

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**

February 8, 2005

8:38 a.m.

**MEMBERS PRESENT**

Senator Ralph Seekins, Chair  
Senator Charlie Huggins, Vice Chair  
Senator Gene Therriault  
Senator Hollis French

**MEMBERS ABSENT**

Senator Gretchen Guess

**COMMITTEE CALENDAR**

SENATE JOINT RESOLUTION NO. 1

Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit.

HEARD AND HELD

SENATE JOINT RESOLUTION NO. 4

Proposing amendments to the Constitution of the State of Alaska relating to the budget reserve fund and to uses of money in the general fund available for appropriation at the end of each fiscal year; and providing for an effective date for the amendments.

HEARD AND HELD

SENATE BILL NO. 36

"An Act relating to applications requesting the delivery of absentee ballots by mail."

HEARD AND HELD

SENATE BILL NO. 65

"An Act relating to certain weapons offenses involving minors; to aggravating factors in sentencing for certain offenses committed against a school employee; and providing for an effective date."

MOVED CSSB 65(JUD) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SJR 1

SHORT TITLE: CONST. AM: APPROPRIATION LIMIT

SPONSOR(s): SENATOR(s) DYSON

01/11/05 (S) PREFILE RELEASED 12/30/04  
01/11/05 (S) READ THE FIRST TIME - REFERRALS  
01/11/05 (S) JUD, FIN  
02/08/05 (S) JUD AT 8:30 AM BUTROVICH 205

BILL: SJR 4

SHORT TITLE: CONST AM: BUDGET RESERVE FUND

SPONSOR(s): SENATOR(s) DYSON

01/26/05 (S) READ THE FIRST TIME - REFERRALS  
01/26/05 (S) JUD, FIN  
02/08/05 (S) JUD AT 8:30 AM BUTROVICH 205

BILL: SB 36

SHORT TITLE: ABSENTEE BALLOT APPLICATIONS

SPONSOR(s): SENATOR(s) THERRIAULT

01/11/05 (S) PREFILE RELEASED 1/07/05  
01/11/05 (S) READ THE FIRST TIME - REFERRALS  
01/11/05 (S) STA, JUD  
01/20/05 (S) STA AT 3:30 PM BELTZ 211  
01/20/05 (S) Heard & Held  
01/20/05 (S) MINUTE(STA)  
02/01/05 (S) STA AT 3:30 PM BELTZ 211  
02/01/05 (S) Moved CSSB 36(STA) Out of Committee  
02/01/05 (S) MINUTE(STA)  
02/02/05 (S) STA RPT CS 3DP 1NR NEW TITLE  
02/02/05 (S) DP: THERRIAULT, WAGONER, HUGGINS  
02/02/05 (S) NR: ELTON  
02/08/05 (S) JUD AT 8:30 AM BUTROVICH 205

BILL: SB 65

SHORT TITLE: OFFENSES BY MINORS/AGAINST TEACHERS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/19/05 (S) READ THE FIRST TIME - REFERRALS  
01/19/05 (S) JUD, FIN  
01/26/05 (S) JUD AT 8:30 AM BUTROVICH 205  
01/26/05 (S) Heard & Held  
01/26/05 (S) MINUTE(JUD)

**WITNESS REGISTER**

Senator Fred Dyson  
Alaska State Capitol

Juneau, AK 99801-1182

**POSITION STATEMENT:** Sponsor of SJR 1 and SJR 4.

Lucky Shultz

Staff to Senator Dyson

Alaska State Capitol

Juneau, AK 99801-1182

**POSITION STATEMENT:** Commented on SJR 1 and SJR 4.

Bruce Hansen

Legislative Finance

Alaska State Capitol

Juneau, AK 99801-1182

**POSITION STATEMENT:** Commented on SJR 4.

Dave Stancliff

Staff to Senator Therriault

Alaska State Capitol

Juneau, AK 99801-1182

**POSITION STATEMENT:** Commented on SB 36 for sponsor.

Annette Kreitzer, Chief of Staff

Office of the Lieutenant Governor

PO Box 110015

Juneau, AK 99811-0015

**POSITION STATEMENT:** Supported SB 36.

Laura Glaiser, Director

Division of Elections

Office of the Lieutenant Governor

PO Box 110015

Juneau, AK 99811-0015

**POSITION STATEMENT:** Commented on SB 36.

#### **ACTION NARRATIVE**

**CHAIR RALPH SEEKINS** called the Senate Judiciary Standing Committee meeting to order at [8:38:38 AM](#). Senators French, Huggins, Therriault and Chair Seekins were present.

