

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

4/21/83

Date: 5-2-83

Mr. Speaker:

The Committee on FINANCE has had HB 30

"An Act relating to proof of eligibility for registration as a voter."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for CSHB 30 (710) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

CHAIRMAN

Original sponsors: Martin and Lindauer

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 30 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to proof of eligibility for regis-
7 tration as a voter."

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

9 * Section 1. AS 15.07.060 is amended by adding new subsections to read:

10 (e) The director may require an applicant to provide proof of
11 eligibility to vote. The director may use information available from
12 other state departments or agencies to determine the eligibility of an
13 applicant to vote.

14 (f) The director shall prescribe and furnish an application form
15 for registration as a voter. The application must contain a statement
16 of eligibility in substantially the following form:

17 I certify that

18 () I am currently registered in another precinct in Alaska; or

19 () I am a resident of the state and of the election district in
20 which I seek to vote on the date of this application or I will be
21 a resident of the state and of the election district in which I
22 seek to vote for at least 30 days immediately preceding the date
23 of the next election; or

24 () I claim eligibility to vote as an overseas voter under
25 AS 15.05.011; or

26 () I claim eligibility to vote in a presidential election under
27 AS 15.05.012 - 15.05.014.

28 I understand that a false claim of eligibility in an application
29 for registration as a voter is a criminal offense and is subject

1 to criminal penalties imposed by law.

2
3 _____
(signature of applicant)

4 (g) The director shall investigate a claim of eligibility to
5 vote under this chapter if information provided by the voter is or
6 seems inconsistent with other information regarding eligibility of the
7 applicant.

8 * Sec. 2. AS 15.07.070(a) is amended to read:

9 (a) The director may adopt regulations under the Administrative
10 Procedure Act (AS 44.62) relating to the registration of voters con-
11 sistent with the requirements of this section and AS 15.07.060.

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 30 (Finance)
 Title Relating to proof of eligibility for voter registration
 Requested by House Finance Committee Date 5/2/83

II. FISCAL DETAIL

Agency Affected Office of the Governor
 Program Category Affected Division of Elections
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		19.7				
400 COMMODITIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS, ETC.		0-				
TOTAL		19.7				

FUNDING (Thousands of Dollars)

GENERAL FUND		19.7				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

0

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

The \$19.7 total in the contractual line item is to fund printing and redesign of new voter registration cards (\$15.7) and printing of new registrar handbook and instructions (\$4.0).

The Committee does not feel that the four investigator positions and the associated costs are warranted this fiscal year. If the positions are truly needed next year, they can be submitted through the FY 85 budget process.

IV. DATE 5/2/83 PREPARED BY Al Adams, Chair
 AGENCY House Finance Committee

Original: Legislative Finance PHONE 465-3706

cc: Budget and Management
 Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

APA

The following individuals are expected to testify on CS HB 30
(Judiciary):

Representative Terry Martin, prime sponsor

Mary Lou Meiners, Director, Division of Elections

1st revision of fiscal note

HB 30

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 30
Title "An Act relating to proof of eligibility for registration as a
Requested by House State Affairs Date 1-18-83 voter."

II. FISCAL DETAIL

Agency Affected Office of the Governor
Program Category Affected Division of Elections
BRU, Program, Or Subprogram(s) Affected Division of Elections
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS None

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No additional fiscal impact is anticipated. Although House Bill No. 30 would require to some extent a re-design of the currently used voter registration form, reprinting of such forms is periodically provided for in the normal operating budget.

IV. DATE 1-19-83

PREPARED BY Danith D. Arnoldt, Deputy Director
AGENCY Office of the Governor, Div. of Elections
PHONE 586-6181

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Original fiscal note

JL

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 30 Date on Bill: 1/17/83
Title: "relating to proof of eligibility for registration as a voter"
Sponsor: Martin and Lindhauer
Requestor: House State Affairs Committee

1. Estimated fiscal impacts on: Office of the Governor, Division of Elections

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating		12		
Total				

b. Revenues:

Revenue	FY 83	FY 84	FY 85	FY 86

2. Source of funds to offset fiscal impact of bill: General Funds

3. Assumptions: Passage of HB 30 would require the re-design and new printing of the voter registration forms. Compared to costs experienced by printing these forms in 1982, a run of one-half as many forms should incur this fiscal impact.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: TPTThoma Information Officer Phone: 4611
Division: Elections Date: 2/23/83

