

CS FOR SENATE BILL NO. 192(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 3/21/18

Referred: Finance

Sponsor(s): SENATOR MACKINNON

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Alaska address confidentiality program; and relating to the**
2 **fees charged by the division of elections for providing information from the state's**
3 **master voter registration list or from the list of individuals who voted in an election."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 15.07.127 is amended to read:

6 **Sec. 15.07.127. Preparation of master register.** The director shall prepare
7 both a statewide list and a list by precinct of the names and addresses of all persons
8 whose names appear on the master register and their political party affiliation. Subject
9 to the limitations **and address confidentiality provisions** of AS 15.07.195, **a** [ANY]
10 person may obtain a copy of the list, or a part of the list, or an electronic **record**
11 [FORMAT] containing both residence and mailing addresses of voters, by applying to
12 the director and paying **a fee of**

13 **(1) \$100 for each senate district; or**

14 **(2) \$1,500 for the statewide list** [TO THE STATE TREASURY A

1 FEE AS DETERMINED BY THE DIRECTOR].

2 * **Sec. 2.** AS 15.07.195(b) is amended to read:

3 (b) In addition to the information in (a) of this section, **the address of** a voter
 4 **participating in the Alaska address confidentiality program established under**
 5 **AS 44.23.100 - 44.23.104 may not be disclosed. A voter who is not a participant in**
 6 **the Alaska address confidentiality program** may elect in writing to keep the voter's
 7 residential address confidential and not open to public inspection if the voter provides
 8 a separate mailing address. However, notwithstanding **a voter's participation in the**
 9 **Alaska address confidentiality program or** [AN] election under this subsection, a
 10 voter's residential address may be disclosed to

11 (1) a watcher appointed under AS 15.10.170 and, in the case of a
 12 watcher appointed by an organization or group sponsoring or opposing an initiative,
 13 referendum, or recall group, authorized by the director;

14 (2) an observer of a recount provided under AS 15.20.440(b) by a
 15 candidate, political party, or organized group having a direct interest in the recount; or

16 (3) the subject of a recall election if the voter voted in the recall
 17 election.

18 * **Sec. 3.** AS 15.15.400 is amended to read:

19 **Sec. 15.15.400. Preparation of voter list.** The director shall prepare both a
 20 statewide list and a list by precinct of the names and addresses of all persons who
 21 voted in the election and their political party affiliation. **Subject to the voter address**
 22 **confidentiality provisions of AS 15.07.195, a** [ANY] person may obtain a copy of
 23 the list, or a part of the list, or **an electronic record** [A COMPUTER TAPE]
 24 containing both residence and mailing addresses of voters, by applying to the director
 25 and paying **a fee of**

26 **(1) \$100 for each senate district; or**

27 **(2) \$1,500 for the statewide list** [TO THE STATE TREASURY A

28 FEE AS DETERMINED BY THE DIRECTOR].

29 * **Sec. 4.** AS 44.23 is amended by adding new sections to read:

30 **Article 2. Alaska Address Confidentiality Program.**

31 **Sec. 44.23.100. Alaska address confidentiality program.** (a) The Alaska

1 address confidentiality program is established in the Department of Law. Under the
 2 program, an individual who is eligible under this section may use an address
 3 designated by the department under AS 44.23.102 as the individual's own address,
 4 designate the department to receive mail, legal process, and voter registration or
 5 absentee ballots on behalf of the individual, and provide that the department forward
 6 the mail, legal process, and voter materials to the individual's actual mailing address.
 7 The department may not charge a fee to apply for or participate in the program.

8 (b) An individual is eligible for the program if the individual

9 (1) is a resident of the state and

10 (A) a victim, or a parent or guardian of a minor child who is a
 11 victim, of stalking, domestic violence, or sexual assault or a crime in another
 12 jurisdiction with elements substantially similar to stalking, domestic violence,
 13 or sexual assault, that was reported to a criminal justice agency in good faith;
 14 or

15 (B) has been granted, or has been granted on behalf of a minor,
 16 a protective order issued or filed under AS 18.65.850 - 18.65.870 or
 17 AS 18.66.100 - 18.66.180; and

18 (2) files a completed application under (c) of this section.

19 (c) An individual may apply to the department to participate in the program.