#### **SJR 1-CONST. AM: APPROPRIATION LIMIT**

CHAIR SEEKINS announced SJR 1 to be up for discussion.

SENATOR FRED DYSON, sponsor, said that SJR 1 and SJR 4 are a "matched pair and need to go forward together." SJR 1 is a significant improvement over the resolution introduced last

year, but it raises some profound public policy issues that need to be discussed at length. He explained the state has had a constitutional spending cap since 1981 that has proved to be ineffective. It was not based on appropriations or actual spending. The limit could go up as high as \$6 billion at this point.

SJR 1 multiplies the two escalators, population growth and consumer price index (CPI), instead of adding them. Although this method makes a very small difference, experts say it's a wiser and more economically sound way to go. It also limits debt service to 6% of GF funding, an idea copied from the California Legislature. Debt service in Alaska now approaches 10% and limiting the state's ability to increase indebtedness and the resulting debt service at a key time in the state's development is a judgment call for the Legislature. He explained that the California Legislature was concerned about incurring future debt and the resulting debt service payments that become a huge component in a budget. He left the 6% number in as a starting point, but was not convinced it is the best for Alaska.

[8:44:01 AM](#)

SENATOR DYSON said SJR 1 contains a better definition of "emergency." Also, he realized the legislature wanted to define what happened to excess revenues and repay the constitutional budget reserve (CBR). Legislative Legal and Research Services says leaving those provisions in a spending limit bill leaves the state open to the challenge of it not being single-purpose legislation. To remedy that, he has proposed Amendment 1, which strips the CBR deposit provision out of SJR 1.

SJR 4 covers what happens with the CBR and excess money. It sets a prudent cap on the CBR at \$5 billion, which experts say is a good number to have in the fund to take care of extraordinary events or shortfalls. Experts say having funds available to cover the financial peaks and valleys is very wise. SJR 4 provides that excess revenues will go into the CBR until the amount reaches \$5 billion. After that, 50% goes into the Permanent Fund principal, 25% goes to citizens in the form of dividends and 25% goes to deferred maintenance. In two years, escalators will end up being in the \$70 million to \$80 million category with present assumptions of CPI and population growth.

[8:48:19 AM](#)

SENATOR DYSON said Amendment 1 to SJR 1 provides for emergencies, but also for extraordinary events, i.e., more money if the gas pipeline goes forward.

[8:49:12 AM](#)

SENATOR DYSON reviewed the sectional analysis as follows.

Lines 4-5 on page 1 repeal the existing limit and replace it with the new appropriations limit.

Lines 6-8 define what the base is and bases it on the actual amount appropriated in the preceding fiscal year as opposed to a cumulative escalation.

Lines 10-11 keep the limit for the annual percent change in line with the population and the CPI, but the CPI limit can't go up more than personal income.

[8:51:33 AM](#)

SENATOR DYSON explained that the requirement for providing public services is ongoing and this formula multiplies, instead of adds, the two escalators. Deflation seldom impacts the cost of providing state services for a long time and the population is increasing. SJR 1 is not in lock step with the CPI and that is another policy call.

[8:53:08 AM](#)

Language on page 2, lines 11-29, is from last year's resolution. It takes enterprise-type state activities out from under the cap and doesn't force a reduction in state spending if there is an increase in revenue in another area.

Line 12 on page 3 requires the commissioner of the Department of Revenue to provide quarterly reports on expenditures and revenues.

If Amendment 1 is adopted, line 20 on page 4 will be removed and covered in SJR 4. Line 14 addresses a special session. If spending exceeds the cap or if a significant change in revenue occurs, a special session would be required. If the governor and the legislature can't resolve the spending issues, both of them lose their salaries after 10 days, which was taken from the California law.

