

**HOUSE BILL NO. 346**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY REPRESENTATIVE ULMER**

**Introduced: 1/10/94**

**Referred: State Affairs, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act amending the Alaska Election Code and the Alaska Uniform Vehicle  
2 Code to conform them to the requirements of the 'National Voter Registration  
3 Act of 1993,' federal legislation requiring the states to alter their voter  
4 registration and election practices as they may relate to elections to federal office,  
5 and making related amendments; relating to public and confidential records of  
6 agencies operating under the Alaska Election Code; and directing appropriate state  
7 officials to initiate administrative preclearance review or to seek judicial approval  
8 of the amendments made by this Act as required by relevant provisions of the  
9 Voting Rights Act of 1965; and providing for an effective date."

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

11 \* Section 1. AS 15.07.060(a) is amended to read:

12 (a) The director shall prepare and distribute a form by which a person

1 may register or reregister to vote. Unless the director determines to use only the  
2 form application prepared by the Federal Election Commission under Sec. 6(a)  
3 of the National Voter Registration Act of 1993 as the voter registration or  
4 reregistration form, or unless a provision of the National Voter Registration Act  
5 of 1993 requires the director to use a different form or requires the director to  
6 refrain from obtaining the information, the form prepared by the director must  
7 require each [EACH] applicant who requests registration or reregistration to [SHALL]  
8 supply the following information [UNDER OATH]:

9 (1) name and sex;

10 (2) address and other necessary information establishing residence,  
11 including the term of residence in the state and in the district, if requested;

12 (3) whether the applicant has previously been registered to vote in  
13 another jurisdiction, and, if so, the jurisdiction and the address of the previous  
14 registration;

15 (4) a declaration that the registrant will be 18 years of age or older  
16 within 90 days of the date of registration;

17 (5) a declaration that the registrant is a citizen of the United States;

18 (6) date of application;

19 (7) signature or mark;

20 (8) other information that may be required by federal law.

21 \* Sec. 2. AS 15.07.060(d) is amended to read:

22 (d) If the director prepares a form for registration or reregistration under  
23 (a) of this section, the form prepared by the director must require that, if an  
24 applicant requests reregistration, the applicant shall supply [UNDER OATH] any  
25 former name under which the applicant was registered to vote in the state.

26 \* Sec. 3. AS 15.07.064(a) is amended to read:

27 (a) A voter requesting registration or reregistration shall, in the manner that  
28 the director by regulation may require, provide the director with sufficient  
29 information to determine

30 (1) the location of the residence of the voter within the district;

31 (2) the precinct in which the voter is qualified to vote; and

1 (3) the other local or regional election jurisdictions in which the voter  
2 is eligible to vote.

3 \* Sec. 4. AS 15.07 is amended by adding a new section to read:

4 Sec. 15.07.067. GENERAL REQUIREMENTS WITH RESPECT TO VOTER  
5 REGISTRATION. Every form developed for use for the registration or reregistration  
6 of a voter under this chapter must include

7 (1) information to persons about voter eligibility requirements; and

8 (2) a notice to persons about the penalties for the submission of a voter  
9 registration application that contains a material false statement.

10 \* Sec. 5. AS 15.07.070(b) is amended to read:

11 (b) To register or reregister by mail, the director or the area election  
12 supervisor shall furnish, upon request, and at no cost to the person seeking to register  
13 or reregister [VOTER], forms prepared by the director. The [ON WHICH THE]  
14 registration information required by the form [UNDER AS 15.07.060] shall be  
15 inserted by the person making application [VOTER,] or by another [A] person on  
16 behalf of the person making application [VOTER] if the person making application  
17 [VOTER] is physically incapacitated. Execution of the form [THE FORMS SHALL  
18 BE EXECUTED BEFORE A NOTARY PUBLIC, A COMMISSIONED OFFICER OF  
19 THE ARMED FORCES INCLUDING THE NATIONAL GUARD, A DISTRICT  
20 JUDGE OR MAGISTRATE, A UNITED STATES POSTAL OFFICIAL, OR OTHER  
21 PERSON QUALIFIED TO ADMINISTER OATHS. IF NONE OF THE OFFICIALS  
22 LISTED IN THIS SUBSECTION IS REASONABLY ACCESSIBLE, THE PERSON]  
23 shall be [HAVE THE FORMS] witnessed by two persons over the age of 18 years,  
24 and, in addition, the person making application for registration or reregistration  
25 shall provide the certification required by AS 09.63.020. The director may require  
26 proof of identification of the applicant as required by regulations adopted by the  
27 director under AS 44.62 (Administrative Procedure Act) [THE ADMINISTRATIVE  
28 PROCEDURE ACT (AS 44.62). UPON RECEIPT AND APPROVAL OF THE  
29 COMPLETED REGISTRATION FORMS THE DIRECTOR OR THE ELECTION  
30 SUPERVISOR SHALL FORWARD TO THE VOTER AN ACKNOWLEDGMENT  
31 IN THE FORM OF A REGISTRATION CARD, AND THE VOTER'S NAME

