

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

March 10, 2011

8:07 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative Paul Seaton
Representative Peggy Wilson
Representative Max Gruenberg
Representative Pete Petersen

MEMBERS ABSENT

Representative Kyle Johansen

COMMITTEE CALENDAR

HOUSE BILL NO. 161

"An Act requiring that all information in a declaration of candidacy, letter of intent, or nominating petition for a candidate for elective state executive and state and national legislative office is open to public inspection."

- MOVED OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 14

Proposing amendments to the Constitution of the State of Alaska to correct obsolete references to the office of secretary of state by substituting references to the office of lieutenant governor.

- MOVED OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 161

SHORT TITLE: CERTAIN CANDIDATE INFO IS PUBLIC RECORD

SPONSOR(S): REPRESENTATIVE(S) LYNN

02/18/11	(H)	READ THE FIRST TIME - REFERRALS
02/18/11	(H)	STA, JUD
03/10/11	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HJR 14

SHORT TITLE: CONST AM: SEC. OF STATE REFERENCES
SPONSOR(s): REPRESENTATIVE(s) GRUENBERG

01/21/11 (H) READ THE FIRST TIME - REFERRALS
01/21/11 (H) STA, JUD, FIN
03/10/11 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

THOMAS REIKER, Staff
Representative Bob Lynn
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 161, on behalf of Representative Lynn, sponsor.

GAIL FENUMIAI, Director
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 161.

TED MADSEN, Staff
Representative Max Gruenberg
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HJR 14 on behalf of Representative Gruenberg, sponsor.

ACTION NARRATIVE

8:07:35 AM

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:07 a.m. Representatives Lynn, Petersen, Gruenberg, Keller, Seaton, and P. Wilson were present at the call to order.

HB 161-CERTAIN CANDIDATE INFO IS PUBLIC RECORD

8:08:20 AM

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 161, "An Act requiring that all information in a declaration of candidacy, letter of intent, or nominating

petition for a candidate for elective state executive and state and national legislative office is open to public inspection."

CHAIR LYNN introduced HB 161 as sponsor. He talked about the balance between a person's right to privacy and the Division of Elections' need for voter information, such as the voter's name, physical address, and mailing address. He opined that while there are select groups of people who may want to keep their physical address private, such as law enforcement officers and victims and domestic or sexual abuse, the information given by candidates running for office should be made public in the interest of full disclosure.

[8:12:03 AM](#)

THOMAS REIKER, Staff, Representative Bob Lynn, Alaska State Legislature, in response to Representative Seaton, said under HB 161, only the forms filed with the Division of Elections would be made public; the bill would have no impact on federal reporting requirements.

[8:13:16 AM](#)

REPRESENTATIVE SEATON asked if client and patient confidentiality currently allowed would remain under HB 161.

[8:14:33 AM](#)

MR. REIKER said Alpheus Bullard of Legislative Legal and Research Services assured him that HB 161 applies only to the declaration of candidacy for political party candidates, the filing notification and nominating petition for "no-party" candidates, and the letter of intent for write-in candidates.

[8:15:17 AM](#)

REPRESENTATIVE PETERSEN asked if, under HB 161, candidates would still be allowed to use a post office box address for their campaign address.

CHAIR LYNN answered yes.

MR. REIKER added that reporting requirements would not be changed under the proposed legislation.

[8:16:35 AM](#)

REPRESENTATIVE GRUENBERG offered his understanding that the nomination petition is different from the filing notification form. He named four of the latter: U.S. Congress, State Senator or Representative, lieutenant governor, and governor. He asked what the nominating petition process is, and how these forms work, and where a person who is nominated by petition would list his/her residence address.

[8:17:58 AM](#)

GAIL FENUMIAI, Director, Division of Elections, Office of the Lieutenant Governor, directed attention to the form A19, entitled, "State of Alaska Filing Notification Nominating Petition Candidate for U.S. Congress," [included in the committee packet], which she said is similar to other filing forms [also included in the committee packet]. She pointed to the middle section of the A19 form, which is for residency information. She said the candidate has to file this form by June 1 and file his/her signature by the primary election date.

[8:18:59 AM](#)

MS. FENUMIAI, in response to Representative Gruenberg, offered her understanding that currently AS 15.07.195 applies to all registered voters and candidates. In response to a follow-up question, she clarified that both the Division of Elections and the Department of Law have interpreted AS 15.07.195 to mean that a candidate's registration information must remain private.

[8:22:28 AM](#)

MR. REIKER, in response to Representative Gruenberg, said the bill sponsor had considered the issue of financial disclosure and decided that the current requirements are acceptable; therefore, the only change deemed necessary is the one currently proposed in HB 161 that would require a candidate's residency information to be made public.

[8:23:01 AM](#)

REPRESENTATIVE GRUENBERG said there is a legal case related to the protection of privacy and another having to do with constitutional protection of privacy.

[8:23:18 AM](#)

REPRESENTATIVE KELLER asked the bill sponsor if he created HB 161 as a response to an existing problem.

[8:23:31 AM](#)

CHAIR LYNN replied that it has been a problem and could be in the future. He related a situation when he requested the physical address of an opponent and his request was denied.

[8:24:33 AM](#)

MR. REIKER said the sponsor is concerned about congressional elections, because often in those elections the candidate's residency is a contentious issue. Under HB 161, a person could go to the physical address of a candidate in person to verify it.