Page 5, lines 8-20, contain the 6% debt service provision. Lines 23-30 create a smooth transition to the new spending limit.

Amendment 1 deletes language relating to constitutional budget reserve (CBR).

[8:56:36 AM](#)

SENATOR THERRIAULT referred to the language on page 3, lines 30-31, and asked if a shortfall occurs and the Legislature must expend money out of CBR, why that wouldn't count in the next year's base if it just makes the funding level.

MR. SHULTZ explained that is part of the CBR language that will be deleted with Amendment 1.

[8:57:53 AM](#)

CHAIR SEEKINS asked how percentage shifts with federal funding could affect the spending limit.

MR. SHULTZ directed him to the exemptions on page 2, line 21, that exempt federal funds from the cap.

CHAIR SEEKINS asked if the state has to pick up a larger percentage if there is a reduction in federal funds and whether SJR 1 makes it clear that would be an increase that would not otherwise have to be approved.

MR. SHULTZ indicated yes.

[8:58:46 AM](#)

SENATOR THERRIAULT disagreed and was concerned if the federal government is going to give the state millions less, the state would have to "eat that."

CHAIR SEEKINS said that is what he is trying to figure out.

SENATOR THERRIAULT said he thought if federal funding goes up, the state could spend those funds.

CHAIR SEEKINS countered, "But if they go down, the state eats it?"

MR. SHULTZ said that Senator Therriault is correct.

8:59:31 AM

SENATOR FRENCH said one of his concerns is that Alaska has enjoyed federal largesse due to Senator Ted Stevens who has defended the state against Washington, D.C. attacks because Alaska's infrastructure is behind other states. And now SJR 1 freezes state funding in place and a time may come when there are still great needs, but not as many federal dollars.

CHAIR SEEKINS responded that needs to be clarified.

9:01:15 AM

SENATOR DYSON said SJR 1 does not limit the amount of money the state can spend when other revenue sources are coming in and it does not mandate that the state continue a certain level of effort. But it does provide a significant incentive to find out-of-the-box ways to provide for Alaskans. This could limit the amount of services because it limits the amount that can be spent from the general fund to meet those needs. Most jurisdictions find that a tax cap forces government to look for alternative ways to meet public needs.

9:02:55 AM

CHAIR SEEKINS mused that they come to the state to ask for money and then that forces the state to go to the federal government.

SENATOR DYSON said he asked Arliss Sturgulewski last spring what the thinking was behind the Permanent Fund and was it a return on investment to the people of Alaska for expenditure of its resource or as a way to fund an endowment that would support the cost of government when the oil fields decline. Ms. Sturgulewski answered that it was a mechanism to get the money off the table so that one generation of Alaskans couldn't spend all of it. It was a way to preserve money for future generations.

SENATOR DYSON said he believed oil prices would be \$30 in the foreseeable future, with gas at over \$5, providing steady revenues to the state. This is an attempt to be disciplined and wise and not waste this significant revenue stream.

9:05:18 AM

His understanding of the Statehood Act is that the founding fathers anticipated that frontier areas would trade natural resources for infrastructure for a long time. The U.S. Senate

was afraid Alaska could not support itself and would be a drain on federal coffers. Alaska is in the process of trading natural resources for infrastructure and services. Eventually Alaska will have a large enough tax base that it won't be so dependent on the expenditure of its natural resources. This is an attempt to smooth out spending and investment for the long haul and create long-term economic stability.

[9:07:29 AM](#)

CHAIR SEEKINS said the many variables that can affect the amount of money that comes in from natural resources and other sources like the federal government need to be clear. If a cap is in place, an unavoidable consequence might be to shift funding from one place to another or change the threshold for the qualification limit.

[9:09:29 AM](#)

SENATOR DYSON said 80% of the State of Idaho's budget is spent on education and health and human services. Soon it will have to make a choice between the two. Those two areas tend to be formula-driven in both Idaho and Alaska. A spending limit will force the Legislature to make tough decisions in those two areas.