1 SHALL IMMEDIATELY BE PLACED ON THE MASTER REGISTER LOCATED  
2 IN THE OFFICE OF THE DIRECTOR AND ON THE DISTRICT REGISTER  
3 LOCATED IN THE OFFICE OF THE ELECTION SUPERVISOR. IF THE  
4 REGISTRATION IS DENIED, THE VOTER SHALL IMMEDIATELY BE  
5 INFORMED IN WRITING BY CERTIFIED OR REGISTERED LETTER THAT  
6 REGISTRATION WAS DENIED AND THE REASON FOR DENIAL].

7 \* Sec. 6. AS 15.07.070(c) is amended to read:

8 (c) The names of persons submitting completed registration forms by mail that  
9 are postmarked [RECEIVED BY THE DIRECTOR OR ELECTION SUPERVISOR]  
10 at least 30 days before the next election shall be placed on the official registration list  
11 for that election. The name of a person submitting a completed registration form by  
12 mail that was not postmarked [RECEIVED BY THE DIRECTOR OR ELECTION  
13 SUPERVISOR] before the 30-day requirement may not be placed on the official  
14 registration list for the next election but shall be placed on the master register after that  
15 election.

16 \* Sec. 7. AS 15.07.070(d) is amended to read:

17 (d) Qualified voters may register in person before a registration official at any  
18 time throughout the year, except that a person registering less than [WITHIN] 30 days  
19 preceding an election may not vote at that election. [UPON RECEIPT AND  
20 APPROVAL OF THE REGISTRATION FORMS THE DIRECTOR OR THE  
21 ELECTION SUPERVISOR SHALL FORWARD TO THE VOTER AN  
22 ACKNOWLEDGMENT IN THE FORM OF A REGISTRATION CARD AND THE  
23 VOTER'S NAME SHALL IMMEDIATELY BE PLACED ON THE MASTER  
24 REGISTER LOCATED IN THE OFFICE OF THE DIRECTOR AND ON THE  
25 DISTRICT REGISTER LOCATED IN THE OFFICE OF THE ELECTION  
26 SUPERVISOR. NAMES OF PERSONS REGISTERING 30 OR MORE DAYS  
27 BEFORE AN ELECTION SHALL BE PLACED ON THE OFFICIAL  
28 REGISTRATION LIST FOR THAT ELECTION.]

29 \* Sec. 8. AS 15.07.070 is amended by adding a new subsection to read:

30 (h) When the director or the election supervisor receives a registration form  
31 submitted under (c) or (d) of this section, if the director or election supervisor

1 (1) approves the registration, the director or the election supervisor  
2 shall

3 (A) forward to the person making application for registration or  
4 reregistration an acknowledgment in the form of a registration card; and

5 (B) place the name of the person whose application for  
6 registration or reregistration has been approved on the

7 (i) master register located in the office of the director;

8 and

9 (ii) district register located in the office of the election  
10 supervisor;

11 (2) denies the registration, the director or the election supervisor shall  
12 immediately inform the person whose application for registration or reregistration has  
13 been denied in writing by certified or registered letter that registration was denied and  
14 the reason for denial.

