

SENATE BILL NO. 303

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/11/94
Referred: STA. JUD. FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to voter eligibility, voter registration, and voter registration
2 agencies; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. PURPOSE. The purpose of this Act is to implement 42 U.S.C. 1933gg
5 (National Voter Registration Act of 1993) and to provide for a voter registration system that
6 is uniform for elections in Alaska for state and federal offices.

7 * Sec. 2. AS 15.05.020(10) is amended to read:

8 (10) The address of a voter as it appears on an official voter
9 registration card is presumptive evidence of the person's voting residence. This [IF
10 THE PERSON HAS CHANGED VOTING RESIDENCE, THIS] presumption is
11 negated only by the voter notifying the director in writing of a change of
12 [EXECUTING AN AFFIDAVIT ON A FORM PREPARED BY THE DIRECTOR
13 SETTING OUT THE NEW] voting residence.

14 * Sec. 3. AS 15.05.030(a) is amended to read:

1 (a) A person convicted of a crime that constitutes a felony involving moral
2 turpitude under state or federal law may not vote in a state, federal, or [A] municipal
3 election from the date of the conviction through the date of the unconditional discharge
4 of the person. Upon the unconditional discharge, the person may register under
5 AS 15.07.

6 * Sec. 4. AS 15.07.050 is amended to read:

7 Sec. 15.07.050. REGISTRATION IN PERSON OR BY MAIL. Registration
8 may be made in person before a registration official or through a voter registration
9 agency, or may be made by mail.

10 * Sec. 5. AS 15.07 is amended by adding a new section to read:

11 Sec. 15.07.055. VOTER REGISTRATION AGENCIES. (a) The following
12 agencies are designated voter registration agencies:

13 (1) the Department of Public Safety, division of motor vehicles;

14 (2) divisions of the Department of Health and Social Services that
15 provide public assistance through the food stamp program, Medicaid program, Special
16 Supplemental Food Program for Women, Infants, and Children (WIC), and aid to
17 families with dependent children (AFDC) program;

18 (3) the division of the Department of Community and Regional Affairs
19 that is responsible for municipal and regional assistance programs; and

20 (4) all recruitment offices of the armed forces of the United States
21 located in Alaska.

22 (b) The director shall designate state-funded agencies that primarily provide
23 services to persons with disabilities as voter registration agencies.

24 (c) The director may designate other state or local agencies as voter
25 registration agencies. The director may designate a federal or nongovernmental office
26 as a voter registration agency with the agreement of that office.

27 (d) A voter registration agency shall distribute voter registration materials,
28 assist applicants in completing voter registration forms, and accept and transmit
29 completed voter registration forms to the director in accordance with regulations
30 adopted by the director to comply with 42 U.S.C. 1933gg (National Voter Registration
31 Act of 1993) and other requirements of federal law.

1 * Sec. 6. AS 15.07.064(c) is amended to read:

2 (e) The director shall review the information contained within an application
3 by a voter for registration. The director may not reject an application of a voter who
4 qualifies under (d) of this section because the voter provided information in excess of
5 that required to establish qualifications, including excess information qualifying as a
6 mailing address. The director may consider an application for registration within a
7 municipality or established village described in (d) of this section to comply with law
8 based on other information contained in the application, including evidence that

9 (1) the application was made in person before a voting registrar,
10 election judge, or absentee voting official appointed to serve in the municipality or
11 established village;

12 (2) the application of a voter registering by mail was postmarked by
13 the postal official in the municipality or established village; **and** [OR]

14 (3) [THE APPLICATION OF A VOTER REGISTERING BY MAIL
15 WAS WITNESSED BY TWO QUALIFIED VOTERS REGISTERED TO VOTE IN
16 THE MUNICIPALITY OR ESTABLISHED VILLAGE; AND]

17 (4) other information contained in the application does not negate the
18 presumption of residency provided under (a) of this section.

19 * Sec. 7. AS 15.07.070 is amended to read:

20 Sec. 15.07.070. PROCEDURE FOR REGISTRATION. (a) The director may
21 adopt regulations under the Administrative Procedure Act (AS 44.62) relating to the
22 registration of voters consistent with the requirements of this section **and federal law,**
23 **including 42 U.S.C. 1933gg (National Voter Registration Act of 1993).**

24 (b) To register by mail, the director, [OR] the area election supervisor, **or a**
25 **voter registration agency** shall furnish, [UPON REQUEST, AND] at no cost to the
26 voter, forms prepared by the director on which the registration information required
27 under AS 15.07.060 shall be inserted by the voter, or by a person on behalf of the
28 voter if the voter is physically incapacitated. [THE FORMS SHALL BE EXECUTED
29 BEFORE A NOTARY PUBLIC, A COMMISSIONED OFFICER OF THE ARMED
30 FORCES INCLUDING THE NATIONAL GUARD, A DISTRICT JUDGE OR
31 MAGISTRATE, A UNITED STATES POSTAL OFFICIAL, OR OTHER PERSON

