

REPRESENTATIVE HAYES asked if a driver's license currently has the person's Social Security numbers on it.

CHAIR COGHILL replied that the number now is "right on the face of the license."

Number 2309

REPRESENTATIVE JAMES spoke in support of HB 110, noting that there is even a larger exposure. She said it is distressing to her to hear the Social Security number read over the police scanner when a driver has been stopped. She spoke of the danger of [identity theft], an unauthorized person's use of another person's identification, and related a personal anecdote involving a check for \$4,600 that an unknown person cashed using her account number.

CHAIR COGHILL noted that the threat is probably greater now than in the past.

Number 2463

REPRESENTATIVE STEVENS shared the sponsor's concerns, but asked if HB 110 would in any way impact police in a negative way or "hamstring the legal system."

CHAIR COGHILL didn't think so based on contact with Public Safety officials.

MS. MOSS referred to a discussion with Del Smith, Deputy Commissioner of Public Safety, related to a complaint about Social Security numbers being broadcast on the police radios. Mr. Smith told officers not to do so, and to call the police dispatcher via telephone if the number was needed to establish identity.

CHAIR COGHILL added that there is a driver's license number, which he much prefers to use as an identifier. The driver's license number gives police access to other information, including the person's Social Security number. The combination of the license number and the photograph is sufficient for identification.

Number 2579

REPRESENTATIVE CRAWFORD asked if there was any reason police would need a Social Security number if they had a person in custody.

MS. MOSS said the Social Security number is on file with the Department of Motor Vehicles (DMV), and that the information is readily available to police.

Number 2611

REPRESENTATIVE HAYES wondered what would happen if a police officer needed that information at 2 a.m. and couldn't telephone DMV. He shared the concern about possibly hindering the legal system.

MS. MOSS said she didn't think being without a Social Security number at 2 a.m. would hinder prosecution. "It's not an ID; your driver's license is an ID."

CHAIR COGHILL again emphasized that the driver's license number is the key to the other information.

Number 2655

REPRESENTATIVE CRAWFORD asked how police determine if a person has outstanding warrants in other states. "Do they use the Social Security number to track that or do they use the driver's license number? It seemed to him that the number of a driver's license issued in Alaska wouldn't lead back to records in other states.

CHAIR COGHILL said that a valid Alaska driver's license would serve as the key to the other information, and there are other ways of identifying a person who does not have a driver's license.

Number 2709

REPRESENTATIVE WILSON requested clarification that the only effect of HB 110 would be that the next time she renewed her driver's license, the new license would not have her Social Security number on it.

MS. MOSS added that it would remain an option: a person who requested it could have the Social Security number put on the license.

REPRESENTATIVE WILSON asked if DMV still was going to ask her for her Social Security number.

MS. MOSS deferred that question to the next witness.

Number 2740

CHARLES R. HOSACK, Deputy Director, Division of Motor Vehicles, testified by teleconference. He testified that Section 1 of HB 110 mirrors DMV's current policy: the Social Security number is required to get a driver's license, and a person who does not have a Social Security number can provide an affidavit to that effect. Current administrative policy simply is put into statute by HB 110.

MR. HOSACK noted that Section 2 of HB 110 would change current practice because it says the license "may not" display a Social Security number. Those words mean that DMV does not have permission to put the number on the license. Currently, the DMV retains that option. "If the person doesn't object, we print it on there. If they do object, we just suppress the printing. So what we'll do with Section 2 is we'll just suppress the printing of all Social Security numbers on noncommercial licenses."

Number 2803

MR. HOSACK volunteered some information in response to Representative Hayes' question about whether HB 110 will affect law enforcement. Mr. Hosack explained that the information in DMV files is available to all state troopers and, all city police. Whenever an officer calls the police dispatcher, the dispatcher can use the computer to access the DMV information 24 hours a day, seven days a week. If a person has an out-of-state license, law enforcement also has access to a national telecommunications network that allows them to check licenses or information from other states. They can either go to a

particular state or they can do a 50-state broadcast. This would bring back any information on wants or warrants.

Number 2855

REPRESENTATIVE JAMES asked if HB 110 would create any type of problem for an officer stopping somebody who had a record or an outstanding warrant.

MR. HOSACK said it would not. The Social Security number is down in about fourth or fifth place among identifiers that officers use. It is an additional piece of information, but they already have that information accessible on the computer system. He thought there might be a problem with using the driver's license for commercial transactions, such as cashing a check.

Number 2922

REPRESENTATIVE JAMES related an experience her husband had had when he lost his billfold with both his driver's license and his Social Security card in it. She cautioned that people should not carry both of them because those two pieces of identification can be used for identity fraud.

CHAIR COGHILL said that is one of the reasons he does not think people should use the Social Security number for identification purposes.

Number 2979

REPRESENTATIVE FATE asked ...

TAPE 01-13, SIDE B

REPRESENTATIVE FATE asked if the Social Security would play an important role in tracking a forgery.