15 \* Sec. 9. AS 15.07 is amended by adding a new section to read:

16 Sec. 15.07.075. VOTER REGISTRATION AGENCIES. (a) Each of the  
17 following is a voter registration agency:

18 (1) field offices of the division of motor vehicles, Department of Public  
19 Safety, at which the public may apply in person for a driver's license, renewal of a  
20 driver's license, identification card issued under AS 18.65.310, or motor vehicle  
21 registration under AS 28.10;

22 (2) field offices of each department that provides one or more programs  
23 of public assistance in which the office, operating directly or by contract, distributes  
24 and receives applications from the public for public assistance;

25 (3) offices of state agencies that, operating directly or by contract, are  
26 primarily engaged in providing services to persons with disabilities;

27 (4) recruitment offices of the armed forces of the United States  
28 operated in this state; and

29 (5) other offices of state agencies and of municipal governments that  
30 the director designates as a voter registration agency.

31 (b) The director shall

1 (1) appoint one or more persons within each office designated as a  
2 voter registration agency under (a) of this section to serve as a registration official;

3 (2) jointly develop with and distribute to the commissioner of public  
4 safety forms that may be used by the public for the purposes set out in  
5 AS 28.05.045(a);

6 (3) prepare and provide voter registration forms to

7 (A) the commissioner of public safety for distribution to and use  
8 by the public under AS 28.05.045(b);

9 (B) the commissioners of each department that provides one or  
10 more programs of public assistance for placement in and use by the field  
11 offices of those departments that, operating directly or by contract, distribute  
12 and receive applications from the public for public assistance;

13 (C) the appropriate state agencies under (a)(3) of this section for  
14 placement in and use by offices of those agencies;

15 (D) every other state and municipal office designated by the  
16 director as a voter registration agency; and

17 (E) United States armed forces recruitment offices.

18 (c) Every voter registration agency shall

19 (1) if the agency is a state office that provides service or assistance to  
20 the public, maintain and distribute with each application for service or assistance, and  
21 with each application for recertification or renewal or, if required by federal law, with  
22 an application for a change of address,

23 (A) a voter registration application form; and

24 (B) any other form the distribution of which may be required  
25 by Sec. 7(a)(6) of the National Voter Registration Act of 1993;

26 (2) if the agency is a state office that does not provide service or  
27 assistance to the public, maintain and distribute upon request made in person a voter  
28 registration application mail form;

29 (3) assist an applicant who wishes to complete a voter registration  
30 application mail form at the field office; and

31 (4) accept every completed voter registration application mail form for

1 transmittal to the appropriate election supervisor or the director.

2 (d) In addition to the voter registration services required by (a)(3) of this  
3 section, every office of a state agency that is engaged in providing services to persons  
4 with disabilities that provides those services to the person in the person's home must  
5 also provide the voter registration services required by this chapter to the person in the  
6 person's home.

7 (e) In this section, "voter registration mail form" means the form prepared by  
8 the director under AS 15.07.070(b).

9 \* Sec. 10. AS 15.07.100 is amended to read:

10 Sec. 15.07.100. REGISTRATION OFFICIALS. (a) In addition to  
11 registration officials appointed under AS 15.07.075(b)(1), the [THE] director shall  
12 appoint one or more registration officials in each precinct. When more than one  
13 registration official is appointed to serve in a precinct, each political party shall be  
14 represented. However, any precinct containing more than 250 voters must have at least  
15 two registration officials, one from each political party. [THE REGISTRATION  
16 OFFICIAL SHALL BE A QUALIFIED STATE VOTER AND SHALL TAKE AN  
17 OATH TO HONESTLY, FAITHFULLY AND PROMPTLY PERFORM THE DUTIES  
18 OF THE OFFICE.]

19 (b) The director shall provide training [TRAINING] for persons appointed  
20 under AS 15.07.075 and (a) of this section to serve as registration officials [SHALL  
21 BE PROVIDED BY THE DIRECTOR]. On the completion of training, the director  
22 may require that registration officials demonstrate their competence by a test or other  
23 method.

24 (c) A person appointed under AS 15.07.075 or (a) of this section to serve  
25 as a registration official serves as a registration official at the pleasure of the director.  
26 Each registration official shall be periodically evaluated by the director based on the  
27 completeness of the registration forms, timely filing of registration forms, and the voter  
28 registration activity attributed to the registration official.