Approved by Commissioner: _____ Date: _____
Department: _____

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor

STATE OF ALASKA
FISCAL NOTE

Revision Date 04-26-83, 1983

I. REQUEST

Bill/Resolution No.: HB 30
 Title: Proof of Eligibility...Voter
 Sponsor: Representative Martin
 Requestor: House Finance

II. FISCAL DETAIL

Agency Affected: Office of the Governor
 Program Category Affected: Exec. Operations
 BRU, Program of Subprogram(s) Affected:
 Division of Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		111.5	118.2	125.3	132.8	140.8
200 TRAVEL		7.5	7.9	8.4	8.9	9.4
300 CONTRACTUAL		82.9	63.1	66.9	70.9	75.1
400 COMMODITIES		-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT		7.5	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		209.4	189.2	200.6	212.6	225.3
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	209.4	189.2	200.6	212.6	225.3
FEDERAL FUNDS					
OTHER (Specify Source)					

POSITIONS:

FULL-TIME	3	3	3	3	3
PART-TIME	1	1	1	1	1
TEMPORARY					

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Dana C. Coffman, Deputy Director
 Division: Division of Elections
 Approved by Commissioner: *[Signature]*
 Department: Lieutenant Governor

Phone: 586-6181
 Date: April 26, 1983
 Date: 4/28/83

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

3/8/83

FISCAL NOTE ANALYSIS

HB 30

" An Act relating to proof of eligibility for registration as a voter."

(100) Personal Services

Four new positions, one in each election supervisor's office, will be required.

Voter Registration Investigators

Juneau	(1)	Range 12B (1946/mo) + benefits x 12 mo	29.2
Anchorage	(1)	Range 12B (1946/mo) + benefits x 12 mo	29.2
Fairbanks	(1)	Range 12B (2218/mo) + benefits x 12 mo	33.3
Nome	(1 <u>PPT</u>)	Range 12B (2639/mo) + benefits x 6 mo	<u>19.8</u>

Benefits figured at 25%

Total Personal Services 111.5

(300) Contractual Services

(311)	Additional long distance phone charges @ \$200/mo x 4 offices x 12 months	9.6
(314)	Postage (correspondence with registrants and various state agencies) 1000 pieces/mo x 12 mo x .20/piece	2.4
(322)	Printing and redesign of new voter registration cards (Based on FY 82 actual + inflation)	
	Printing of new registrar handbook and instructions	4.
(345)	Maintenance and Repair 4 maintenance agreements on IBM Displaywriters	11.5
(364)	Rental of 4 IBM Displaywriters	<u>39.7</u>

Total Contractual Services 82.9

(500) Equipment

Costs for office equipment for new positions

Desk	750	
Chair	325	
Microfiche Reader	<u>800</u>	x 4 positions
	1875	

Total Equipment 7.5

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-2500

July 8, 1982

The Honorable Terry Martin
3960 Reka Drive-B6
Anchorage, Alaska 99504

Re: Marilyn Carpenter's candidacy
Our file 366-029-83

Dear Representative Martin:

In a letter dated June 24, 1982 (received in this office on June 28, 1982), you requested that we review certain aspects of Ms. Marilyn Carpenter's candidacy for the office of Representative from Election District 13, Seat B. Although you pose a number of specific questions, you appear to have two primary concerns: (1) was Ms. Carpenter a resident of Election District 13 for one year, as required by Article II, Section 2 of the Alaska Constitution, at the time she refiled her declaration of candidacy on June 1, 1982; and (2) because she was not properly a candidate before June 1, 1982, having not been a resident for a full year in Election District 13, must her campaign committee (or, in the alternative, contributors to that committee) repay to the state any campaign contribution refunds under AS 43.20.013(a)?