MR. HOSACK replied that although DMV requires that license applicants provide a Social Security number, in most cases, DMV does not verify that number. Only recently has the Social Security Administration allowed states to verify that information, and it is a "cumbersome hookup."

REPRESENTATIVE FATE then surmised that not having a Social Security number on the face of the driver's license really wouldn't make much difference in an investigation of a forgery.

MR. HOSACK confirmed that [having the number on the license] would not make much difference because it is "very difficult to get an accurate verification from [the] Social Security Administration."

Number 2873

KEVIN SHORES, Assistant Attorney General, Human Services Section, Department of Law, explained that he works in the Child Support Enforcement Division.

CHAIR COGHILL asked if not having a Social Security number on the face of the driver's license would have any major effect on Mr. Shores' area of purview.

MR. SHORES testified that the Child Support Enforcement Division (CSED) does not have any problem with HB 110. The requirement in federal law is very clear that every state child support agency must have access to that Social Security number. It is important to be able to track people in other states because Social Security numbers would appear in divorce, domestic relations documents, death certificates. But federal law also is clear that the number just has to be on the application material. He said CSED would access the information in much the same way as would a police dispatcher, through DMV records that include the Social Security number.

Number 2832

REPRESENTATIVE WILSON asked if it is true that people are required to carry their Social Security card at all times.

CHAIR COGHILL thought that was a federal question that would need to be answered by someone from the Social Security Administration.

Number 2698

REPRESENTATIVE JAMES mentioned that she recently found the old, hand-typed Social Security card she was issued when she changed her name by marriage. At the bottom, it says, "Not to be used for identification purposes."

Number 2778

REPRESENTATIVE HAYES offered a conceptual amendment: "On page 2, Line 16, I would like to change the 'may' to 'shall'" so that DMV could put the Social Security number on a driver's license or not do so, according to the licensee's request.

CHAIR COGHILL objected for purposes of discussion.

MR. HOSACK commented that the way the bill is written, the "may not" has the effect of "shall not," and means DMV cannot display the Social Security number. Current practice is that it is at the licensee's option, and if the licensee objects, DMV suppresses the printing of the number.

REPRESENTATIVE HAYES asked how to go about maintaining the option that is currently in place. He was concerned that HB 110 would take away the licensee's option.

CHAIR COGHILL said the "shall not" would assure that option.

Number 2698

REPRESENTATIVE JAMES objected, "only because ... if you're not consistent in what you do, you open the door for error." She noted that applicants for a vehicle license have the option to keep their license information from being given out other than for official use. She wondered how many people have signed and said they don't want to do that. Because the licensee has to object, that licensee may not even be aware that the option exists.

Number 2652

REPRESENTATIVE CRAWFORD noted that in his job as an ironworker, he is employed by many different contractors in the course of a year, sometimes for only two or three days at a time. Each time he has to sign the paperwork to get a new job, he has to present two forms of identification to show that he is not an illegal alien. One of those is his driver's license with the Social Security number on it and the other is his Social Security card. He wondered if not having the Social Security number on the driver's license would make it insufficient identification for that purpose.

CHAIR COGHILL said a person will not get a driver's license without providing a Social Security number on the application, so anyone seeing the driver's license will be assured that the holder has citizenship and can be identified positively.

MR. HOSACK said that is correct. He noted that Social Security will not allow DMV to issue a driver's license number to a foreign alien who is in the country and does not have work status, but there is nothing on the face of the driver's license to indicate that is the case.

CHAIR COGHILL surmised that if the [applicant for a job] is required to have two pieces of identification, then the person's not having work status would become apparent.

MR. HOSACK said aliens who have work status usually produce other identification, such as a passport and a [work] status card issued by the U.S. Immigration and Naturalization Service.

CHAIR COGHILL said that further makes his point that he doesn't want the Social Security number to be the main identifier. The fact that the person who holds a driver's license has his/her picture on it and makes a sworn affidavit when making application for the license would be sufficient for him.

Number 2505

REPRESENTATIVE STEVENS observed that the discussion had been very interesting and he appreciates that. However, he was "still looking for some definitive comment from either ... [the Department of] Public Safety or from the attorney general's office saying that this in no way causes them any difficulty in finding convicted felons ... or causes them any problems."

CHAIR COGHILL said he didn't think to get the Department of Safety to testify because the driver's license number provides access to a complete ID check, the DMV records.

REPRESENTATIVE STEVENS appreciated what Chair Coghill was saying but said he wanted to hear someone in an official position "absolutely say, 'This does not cause us any trouble.'"

CHAIR COGHILL volunteered to delay action on HB 110 in order to get that assurance.

Number 2422

REPRESENTATIVE HAYES didn't understand why the applicant for a driver's license couldn't just check whether he/she did or didn't want the Social Security number to appear on the driver's license. He didn't understand "why we are taking that option

away from everybody for the sake of some people who understandably might not want their Social Security number on their license."

CHAIR COGHILL noted that there was backup material with his sponsor statement, "using the Social Security number as more important than the picture-positive ID, and the fact that Social Security numbers have been used in identity theft so much in our society, I think it would be wise for us not to have that on the face of the driver's license .... That is the whole purpose for this. If the Social Security number becomes the main issue on having a driver's license, then I think we have gone 'way too far in the wrong direction."