20 The department shall approve an application that is filed in the manner and on the
 21 form prescribed by the department. The application must contain

22 (1) the applicant's name;

23 (2) the applicant's actual residential and mailing addresses;

24 (3) if applicable, identification of a state or municipal agency that
 25 employs the individual against whom an allegation of abuse against the applicant or
 26 member of the applicant's household is made;

27 (4) evidence satisfactory to the department of the applicant's eligibility
 28 under (b)(1) of this section; and

29 (5) a sworn statement by the applicant that

30 (A) the applicant resides or will reside at a location in this state
 31 that is not known to the individual or individuals who are the subject of a

1 report or order described in (b)(1)(A) or (B) of this section;

2 (B) the applicant agrees not to disclose the applicant's actual
3 residential or mailing address to the individual or individuals who are the
4 subject of a report or order described in (b)(1)(A) or (B) of this section; and

5 (C) the applicant understands and consents to the following
6 attributes and requirements of the program:

7 (i) a participant will be enrolled in the program for a
8 period of three years unless the participant submits notice of
9 cancellation under (vii) of this subparagraph or is disenrolled under (ii)
10 of this subparagraph;

11 (ii) a participant is required to notify the department
12 when the participant's actual address or legal name changes; if the
13 participant fails to notify the department under this subparagraph, the
14 department may disenroll the participant from the program;

15 (iii) a participant is required to develop a safety plan in
16 consultation with department personnel;

17 (iv) by participating in the program, a participant
18 authorizes the department to notify state and municipal agencies and
19 units of government that the individual is a program participant;

20 (v) the department will notify a program participant
21 when the participant's three-year period is about to expire under (i) of
22 this subparagraph or if the department is set to disenroll the participant
23 under (ii) of this subparagraph;

24 (vi) a participant who receives a notification under (v)
25 of this paragraph may timely update the participant's information or
26 may re-enroll in the program within six months after the date the
27 department issues the notification;

28 (vii) a participant may discontinue participation in the
29 program at any time by submitting a written notice of cancellation to
30 the department; and

31 (viii) a participant must certify the department as the

1 participant's designated agent for service of process.

2 (d) Upon the filing of a properly completed application by an eligible
3 applicant, the department shall certify the applicant as a program participant.

4 (e) The department shall adopt regulations necessary to implement and
5 administer AS 44.23.100 - 44.23.104.

6 **Sec. 44.23.102. Use of designated address; confidentiality.** (a) The
7 department shall provide each participant with a designated address. A participant may
8 request that state and municipal agencies use the address designated by the department
9 as the participant's address. When creating a new public record, state and municipal
10 agencies shall use the address designated by the department as the participant's
11 substitute address, unless the department determines that the

12 (1) agency has a bona fide statutory or administrative requirement for
13 the use of the participant's actual address that would otherwise be confidential under
14 AS 44.23.100 - 44.23.104; and

15 (2) participant's actual address will be used only for the statutory and
16 administrative purposes identified in (1) of this subsection.

17 (b) A participant may use the address designated by the department as the
18 participant's work address.

19 (c) The department shall forward all mail received at a participant's designated
20 address to the participant's actual address and provide the notices described in
21 AS 44.23.100(c)(5)(C).

22 (d) At the request of a participant or a state or municipal agency or unit of
23 government, the department shall provide to another person confirmation of the
24 participant's status as a program participant.

25 (e) A state or municipal agency or unit of government shall use a participant's
26 address designated under this section for official business unless the use of the
27 participant's actual address is specifically required by statute. A state or municipal
28 agency or unit of government may request confirmation from the department of an
29 individual's status as a program participant.

30 (f) A person who has received confirmation of an individual's participation in
31 the program under this section may not

1 (1) refuse to use the address designated by the department for the
2 participant;

3 (2) require a participant to disclose the participant's actual address; or

4 (3) intentionally disclose to another person the actual address of a
5 participant.

6 (g) Notwithstanding (a) of this section, a participant shall provide the
7 participant's actual residential address for voter registration and voter verification
8 purposes under AS 15 and AS 29. However, state and municipal officials and other
9 persons to whom the participant's actual address is disclosed shall keep the address
10 confidential, except upon court order, and the address may not be disclosed under
11 AS 40.25.110 or 40.25.120.

12 **Sec. 44.23.104. Definitions.** In AS 44.23.100 - 44.23.104,

13 (1) "criminal justice agency" has the meaning given in AS 12.62.900;

14 (2) "department" means the Department of Law;

15 (3) "domestic violence" has the meaning given in AS 18.66.990;

16 (4) "participant" means an individual enrolled in the Alaska address
17 confidentiality program established in AS 44.23.100;

18 (5) "program" means the Alaska address confidentiality program
19 established in AS 44.23.100;

20 (6) "sexual assault" has the meaning given in AS 18.66.990;

21 (7) "stalking" has the meaning given in AS 18.65.870.