In brief, the Attorney General's office cannot make the residency determination you desire. We are the attorney for the Division of Elections, and as such have no greater powers than the division possesses to make such inquiries. As you note in your letter, the division cannot go beyond the statements in the declaration of candidacy. If you have a disagreement with the statements in that declaration of candidacy, one remedy which you may pursue is to file a lawsuit in the Superior Court. The answer to your question regarding repayment to the state for refunds given to campaign contributors is not as clear. However, on the basis of our research and consideration of the facts presented, we believe it is extremely unlikely that a court would require contributors to repay the refunds, and even more unlikely that the court would require the campaign committee to do so. A more detailed analysis of these issues follows.

I. FACTUAL BACKGROUND

On December 1, 1981, Ms. Carpenter filed her declaration of candidacy under AS 15.25.030. In the declaration, she stated that she had been a resident of Election District 13 since June, 1981.

Article II, Section 2 of the Alaska Constitution provides in pertinent part: "A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the district from which elected for at least one year, immediately preceding his filing for office." (Emphasis added.) Since Ms. Carpenter stated on her December 1, 1981 declaration that she had been a resident of Election District 13 only since June, 1981, it appeared from the face of her declaration that she did not meet the constitutional eligibility requirement for the office of having been a resident of the district for one year "immediately preceding [her] filing for office."

However, that fact was not noticed by Division of Elections officials at that time, and they accepted her declaration. Ms. Carpenter solicited campaign contributions and made expenditures for campaign purposes.

In April, 1982, you contacted officials in the Division of Elections and pointed out the problem with Ms. Carpenter's December 1, 1981 declaration of candidacy. On May 5, 1982, Patty Ann Polley, Director of the Division of Elections, spoke with Ms. Carpenter about the residency question, following up the conversation with a May 6, 1982 letter to Ms. Carpenter.

Ms. Carpenter responded that she became a resident of Election District 13 on May 28, 1981. On May 27, 1982, Ms. Polley sent Ms. Carpenter a letter informing her that her declaration of candidacy was being rejected because she did not meet the one-year residency requirement prior to filing. The letter noted that Ms. Carpenter had indicated an intention to refile on or after May 28, 1982.

On June 1, 1982, Ms. Carpenter refiled for the office of Representative from Election District 13, Seat B, stating that she had been a resident of Election District 13 since June 1, 1981.

Your June 24, 1982 inquiry to this office followed.

Honorable Terry Martin
Re: 366-029-83

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II. MS. CARPENTER'S RESIDENCE SINCE JUNE 1, 1981.

In your letter, you relate a number of items which lead you to question Ms. Carpenter's residence in Election District 13 as of June 1, 1981. However, as you also note in your letter, there is nothing the Division of Elections "could do but accept as the truth any information a candidate submits on the application." That is what we advised the Lieutenant Governor in a memorandum on January 22, 1980 (Department of Law file J66-412-80). In that memorandum, we stated: "As a general rule, you should accept filings which are valid on their face, and it is neither your duty nor your function to question their validity." We also stated:

For the most part, the Alaska Election Code, like many others, depends upon the adversarial nature of the election process for enforcement. The law reasonably assumes that a candidate's opponents will be the first to raise complaints against any false or fraudulent filing. Residence (domicile) is an elusive legal concept. Proof of residence consists of both objective facts and subjective feelings. A determination requires a full blown hearing and an independent, nonpartisan decisionmaker. The Election Code quite wisely does not provide for the election officials to make such determinations.

The court in Bell v. Foster, 200 A.2d 354 (N.J. Super. App. Div. 1964), reached the same conclusion. In that case, the court found that the clerk's duty in reviewing a nominating petition (similar to a declaration of candidacy) was merely ministerial, and that the clerk could not rule on the question of residency. The court stated: "To the extent that the residence requirement embraces the concept of domicile, its determination calls for judicial intervention." The court noted the significant possibility of abuse if such determinations were made by individuals appointed by elected officials. Garcia v. Carpenter, 525 S.W.2d 160 (Tex. 1975). A similar result was reached in (In our telephone conversation yesterday, you acknowledged the problems which might result from the Lieutenant Governor, as supervisor of elections, ruling on the qualifications of a candidate for Lieu-

Honorable Terry Martin
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Page 4

tenant Governor or the Attorney General, as an appointee of the Governor, ruling on the qualifications of a candidate for Governor.)