29 (d) A person appointed under AS 15.07.075 or (a) of this section to serve  
30 as a registration official shall transmit completed voter registration forms to the  
31 appropriate election supervisor not later than

1                   **(1) [WITHIN] five days after receipt of the completed application**  
2                   **form if receipt of the application or form occurs on, or within the four days**  
3                   **preceding, the last day for registration to vote in an election; or**

4                   **(2) 10 days after receipt of the application or form if receipt of the**  
5                   **application or form occurs at any time other than on, or within the four days**  
6                   **preceding, the last day for registration to vote in an election [FOLLOWING**  
7                   **COMPLETION BY THE VOTER].**

8       \* Sec. 11. AS 15.07.100 is amended by adding a new subsection to read:

9                   (e) Every registration official appointed by the director under AS 15.07.075(a)  
10                  or this section shall

11                               (1) be a qualified state voter; and

12                               (2) take an oath to honestly, faithfully, and promptly perform the duties  
13                  of the office.

14       \* Sec. 12. AS 15.07.125 is amended to read:

15                  Sec. 15.07.125. OFFICIAL REGISTRATION LIST. (a) The director shall  
16                  prepare an official registration list for each election consisting of all names

17                               **(1) appearing on the master register 30 days before the election; and**

18                               **(2) entitled to be added to the master register because the**  
19                  **application for registration was timely**

20                                       **(A) postmarked, if application for registration was made**  
21                  **under AS 15.07.070(c); or**

22                                       **(B) presented in person to a voter registrar, if application**  
23                  **for registration was made under AS 15.07.070(d).**

24                  **(b)** A list of persons eligible to vote in each precinct at that election shall be  
25                  prepared from the official registration list.

26       \* Sec. 13. AS 15.07 is amended by adding a new section to read:

27                  Sec. 15.07.127. MAINTENANCE OF OFFICIAL VOTER REGISTRATION  
28                  LIST. (a) The director may remove the name of a voter from the official voter  
29                  registration list prepared under AS 15.07.125 only

30                               (1) at the request of a registered voter submitted to the director in  
31                  writing;

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(2) when

(A) in compliance with program regulations adopted under AS 15.07.131, removal of the name of the voter is authorized;

(B) authorized by AS 15.07.133 for a deceased or presumptively deceased voter;

(C) authorized by AS 15.07.135 for a person convicted of a felony involving moral turpitude; or

(3) when the director determines that the person lacks the qualifications of a voter under this chapter.

(b) The director may correct the official voter registration list prepared under AS 15.07.125 based upon receipt of change of address information received by the division under AS 28.05.071(b).

\* Sec. 14. AS 15.07 is amended by adding new sections to read:

Sec. 15.07.131. **ELIMINATION OF EXCESS NAMES FROM OFFICIAL REGISTRATION LIST.** The director shall, by regulation, establish and maintain a program to maintain the integrity of the state's official registration list under which election supervisors may recommend and the director shall act to affirm the removal of the names of persons who had been registered to vote from the official registration list. The program regulations must be uniform, nondiscriminatory, and consistent with the procedural requirements of and limitations imposed on elimination of names from voter registration lists by Secs. 6(d) and 8(c) - (f) of the National Voter Registration Act of 1993. Systematic action initiated by the director to remove the names of ineligible voters from the official lists must be completed on a biennial basis not later than 90 days before the date of the state primary election.

Sec. 15.07.133. **CANCELLATION OF REGISTRATION OF DECEASED AND PRESUMPTIVELY DECEASED VOTERS.** The director shall

(1) regularly obtain from the office of vital statistics a certified list of all residents over 18 years of age who have died or who have been presumptively declared dead; and

(2) cancel the registration of all deceased and presumptively deceased voters.

1 \* Sec. 15. AS 15.07.160(a) is amended to read:

2 (a) Except as provided in AS 15.07.135, a registration official may not

3 (1) refuse to register a person who is qualified to vote under provisions  
4 of AS 15.05.010(1) - (4);

5 (2) seek to influence a voter registration applicant's political  
6 preference, decision as to whether to register as to a political party, or choice of  
7 party registration;

8 (3) publicly display at the place at which a voter may register  
9 material that describes the voter registration official's political preference or  
10 party allegiance;

11 (4) in advising or assisting an applicant for voter registration, make  
12 a statement or take action the purpose or effect of which is to discourage the  
13 applicant from registering to vote;

14 (5) in a voter registration agency that provides services or a benefit  
15 to the public, make a statement to an applicant or take action the purpose or  
16 effect of which is to lead an applicant for voter registration to believe that a  
17 decision to register as a voter or not to register as a voter has any bearing on the  
18 availability to the applicant of services or a benefit; or

19 (6) use the information that relates to

20 (A) voter registration obtained from an applicant for voter  
21 registration for a purpose other than for the registration of the applicant  
22 as a registered voter; or

23 (B) a decision by a person who declines to apply to register  
24 to vote for any purpose other than voter registration.