[9:10:43 AM](#)

CHAIR SEEKINS said a legislator from Colorado told him that this year the state would have the shortest school year in its history and the university is going without state funding because that battle is already taking place there.

SENATOR FRENCH said the Colorado spending limit was enacted in 1992; the Bell Policy Center researched that issue and found that Colorado had fallen to 50<sup>th</sup> in K-12 spending per \$1,000 of personal income.

Even during the '90s, the state fell behind in per capita spending in higher education and public health. By 2000, Colorado spent less than other states on public health care services, was at the bottom on on-time immunization rates, was at the bottom in prenatal care, had the highest rate of uninsured low-income children in the nation, was almost last among states in high school graduation rates, ranked almost last in

higher education and the arts, and had a growing list of unfunded highway projects.

One Republican senator said he wouldn't vote for it again.

[9:12:22 AM](#)

SENATOR FRENCH expressed concern about locking in a system that proves inadequate for future needs. The Legislature talked about a spending cap in statute, because it would be easier to change; it also talked about exempting education.

[9:13:15 AM](#)

CHAIR SEEKINS said SJR 1 has some safeguards that Colorado doesn't have. It has a no-ratchet-down provision and the ability for the Legislature to meet emergency circumstances with a two-thirds vote.

SENATOR DYSON said another significant difference is that Colorado's Taxpayers' Bill of Rights (TABOR) requires voter approval for any tax increases, but SJR 4 doesn't do that; it is only a spending cap. Colorado is limited as much by its revenue stream as by its cap.

[9:14:27 AM](#)

MR. SHULTZ said he had information from the January 2005 issue of State Legislatures that talked about how Colorado's Amendment 23 excluded schools from the spending cap and provides for annual spending increases in both primary and secondary education. This is causing a problem because the increases occur regardless of the cap. The cap, therefore, is not reducing spending.

Colorado's troubles have been manageable compared to what California faced recently when it continued to spend money to take care of its programs. Part of the language in SJR 1 comes from the California citizens' initiative to get out of debt.

The question is how Alaska would cover federal funding shortfalls now and two or three years into the future. Also, Legislative Finance indicates the need to look at that impact two to five years out. Federal funds are expected to dwindle as well.

[9:16:57 AM](#)

SENATOR HUGGINS said the spending cap sounds good to many people, but when you look at other states, you wonder if it's a good idea. He expressed concern that trying to put it into the Constitution is trying to save us from our lack of self-discipline. He asked if there were any corners they were painting themselves into.

SENATOR DYSON replied that he thought it was constitutionally appropriate for a republic to bind itself with constitutional law. Critics point out that Alaska spends more per person than any other state in the nation. Solving people's problems by spending more money doesn't get to the heart of the issue. He didn't agree with the implied principle of the state supporting an activity the federal government quit supporting. He hoped to empower people to do more for themselves and rely on government less.

[9:21:37 AM](#)

MR. SHULTZ commented that President Bush is proposing to eliminate 160 programs because the federal government is looking at duplicative services. Forty different agencies within the federal government deal with teenage pregnancy. The concern is that as Alaska prospers, people will want more services. He pointed out that the Permanent Fund would be a lot larger now if there had been a spending limit.

[9:23:58 AM](#)

CHAIR SEEKINS said he applied for a river permit years ago and found that three different agencies were looking over the same fish. "Why can't one agency take care of that same fish rather than three?" Eliminating the competition for funding creates an economy in itself and the probability that any legislature would short-fund education is unlikely.

[9:27:16 AM](#)

SENATOR DYSON commented that Legislative Legal told the legislature last year that a statutory spending limit is of little value because if a sitting legislature exceeds it, the courts will hold that it was done deliberately and supersedes what was in statute. You can't bind future legislatures. He also understands that of the states with spending caps, almost all have seen significant investment activity. Industries that want

to invest in an area are worried about being subjected to deep-pocket taxes so they are comforted by a spending cap.

[9:29:41 AM](#)

CHAIR SEEKINS moved Amendment 1.