While you recognize that Division of Elections officials cannot question Ms. Carpenter's residence in Election District 13 as of June 1, 1981, you wondered whether the Attorney General might make a ruling on this question. Under AS 44.23.020, the Attorney General is the legal advisor to the Governor and other state officers. In other words, he is charged with assisting them in carrying out their duties. It was in this capacity that we gave advice to the Lieutenant Governor regarding elections officials making residency determinations. The Attorney General does not have independent authority to make such determinations; rather, it is his duty to advise other state officials and, if necessary, defend their decisions (for example, a decision by elections officials not to make a residency determination) in the event of litigation.

As we indicated in our advice to the Lieutenant Governor, "the Alaska Election Code, like many others, depends upon the adversarial nature of the election process for enforcements." If you still believe that Ms. Carpenter is not qualified to run as a candidate for the office of Representative from Election District 13, there are two remedies available to you. The first is to file a lawsuit in Superior Court seeking a judicial determination that Ms. Carpenter is not qualified to run. The second is to take your case directly to the most powerful judges of all, the voters in Election District 13. X

III. REPAYMENT OF STATE REFUNDS TO CAMPAIGN CONTRIBUTORS.

AS 49.20.013(a) authorizes refunds by the state of up to \$100 per individual for political contributions. You are interested in knowing whether the state could require repayment to the state of those refunds made for campaign contributions to Ms. Carpenter's campaign prior to the refiling of her declaration of candidacy on June 1, 1982.

Initially, it must be noted that any repayment to the state would have to be made by the individual contributors to Ms. Carpenter's campaign, not her campaign committee. The campaign committee did not claim any refunds from the state; only the individual contributors did. Accordingly, if

Honorable Terry Martin
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those refunds were improperly claimed, it was the contributors who improperly claimed them. The campaign committee could not be required to repay the state for refunds given to individual contributors.

More importantly, however, we believe it is extremely unlikely that a court would require the repayment of those refunds under the facts of this case. Ms. Carpenter initially filed on December 1, 1981. On December 8, 1981, she was informed by Division of Elections officials that her filing was in order and that her name would appear on the primary election ballot. It was not until May 27, 1982, that the division rejected her declaration of candidacy.

Under these facts, the contributors to Ms. Carpenter's campaign would have a very strong argument that their contributions to her campaign were made in reliance on the representation by the division that Ms. Carpenter's filing was in order and that she would be listed on the ballot as a candidate. There is an appearance of unfairness in the state certifying Ms. Carpenter's candidacy, allowing contributions to be solicited on behalf of her campaign, allowing those contributions to be spent for campaign purposes, refunding those contributions, and only then seeking repayment of those refunds upon discovering that her initial filing was not proper.

There are a number of cases which hold that the absence of fraud or willful misconduct excuses a failure to comply with the letter of the law. See, e.g., Anderson v. Davis, 419 A.2d 806 (Pa. 1980); People ex rel. Bell v. Powell, 221 N.E.2d 292 (Ill. 1966). While we have discovered no cases precisely on point, in Owens v. Sharpton, 381 N.E.2d 160 (N.Y. 1978), the court addressed the question whether petitions designating a candidate in a party primary election and a committee to fill vacancies were completely invalidated because the candidate did not meet residency requirements. If the petitions were completely invalidated, the committee to fill vacancies would not be permitted to make an appropriate substitution. The court held that the petitions were valid as far as the committee was concerned and that the committee should be permitted to make an appropriate substitution, notwithstanding the disqualification of the candidate, as long as there was no finding that either the petition or the petition gathering process was tainted by fraud. Compare Fotopoulos v. Bd. of Elections, 381 N.E.2d 337 (N.Y. 1978)

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(where designating petition invalid, committee invalid as well).

Under the facts presented here, where the Division of Elections recognized Ms. Carpenter's candidacy until May 27, 1982, we believe the court would find that her campaign contributions committee expenditures were sufficiently valid -- or at least appeared sufficiently valid to good faith contributors -- that contributors to the campaign were entitled to refunds under AS 43.20.013(a).

IV. OTHER MATTERS.

You also raise a number of other questions:

1. Should Ms. Carpenter have listed the name of the person or persons renting her condominium from June 1981 until its sale in November, 1981? AS 39.50.030(b)(1) requires a conflict of interest statement to include "(1) the source of all income over \$100 . . . received by him . . . during the preceding calendar year." Because Ms. Carpenter's conflict of interest statement was filed in December 1981, it was not necessary for it to include any sources of income during that same calendar year, only the preceding calendar year.