25 \* Sec. 16. AS 15.15.198(b) is amended to read:

26 (b) A person whose registration has been cancelled under AS 15.07.131  
27 [AS 15.07.130(b)] and who votes a questioned ballot shall have the ballot counted if

28 (1) the person was registered to vote for either of the two most recent  
29 general elections;

30 (2) the person signs [UNDER OATH] a statement to that effect; and

31 (3) the earlier registration is verified by the director.

1 \* **Sec. 17.** AS 15.60 is amended by adding new sections to read:

2           **Sec. 15.60.100. RECORDS.** (a) Except as provided in (b) and (c) of this  
3 section, the records of the division of elections are public records, available for public  
4 inspection, subject to reasonable regulations on the time and manner of their  
5 inspection.

6           (b) The following information or records of the division of elections are  
7 confidential and not available for public inspection:

8                   (1) personnel records relating to employees of the division, except as  
9 inspection is authorized by AS 39.25.080;

10                   (2) the registered voter's

11                           (A) social security number;

12                           (B) date of birth;

13                           (C) place of birth;

14                           (D) telephone number;

15                           (E) voter number; and

16                           (F) type of ballot voted by the voter in the state primary

17 election;

18                   (3) information contained in records derived from action to register or  
19 reregister voters from which a person making inquiry would reasonably be able to  
20 ascertain

21                           (A) the record of a person's decision not to register to vote  
22 when, under this title or under AS 28.05.045, the person was given the  
23 opportunity to do so; or

24                           (B) the identity of the voter registration agency in which a  
25 person registered, if the person registered to vote at a voter registration agency.

26           (c) If, with respect to information identified in (b)(3)(A) and (B) of this  
27 section, the information cannot reasonably be separated from or protected from  
28 disclosure within a record of registration of which it is a part, then the registration  
29 record itself is confidential and not available for public inspection.

30           **Sec. 15.60.110. MAINTENANCE OF RECORDS.** (a) Notwithstanding any  
31 contrary requirement of AS 40.21 and any other provision of law relating to the

1 management of state records, the division of elections shall maintain its records for at  
2 least two years.

3 (b) The division of elections shall make records that are available for public  
4 inspection actually available for inspection by the public for the period of time in  
5 which, under (a) of this section, the division is to maintain its records.

6 \* Sec. 18. AS 28.05.045 is amended to read:

7 Sec. 28.05.045. SIMULTANEOUS APPLICATION FOR CERTAIN  
8 DOCUMENTS AND FOR VOTER REGISTRATION. (a) When a [A] state  
9 resident [,] who will be 18 years of age or older within 90 days [, WHO] applies in  
10 an office of the division of motor vehicles for a driver's license or the renewal of a  
11 driver's license, the department [, IDENTIFICATION CARD ISSUED UNDER  
12 AS 18.65.310, OR VEHICLE REGISTRATION UNDER AS 28.10] shall at the time  
13 of application provide [BE ADVISED BY THE DEPARTMENT THAT] the resident  
14 a form on which the resident makes application for the driver's license or renewal  
15 and that provides the resident an opportunity to [MAY ALSO] register to vote.  
16 The department shall use a form for driver's license application or renewal and  
17 voter registration jointly prepared by the division of elections and the department.  
18 The form must conform to the requirements of Sec. 5(c) of the National Voter  
19 Registration Act of 1993, P.L. 103-31. The resident's completion of the form for  
20 the driver's license or renewal and voter registration serves also as the basis for  
21 the resident's application to register to vote unless the resident fails or refuses to  
22 sign the portion of the application that requires the signature of the resident to  
23 complete the application to register to vote.