REPRESENTATIVE HAYES understood what Chair Coghill was saying, but, "You're taking the option away from me, Joe Citizen. That's why I'm curious why not just have one application...."

CHAIR COGHILL wasn't sure he wanted to debate it at this time, but acknowledged that a person was free to give his/her Social Security number to anyone he or she wants. "I'm just asking let's not put it on the driver's license."

Number 2320

REPRESENTATIVE FATE thought the main question was whether or not there is an impediment to a quick identification of criminals. If there is an option, then that option has not been exercised in the past. I didn't seem to him that the driver's license itself as shown to the officer "would have that much of a play in determining criminality until such time as they was called in and his application and his other records are looked at in the computer."

Number 2216

MR. HOSACK was reluctant to speak for the Department of Public Safety, but he knew the information on the DMV computers is available to Public Safety. The officer who actually makes the stop will be looking at the person's license and the picture of the person on it. "He will have the driver's license numbe,. even if [the license] doesn't have the Social Security number. In most cases, they will call that in to a dispatcher if they have radio access, and the dispatcher will confirm that yes, this information is correct, just in case a person has a completely phony license.... That dispatcher will also have the

Social Security number that's recorded on the computer file, even if it isn't printed on ... [the face of the license]."

REPRESENTATIVE FATE said that partially answered his question. The other part of the question was the immediate identification of the criminal through the driver's license relative to having or not having a Social Security number on it.

Number 2120

MS. MOSS explained that the Social Security number is accessible to a state trooper through the computer. Regarding the option portion of the issue, "The problem today is that a person applying for a driver's license doesn't know that [not having the Social Security number on the face of the license] an option. They think it's required."

Number 2103

REPRESENTATIVE HAYES rescinded his amendment, but reaffirmed that he thinks there should be a place on the application where the applicant can check off whether or not he/she wants the Social Security number on the license, or a that a notice about that option should be posted in the DMV office.

CHAIR COGHILL agreed with Representative Hayes except for the fact that he does not want to see the Social Security number on the face of the driver's license. "The ... reason is not just the choice of the individual, but ... putting it in a position where it could be misused."

Number 2060

REPRESENTATIVE JAMES wished Deputy Commissioner Del Smith of the Department of Public Safety could testify. She also said she was convinced that HB 110 "wasn't going to do a thing to change the [impressive systems for] identification of the person" that are now available to the Department of Public Safety. "I'm perfectly comfortable that with the driver's license number, they have all they need to know."

Number 1963

REPRESENTATIVE JAMES observed, "I believe we're making a statement here that the government of Alaska doesn't have a right to right to utilize your Social Security number for this purpose.... this is not a good government policy." She said she

thinks it is true that a lot of people do not know what their options are.

Number 1915

CHAIR COGHILL requested an amendment to correct a drafting error in HB 110 on Page 2, Line 24. Chair Coghill wished to delete the July effective date and to make the act effective immediately.

Number 1883

REPRESENTATIVE HAYES objected for purposes of discussion.

REPRESENTATIVE WILSON said she did not have an objection, but thought DMV probably needed some time to make the change.

CHAIR COGHILL said any time an immediate change is made, the [agency involved] just begins the process of making the change.

MS. MOSS reminded the committee that the policy already is in effect and would require no change.

REPRESENTATIVE HAYES withdrew his objection.

Number 1830

REPRESENTATIVE STEVENS said he appreciated the discussion so far, and "if everything that has been said is true, then I have no problem with this [HB 110]. But I just think it's an error not to have direct contact with either the attorney general's office or [the Department of] Public Safety. I'd like to hear absolute confirmation from them that this causes them no difficulty." He asked if there was any reason why action could not be delayed until that could be obtained.

CHAIR COGHILL said, "We are in no big hurry."

MS. MOSS pointed out that the State Affairs Standing Committee is primarily a policy committee and that HB 110 next will go to the House Judiciary Standing Committee. She volunteered to make sure that Deputy Commissioner Smith was present to answer questions in the Judiciary Committee meeting.

CHAIR COGHILL asked the preference of the committee.

Number 1759

REPRESENTATIVE STEVENS said if there was no reason to hurry, he would really like to be assured before voting.

CHAIR COGHILL replied, "That's what we'll do." He volunteered to ask the Department of Public Safety to answer the question that had been raised about quick and effective criminal identification.

CHAIR COGHILL stated that action on HB 110, as amended, would be deferred to a later meeting.

REPRESENTATIVE STEVENS expressed appreciation for the chair's holding HB 110 until all concerns could be answered.

CHAIR COGHILL said he would try to arrange for the Department of Public safety to testify on HB 110 on February 20.

[HB 110 was HEARD AND HELD.]

#### **ADJOURNMENT**

Number 1655

CHAIR COGHILL adjourned the meeting of the House State Affairs Standing Committee at 9:15 a.m.