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Cook  
11/3/05

**A M E N D M E N T 1**

OFFERED IN THE SENATE  
TO: SJR 1

BY SENATOR DYSON

Page 2, line 29:  
Delete ", (g), or (k)"

Page 3, line 7:  
Delete "persons an"  
Insert "persons or"

Page 3, line 20, through page 4, line 13:  
Delete all material.  
Reletter the following subsections accordingly.

Page 4, line 29:  
Delete "(h)"  
Insert "(g)"

Page 5, line 6:  
Delete "(h)"  
Insert "(g)"

Page 5, line 14:  
Delete "many"  
Insert "may"  
Delete "not-self-liquidating"  
Insert "non-self-liquidating"

Page 5, line 15:  
Delete "general - fund-supporting"  
Insert "general-fund-supported"

Page 5, line 16:  
Delete "(k)"  
Insert "(j)"

Page 5, following line 20:

Insert a new subsection to read:

"(1) The legislature may, upon the affirmative vote of at least two-thirds of the members of each house, adopt an appropriation that exceeds the limit under (a) of this section if the governor requests the appropriation in response to extraordinary circumstances. The governor's request must include at least the following information: (1) identification of the specific extraordinary circumstances; (2) the amount requested for appropriation; (3) the period of time over which the appropriation is intended to be used; and (4) a plan for recovering the amount of money appropriated under this subsection. An appropriation made under this subsection may not be used for the payment of bonds, notes, or other evidences of indebtedness. For purposes of this subsection, "extraordinary circumstances" shall be defined by law adopted by at least two-thirds of the members of each house."

MR. SHULTZ explained that most of the changes are typos, but lines 20-21 on page 2 introduce a new section for extraordinary circumstances that allows the limit to be exceeded under certain circumstances. The gasline indebtedness is an example of one.

CHAIR SEEKINS asked if there were any objections to Amendment 1. There were none and it was adopted. He announced that the bill would be held for further discussion.

[9:43:15 AM](#) - Recess

#### **SJR 4-CONST AM: BUDGET RESERVE FUND**

CHAIR SEEKINS announced SJR 4 to be up for consideration.

SENATOR DYSON, sponsor of SJR 4, explained that it amends the Constitutional Budget Reserve (CBR) Fund, which has been used to date as a buffer in lean times, but there is a poor record of funds being restored in fat years. SJR 4 requires that excess revenues in one year go into repaying the CBR up to a limit of \$5 billion. Consultants have said that is a good buffer fund for a state with a revenue picture like Alaska's. After the \$5 billion is exceeded, excess revenues can be divided in a couple of ways: 50% goes to the Permanent Fund, 25% goes to a second dividend back to the people and the other 25% goes to working off the deferred maintenance list. This is a way to get

financial stability. He is impressed with Senator Wilken's arguments about compounding interest.

[9:46:02 AM](#)

SENATOR FRENCH asked how much is left in the CBR.

MR. SHULTZ replied about \$2.2 billion.

SENATOR FRENCH asked if any money has ever been repaid.

MR. BRUCE HANSEN, Legislative Finance, indicated that small surpluses have been swept back into the CBR, but then they are usually reversed back out.

[9:47:07 AM](#)

CHAIR SEEKINS said the debt to the CBR is approximately \$4 billion.

SENATOR FRENCH wondered what would make the legislature pay it back in the future if it hadn't paid it back up to now.

[9:47:32 AM](#)

SENATOR THERRIAULT said, "We're going to build a gas pipeline."

CHAIR SEEKINS remarked that last week he saw a 32 TCF of gas hydrate possibility for the state.

[9:47:53 AM](#)

SENATOR DYSON said he believes that Alaska is on the leading edge of unprecedented prosperity and this is the time to institute discipline. The world needs what Alaska has in abundance.

CHAIR SEEKINS said he would hold SJR 4 for a future hearing.

SENATOR DYSON asked members to provide questions and issues for discussion so that they could be researched for an improved product.

#### **SB 36-ABSENTEE BALLOT APPLICATIONS**

[9:49:54 AM](#)

CHAIR SEEKINS announced SB 36, version G, to be up for consideration.