1 QUALIFIED TO ADMINISTER OATHS. IF NONE OF THE OFFICIALS LISTED
2 IN THIS SUBSECTION IS REASONABLY ACCESSIBLE, THE PERSON SHALL
3 HAVE THE FORMS WITNESSED BY TWO PERSONS OVER THE AGE OF 18
4 YEARS, AND, IN ADDITION, SHALL PROVIDE THE CERTIFICATION
5 REQUIRED BY AS 09.63.020.] The director may require proof of identification of
6 the applicant as required by regulations adopted by the director under the
7 Administrative Procedure Act (AS 44.62). Upon receipt and approval of the completed
8 registration forms the director or the election supervisor shall forward to the voter an
9 acknowledgment in the form of a registration card, and the voter's name shall
10 immediately be placed on the master register located in the office of the director and
11 on the district register located in the office of the election supervisor. If the
12 registration is denied, the voter shall immediately be informed in writing [BY
13 CERTIFIED OR REGISTERED LETTER] that registration was denied and the reason
14 for denial.

15 (c) The names of persons submitting completed registration forms by mail that
16 are postmarked [RECEIVED BY THE DIRECTOR OR ELECTION SUPERVISOR]
17 at least 30 days before the next election shall be placed on the official registration list
18 for that election. If a registration form received by mail less than 30 days before
19 an election does not have a legible and dated postmark, the name of the person
20 submitting the form shall be placed on the official registration list for that election
21 if the form was signed and dated by the person at least 30 days before the election
22 and if the form is received by the director or election supervisor at least 25 days
23 before the election. The name of a person submitting a completed registration form
24 by mail that does [WAS] not meet the applicable requirements of this subsection
25 [RECEIVED BY THE DIRECTOR OR ELECTION SUPERVISOR BEFORE THE 30-
26 DAY REQUIREMENT] may not be placed on the official registration list for that
27 [THE NEXT] election but shall be placed on the master register after that election.

28 (d) Qualified voters may register in person before a registration official or
29 through a voter registration agency at any time throughout the year, except that a
30 person registering within 30 days preceding an election may not vote at that election.
31 Upon receipt and approval of the registration forms, the director or the election

1 supervisor shall forward to the voter an acknowledgment in the form of a registration
2 card and the voter's name shall immediately be placed on the master register located
3 in the office of the director and on the district register located in the office of the
4 election supervisor. Names of persons registering 30 or more days before an election
5 shall be placed on the official registration list for that election.

6 (e) Repealed.

7 (f) Incomplete or inaccurate registration forms may not be accepted. A person
8 who submitted an incomplete or inaccurate registration form may register by
9 reexecuting and resubmitting a registration form in person or by mail. The
10 requirements of (c) or (d) of this section apply to a registration form resubmitted
11 under this subsection [AND SHALL BE REEXECUTED. THE DATE OF
12 REGISTRATION SHALL BE THE DATE OF REEXECUTION BEFORE A
13 REGISTRATION OFFICIAL OR THE DATE THE APPLICATION IS RECEIVED
14 BY THE DIRECTOR OR ELECTION SUPERVISOR IF THE APPLICATION FOR
15 REGISTRATION IS BY MAIL].

16 (g) The director shall provide voter registration forms prepared under (b) of
17 this section to voter registration agencies designated under AS 15.07.055 [THE
18 DEPARTMENT OF PUBLIC SAFETY] for distribution to the public [UNDER
19 AS 28.05.045].

20 * Sec. 8. AS 15.07.090(b) is amended to read:

21 (b) A voter shall reregister if the voter's registration is cancelled [FOR
22 FAILURE TO VOTE IN PRIOR ELECTIONS] as provided in AS 15.07.130. The
23 reregistration is effective for the next election that occurs at least [MAY NOT BE
24 MADE LATER THAN] 30 days after the date of reregistration [PRECEDING AN
25 ELECTION].

26 * Sec. 9. AS 15.07.125 is amended to read:

27 Sec. 15.07.125. OFFICIAL REGISTRATION LIST. The director shall prepare
28 an official registration list for each election consisting of the [ALL] names of (1) all
29 voters whose registrations are not inactive; and (2) all voters whose names are
30 required to be placed on the list by AS 15.07.070(c) or (d) [APPEARING ON THE
31 MASTER REGISTER 30 DAYS BEFORE THE ELECTION]. A list of persons

1 eligible to vote in each precinct at that election shall be prepared from the official
2 registration list.

3 * Sec. 10. AS 15.07.130 is amended to read:

4 Sec. 15.07.130. VOTER REGISTRATION LIST MAINTENANCE
5 [ELIMINATION OF EXCESS NAMES]. (a) At the close of each calendar year the
6 area election supervisor shall examine the register maintained by the supervisor
7 under AS 15.07.120.