[8:25:29 AM](#)

MS. FENUMIAI, in response to Chair Lynn, said the party nominees for Vice President and President come from the national conventions, and the names of those candidates are forwarded to the division. She stated that Presidential candidates can also get their names on the ballot through a write-in candidacy process, by filing as an independent candidate, for which he/she has to gather signatures from a minimum of 1 percent of those who voted in the preceding general election or file under a limited political party status. In response to a follow-up question, she offered her understanding that HB 161 would not affect Presidential candidates. In response to Representative Gruenberg, regarding the possible effect of HB 161 on municipal candidates, said she is not familiar with the candidacy requirements of all municipalities, and she offered her understanding that municipal elections are governed both by Title 25 and local ordinances.

[8:27:19 AM](#)

REPRESENTATIVE GRUENBERG ventured that the same policy should apply to those running for local office.

[8:27:38 AM](#)

CHAIR LYNN said he had not thought about local elections.

[8:27:55 AM](#)

REPRESENTATIVE P. WILSON indicated that local economy may be affected if HB 161 was amended to include municipal candidates.

[8:28:18 AM](#)

CHAIR LYNN suggested this issue could be considered in the future after checking with the Alaska Municipal League.

[8:28:50 AM](#)

MS. FENUMIAI, in response to Representative Keller, said the Republican National Committee and the Democratic National Committee submit a signed certificate. In response to a follow-up question, she stated her assumption that [matters pertaining to those certificates] are not addressed in Alaska statutes.

[8:29:30 AM](#)

MS. FENUMIAI, in response to Chair Lynn, said the aforementioned certificates list the physical addresses of the Vice Presidential and Presidential nominees.

[8:30:47 AM](#)

CHAIR LYNN, after ascertaining that there was no one else who wished to testify, closed public testimony.

[8:30:55 AM](#)

REPRESENTATIVE SEATON asked if any language in HB 161 would contradict existing federal laws.

MS. FENUMIAI answered that she is not aware of any such conflicts.

[8:31:32 AM](#)

MS. FENUMIAI, in response to Representative Petersen, said if state law was stricter than federal law, as long as the state law encompassed the federal law, the state law would apply. She reiterated her understanding that HB 161 does not apply to Vice Presidential and Presidential candidates.

[8:32:28 AM](#)

REPRESENTATIVE KELLER moved to report HB 161 out of committee with individual recommendations and the accompanying fiscal

notes. There being no objection, HB 161 was reported out of the House State Affairs Standing Committee.

HJR 14-CONST AM: SEC. OF STATE REFERENCES

[8:32:50 AM](#)

CHAIR LYNN announced that the final order of business was HOUSE JOINT RESOLUTION NO. 14, Proposing amendments to the Constitution of the State of Alaska to correct obsolete references to the office of secretary of state by substituting references to the office of lieutenant governor.

[8:33:20 AM](#)

The committee took an at-ease from 8:33 a.m. to 8:35 a.m.

[8:35:21 AM](#)

TED MADSEN, Staff, Representative Max Gruenberg, Alaska State Legislature, presented HJR 14 on behalf of Representative Gruenberg, sponsor. He explained that in 1970, the public voted in support of amending the Constitution of the State of Alaska so that the term "secretary of state" was changed to "lieutenant governor"; however, two references to secretary of state were overlooked [in Article II, Section 5, and in Article III, Section 25], and HJR 14 would correct that oversight.

[8:36:21 AM](#)

REPRESENTATIVE SEATON noted that Article II, Section 5, of the Constitution of the State of Alaska addresses disqualifications. He referred to a sentence within Section 5, which read as follows:

During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member.

REPRESENTATIVE SEATON asked about per diems received by those serving on, for example, legislative task forces.

[8:37:15 AM](#)

MR. MADSEN said he is not an expert in matters of the Constitution of the State of Alaska, and he highlighted that the purpose of the proposed resolution is only to change the remaining references to secretary of state, so that they read lieutenant governor.

[8:37:34 AM](#)

REPRESENTATIVE GRUENBERG offered his understanding that Representative Seaton's query is addressed in a legal case related to Nick Begich.

[8:38:02 AM](#)

REPRESENTATIVE SEATON said he has no objection to the name change proposed in the bill, but was curious about the matter related to position of profit.

[8:38:33 AM](#)

REPRESENTATIVE P. WILSON offered her belief that the purpose of a per diem is to cover expenses; therefore, it is not considered profit.

[8:39:02 AM](#)

REPRESENTATIVE PETERSEN concurred.

[8:39:09 AM](#)

REPRESENTATIVE KELLER observed that the resolution is not mandatory in making the Constitution of the State of Alaska understood, but is more of a housekeeping matter.

[8:39:37 AM](#)

REPRESENTATIVE GRUENBERG, in response to Representative Seaton's previous remark, read the annotations to Article II, Section 5.

[8:41:02 AM](#)

CHAIR LYNN asked if there was anyone else who wished to testify.

[8:41:19 AM](#)

MR. MADSEN, in response to Representative Keller's observation, said in case law "secretary of state" is understood to mean

"lieutenant governor"; however, he said the correction proposed in HJR 14 would uphold the reputation of the Constitution of the State of Alaska as being one of the best state constitutions in the country.

8:41:50 AM

REPRESENTATIVE KELLER expressed his appreciation of the narrow resolution title.

8:41:58 AM

REPRESENTATIVE KELLER moved to report HJR 14 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HJR 14 was reported out of the House State Affairs Standing Committee.

8:42:48 AM

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 8:42 a.m.