24 (b) When a state resident who will be 18 years of age or older within 90  
25 days applies in an office of the division of motor vehicles for an identification card  
26 issued under AS 18.65.310 or vehicle registration under AS 28.10, the department  
27 shall at the time of application advise the resident that the resident may also  
28 register to vote. For purposes of this subsection, the [THE] department shall use  
29 a form for voter registration prepared by the division of elections [AND SHALL  
30 FORWARD COMPLETED FORMS TO THE DIVISION OF ELECTIONS]. The  
31 department shall prominently display notice of the right to apply for voter registration

1 at each place that the public may apply for a driver's license, identification card, or  
2 vehicle registration.

3 \* Sec. 19. AS 28.05.045 is amended by adding a new subsection to read:

4 (c) When the department receives a completed voter registration application  
5 portion of an application for a motor vehicle driver's license or renewal of a motor  
6 vehicle driver's license under (a) of this section or receives a completed voter  
7 registration application form under (b) of this section, the department shall forward the  
8 application or form to the appropriate election supervisor or to the director of the  
9 division of elections not later than

10 (1) five days after receipt of the application or form if receipt of the  
11 application or form occurs on, or within the four days preceding, the last day for  
12 registration to vote in an election; or

13 (2) 10 days after receipt of the application or form if receipt of the  
14 application or form occurs at any time other than on, or within the four days  
15 preceding, the last day for registration to vote in an election.

16 \* Sec. 20. AS 28.05.071 is amended by adding a new subsection to read:

17 (b) When a person notifies the department in writing of a change of address  
18 that affects the department's record of the person's address on the person's driver's  
19 license, the change of address serves also as notification of the change of the person's  
20 record of residence address for purposes of voter registration unless the registrant  
21 declares on the form of the change of address or in writing that the change of address  
22 is not for voter registration purposes.

23 \* Sec. 21. AS 28.15.151 is amended by adding a new subsection to read:

24 (g) Information relating to a person's decision not to sign a voter registration  
25 application when the person applies for a driver's license or renewal of a driver's  
26 license under AS 28.05.045(a), applies for an identification card or a motor vehicle  
27 registration under AS 28.05.045(b), or provides a change of address form under  
28 AS 28.05.071(b) is confidential and may not be used for a purpose other than voter  
29 registration.

30 \* Sec. 22. AS 15.07.070(g), 15.07.090(b), and 15.07.130 are repealed.

31 \* Sec. 23. COMPLIANCE WITH SEC. 5 OF THE VOTING RIGHTS ACT OF 1965.

1 Because the provisions of this Act are subject to administrative preclearance review or court  
2 approval under Sec. 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c), the lieutenant  
3 governor and the attorney general shall take necessary action to obtain approval of this Act  
4 and of any regulations added, amended, or repealed under AS 44.62 (Administrative Procedure  
5 Act) that implement, interpret, or make specific the provisions of this Act, by transmitting the  
6 Act and regulations and requesting preclearance review and entry of a statement of  
7 nonobjection by the United States Department of Justice or by commencing an action for a  
8 declaratory judgment in a United States District Court having jurisdiction as to the subject  
9 matter.

10 \* Sec. 24. REVISOR OF STATUTES TO SUBSTITUTE REFERENCES. For purposes  
11 of publication of this Act in the cumulative supplement and replacement pamphlets of the  
12 Alaska Statutes, under authority given in AS 01.05.031(a), the revisor of statutes shall  
13 substitute the corresponding United States Code codification references for the references to  
14 section numbers within the National Voter Registration Act of 1993 where those references  
15 appear in this Act.

16 \* Sec. 25. INTENT OF SEC. 17 NOT TO ADDRESS RECORDS OF ALASKA PUBLIC  
17 OFFICES COMMISSION. Nothing in the distinction provided in AS 15.60.100, added by  
18 sec. 17 of this Act, as to records of the division of elections that are public and available for  
19 inspection or that are confidential is intended to address the handling and availability of  
20 records of the Alaska Public Offices Commission obtained under AS 15.13.

21 \* Sec. 26. Sections 23 and 24 of this Act take effect immediately under AS 01.10.070(c).

22 \* Sec. 27. Except for secs. 23 and 24 of this Act, this Act takes effect January 1, 1995.