SENATOR THERRIAULT, sponsor, said SB 36 addresses an absentee ballot problem that surfaced in the 2004 general election. Sensitive personal data was made available when individual absentee ballot requests were mailed back to the political party office instead of to the Division of Elections. He assured the committee that there was no wrongdoing, but individual voters should not feel that their privacy is under attack just because they wish to participate in a regularly scheduled election. SB 36 requires all absentee ballot requests to be mailed directly to the Division of Elections for confidential processing. It also includes individuals in the section that prohibits a political group or party from assisting or encouraging a violation of the act.

[9:51:44 AM](#)

SENATOR THERRIAULT pointed out that he had CSSB 36, version F, and asked his staff, Dave Stancliff, to describe the changes.

DAVE STANCLIFF, staff to Senator Therriault, explained that the CS is in response to a question raised by Senator Elton about whether this bill and the definition in it prevents a non-political group, like Trustees For Alaska, or an individual from conducting the type of activities this bill seeks to prevent. Legislative Legal agreed that it could be construed to not protect against a non-political group or person. The CS is all-inclusive in that no person or group, political or otherwise, should be a third-party intercept in the election process.

CHAIR SEEKINS asked if the term "person" is all-inclusive in Alaska law.

MR. STANCLIFF replied yes, from a legal standpoint.

[9:53:59 AM](#)

SENATOR THERRIAULT explained that the language on page 1, lines 11-13, encourages Alaskan voters to participate in an election using the absentee ballot, but the ballot has to be in a form that is approved by the director of the Division of Elections. The form can be sent out or hand-delivered as wished.

SENATOR THERRIAULT moved to adopt version F as the working document. There were no objections and it was so ordered.

MR. STANCLIFF noted that on page 2, lines 22-23, the drafter specified that language that says the form is to be returned directly and not by another person or group should be on the form itself.

CHAIR SEEKINS asked if he would be in violation if his wife delivered a ballot for him.

MR. STANCLIFF replied no.

SENATOR FRENCH asked if he registered someone to vote and gave him a ballot, a crime would be committed if the voter filled it out and Senator French mailed it to the division for him.

MR. STANCLIFF replied if the person is a legal registrar and approved by the division to conduct those activities, he is considered the same as the division so that would be legal.

SENATOR FRENCH asked if anyone could become a registrar.

SENATOR THERRIAULT replied that anyone can become a registrar, but there are rules on how to handle the information.

[9:58:34 AM](#)

MR. SHULTZ said it does not include postal service worker handling.

SENATOR THERRIAULT said language on page 1, lines 4-5, says a qualified voter may apply by mail or by electronic transmission, but it was pointed out that a person might physically walk into the office to get an application and the Division of Elections felt most comfortable adding "or in person".

ANNETTE KREITZER, Chief of Staff, Office of the Lieutenant Governor, said she spoke to Laura Glaiser, director of the Division of Elections, who expressed concern about deleting that language and preferred adding "in person" to "by mail or by electronic transmission" to identify the ways a person could apply for an absentee ballot.

SENATOR THERRIAULT moved to insert "in person" after "apply" on page 1, line 4. There were no objections and it was so ordered.

[10:01:39 AM](#)

MS. KREITZER offered to find out if a registrar is considered to be a representative of the division and get back to the committee with an answer.

[10:02:34 AM](#)

CHAIR SEEKINS set the bill aside to await her answer.

[10:02:57 AM](#)

**SB 65-OFFENSES BY MINORS/AGAINST TEACHERS**

CHAIR SEEKINS announced SB 65, version G, to be up for consideration. He reminded members that the superintendent of schools of the Fairbanks North Star Borough suggested adding "or in the administrative offices of a school district in which students are also educated." Some schools have their district offices on school property and some are off the property; some are located hundreds of miles away from the closest school property.

He noted that the committee is also considering Senator Therriault's amendment to delete the administrative offices in a school district.

SENATOR THERRIAULT withdrew his original amendment and moved Amendment 2 to add "in which students are also educated" on page 1, line 9, after "district". He felt the location of an office hundreds of miles away from its students doesn't deserve to be swept into the bill. There were no objections and Amendment 2 was adopted.