8 (b) When a registered voter [HAS NOT REREGISTERED OR] has not
9 indicated in writing a desire to remain registered [AS PROVIDED IN THIS
10 SUBSECTION] within the preceding two calendar years and [OR] has not voted in
11 a local, regional school board, primary, special, or general election at least once in two
12 consecutive calendar years, the voter shall be advised by a notice sent by forwardable
13 mail [SENT] to the voter's last known address that registration will be inactivated
14 [CANCELLED] unless the voter responds to the notice at least 30 [INDICATES
15 WITHIN 90] days before the date of the next primary election on a form [FORMS]
16 furnished by the director [A DESIRE TO REMAIN REGISTERED]. The director
17 shall maintain on the master register the name of a voter whose registration is
18 inactivated. The director shall cancel a voter's inactive registration after the
19 second general election that occurs after the registration becomes inactive if the
20 voter does not vote either a questioned ballot or an absentee ballot that is counted
21 under AS 15.15.198(b) at or before that election.

22 (c) The director shall obtain from the bureau [OFFICE] of vital statistics a
23 certified list of all residents over 18 years of age who have died or who have been
24 presumptively declared dead. The director shall cancel the registration of all deceased
25 voters.

26 (d) The notice described in (b) of this section must include a postage
27 prepaid and pre-addressed return card on which the voter may state the voter's
28 current address. The notice must indicate

29 (1) that the voter should return the card not later than 30 days
30 before the next primary election if the voter did not change residence;

31 (2) that the voter may vote only a questioned or absentee ballot if

1 the voter does not return the card at least 30 days before the next primary
2 election;

3 (3) that the voter's registration will be cancelled if the voter does
4 not vote in an election held during the period beginning on the date of the notice
5 and ending on the day after the date of the second general election that occurs
6 after the date of notice; and

7 (4) how the voter can continue to be eligible to vote if the voter has
8 changed residence.

9 * Sec. 11. AS 15.10.105(a) is amended to read:

10 (a) The lieutenant governor shall control and supervise the division of
11 elections. The lieutenant governor shall appoint a director of elections. The director
12 shall act for the lieutenant governor in the supervision of central and regional election
13 offices, the employment and training of election personnel, and the administration of
14 all state elections as well as those municipal elections which the state is required to
15 conduct. The director is responsible for the coordination of state responsibilities
16 under 42 U.S.C. 1933gg (National Voter Registration Act of 1993). The director
17 serves at the pleasure of the lieutenant governor.

18 * Sec. 12. AS 15.15.198(b) is amended to read:

19 (b) A person whose registration is inactive [HAS BEEN CANCELLED] under
20 AS 15.07.130(b) and who votes a questioned or absentee ballot shall have the ballot
21 counted if

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

24 (2) the person signs under oath a statement to that effect; and

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

26 * Sec. 13. AS 15.60.010 is amended by adding a new paragraph to read:

27 (36) "voter registration agency" means an agency designated in or
28 under AS 15.07.055.

29 * Sec. 14. AS 28.05.045 is amended to read:

30 Sec. 28.05.045. VOTER REGISTRATION. The division of motor vehicles
31 shall comply with AS 15.07.055 to serve as a voter registration agency to the

1 extent required by state and federal law, including 42 U.S.C. 1933gg (National
2 Voter Registration Act of 1993) and this section. A state resident, who will be 18
3 years of age or older within 90 days, who applies in an office of the division of motor
4 vehicles for a driver's license, identification card issued under AS 18.65.310, or
5 vehicle registration under AS 28.10 shall at the time of application be advised by the
6 division [DEPARTMENT] that the resident may also register to vote. The
7 application submitted by the resident shall serve as an application for voter
8 registration unless the resident fails to sign the voter registration portion of the
9 application. The division of motor vehicles [DEPARTMENT] shall [USE A FORM
10 FOR VOTER REGISTRATION PREPARED BY THE DIVISION OF ELECTIONS
11 AND SHALL] forward completed voter registration forms to the division of
12 elections. The division of motor vehicles [DEPARTMENT] shall prominently display
13 notice of the right to apply for voter registration at each place that the public may
14 apply for a driver's license, identification card, or vehicle registration.

15 * Sec. 15. AS 44.29.020 is amended by adding a new subsection to read:

16 (b) The Department of Health and Social Services shall comply with
17 AS 15.07.055 to serve as a voter registration agency to the extent required by state and
18 federal law, including 42 U.S.C. 1933gg (National Voter Registration Act of 1993).

19 * Sec. 16. AS 44.47.050 is amended by adding a new subsection to read:

20 (c) The department shall comply with AS 15.07.055 to serve as a voter
21 registration agency to the extent required by state and federal law, including 42 U.S.C.
22 1933gg (National Voter Registration Act of 1993).

23 * Sec. 17. The director of the division of elections may proceed to adopt regulations to
24 implement the changes made by this Act. The regulations take effect under AS 44.62
25 (Administrative Procedure Act), but not before the effective date of secs. 1 - 16 of this Act.

26 * Sec. 18. Section 17 of this Act takes effect immediately under AS 01.10.070(c).