SENATOR THERRIAULT moved CSSB 65(JUD) out of committee with individual recommendations and attached zero fiscal notes. There were no objections and it was so ordered.

[10:10:04 AM](#) - Recess

**SB 36-ABSENTEE BALLOTS**

CHAIR SEEKINS announced SB 35 to be back before the committee.

LAURA GLAISER, director, Division of Elections, said she would answer questions.

SENATOR FRENCH said his question had to do with the handling of absentee ballot application forms and how they get as directly as possible from the applicant to the division. He asked her to describe how the form makes certain that intermediaries don't collect and take personal information from the applications.

[10:11:26 AM](#)

MS. GLAISER replied that AS 15.070.81 pertains to registration officials and says:

The director shall appoint one or more registration officials to serve in each precinct polling places in election during the hours...and the election official appointed under this section also serve as a registration official.

[10:12:09 AM](#)

CHAIR SEEKINS asked if giving his application to a registrar is the same as giving it to the division.

MS. GLAISER replied that is her interpretation, but she is not an attorney. She accepts applications from registration officials if they have been brought in a timely manner. The law says it should be turned in within five days, but often she receives applications that have been signed more than five days prior.

[10:13:21 AM](#)

CHAIR SEEKINS said the intent of the bill is that a person can be considered to have returned his application to the Division of Elections by giving it to an election official.

[10:13:54 AM](#)

MS. GLAISER responded that AS 15.07.100 says that a registration official shall be:

A qualified state voter and shall take an oath to honestly, faithfully and promptly perform the duties of the office. The training for the registration official shall be provided by the director and does occur through the regional offices. On the completion of training, the director may require that officials demonstrate their competence by a test or other

method.... The registration official serves at the pleasure of the director. Each registration official shall be periodically evaluated by the director based on completeness of registration forms, timely filing of the forms and actively attributed to the registration official.

She said that daily tallies are made in a database for registration officials. She read further:

A registration official shall transmit completed voter registration forms to the election supervisor within five days following the completion by the voter.

SENATOR THERRIAULT asked if standard training includes clarification of how sensitive information should be handled, such as photocopying.

MS. GLAISER replied yes, but some groups have told the Fairbanks supervisor that copies are made even though they are told not to. Other than the confidentiality prohibition, she has no way to stop that unless she finds out that the oath is violated, she removes that person as a registrar.

[10:16:01 AM](#)

SENATOR FRENCH said he didn't want to see normal law-abiding people get sideways with the law and thought the form should state that the registrar represents the division.

MS. GLAISER showed the committee a copy of last year's application and said she would be happy to work with the committee on language and change the regulations to reflect the changes.

CHAIR SEEKINS agreed with Senator French's concern.

[10:18:52 AM](#)

SENATOR HUGGINS said his concern is that there are only one or two registrars per precinct.

MS. GLAISER clarified that she is required to appoint at least one, not just one, and that there are registration officials throughout the state.

[10:20:28 AM](#)

SENATOR THERRIAULT asked why language in sections 4 and 5 applies only to a form that hasn't been approved, which leaves off the part about collecting the forms and caging voters. He thought the committee might consider adding that language back in.

MS. GLAISER explained that the State Affairs version targeted unlawful interference and deletes the part about whether an application was changed, whether a voter didn't sign it or whether confidential information was gathered prior to turning the application into the division.

SENATOR THERRIAULT moved a conceptual amendment to insert Sections 4 and 5 from the G version into the F version, except instead of applying to a political group or party it would apply to a person, which is language that makes it all-inclusive.

[10:24:25 AM](#)

CHAIR SEEKINS added that under Alaska law, "person" is an all-inclusive term that includes political parties, corporations - any entity whatsoever.

[10:24:38 AM](#)

MS. KREITZER said she had concerns about combining the language.

MS. GLAISER said she would like to see language included from [version F] subparagraph 5, lines 26 and 27, stating a voter with an absentee application form that does not comply with the requirements.

CHAIR SEEKINS held SB 36 for further work and adjourned the meeting at [10:26:29 AM](#).