2. Should the individual who loaned Ms. Carpenter the down payment for her new home be listed on the conflict of interest form? We have no knowledge that Ms. Carpenter received a loan to make the down payment on her new home. However, if she received such a loan, it is reportable on the conflict of interest form under AS 39.50.030(b)(6).

3. Should the person leasing or renting Ms. Carpenter's part ownership in a condominium in Girdwood be listed on the conflict of interest statement? If she received income from the rental of a condominium in calendar year 1980, the source of that income should be listed on the form under AS 39.50.030(b)(1).

4. Would Ms. Carpenter's campaign committee have to return monies given in federal tax credits to contributors in 1981? While that is a question of federal law, not state law, we believe the federal courts would apply an analysis similar to that contained in Part III of this letter.

Honorable Terry Martin
Re: 366-029-83

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5. Can a person list their campaign telephone number as a work number on the declaration of candidacy form? We are unaware of any provision of law which prohibits this practice.

6. If Ms. Carpenter won the primary election and then was found not to be qualified, would her primary opponent be entered on the ballot for the general election? AS 15.25.110 provides that a vacancy on the general election ballot resulting from a candidate's disqualification may be filled by party petition. See AS 15.25.120 -- 15.25.130 for petition procedures.

V. CONCLUSION.

We hope we have answered your questions. If we can be of further assistance, please contact us at your convenience.

Sincerely,

WILSON L. CONDON
ATTORNEY GENERAL

By: 

G. Thomas Koester
Assistant Attorney General

GTK:dln

cc: Ms. Marilyn Carpenter
Lieutenant Governor Terry Miller
Joseph K. Donohue
Patty Ann Polley

Voter
Registration
(proof of
eligibility)

HOUSE BILL NO. 30, by Martin and Lindauer. Amends section of the Election Code relating to information required when registering to vote (AS 15.07.060) by adding a new section that would allow the Director of Elections to require an applicant to provide proof of eligibility to vote. The Director may use information available from other state departments or agencies to determine an applicants eligibility to vote. The Director shall provide an application form containing a statement wherein the voter certifies that he has been a state resident for at least 30 days prior to the date of the election or that he claims eligibility as an overseas voter, or that he is eligible to vote in a presidential election. Provides a false claim of eligibility is a criminal offense. The Director is to investigate a claim of eligibility if information provided by the voter is or seems inconsistent with other information regarding eligibility of the applicant. Does not provide for an effective date.

Introduced January 17 and referred to State Affairs, Judiciary, then to Finance.

Property Tax
(exemption--
disabled
veterans)

HOUSE BILL NO. 31, by Furnace, Barnes, Grussendorf, Koponez, Phillips, Lindauer, Abood, Liska, Larson and Fritz. Would require municipalities to exempt the real property owned and occupied as a permanent place of abode by a disabled veteran from taxation. The exemption for veterans would be the percentage of the assessed value of the property that is the same as the percentage of disability as established by the vets' service disability rating. The bill changes sections of the existing Municipal Code relating to assessment and taxation (AS 29.53.020--required exemptions), effective January 1, 1984, and would change those sections of a new Municipal Code (AS 29.45.030) when enacted by the Thirteenth Legislature.

Introduced January 17 and referred to Community & Regional Affairs, then to Finance.

Appropriation
(special)
(Anchorage
campus dorms)

HOUSE BILL NO. 32, by Furnace, Martin, Barnes, Flood, Lindauer, Abood, Liska, Szymanski and Fritz. Makes a special appropriation in the amount of \$15,000,000 to the University of Alaska for construction of dormitories for the U of A Anchorage campus. Provides appropriation is for a capital project and does not lapse. Provides Act takes effect immediately.

Introduced January 17 and referred to Health, Education and Social Services, then to Finance.

Appropriation
(special)
(Anch. state
trooper
facility)

HOUSE BILL NO. 33, by Furnace, Martin, Barnes, Lindauer, Abood, Liska, Szymanski, Pestinger. Makes a special appropriation in the amount of \$8,100,000 to the Department of Public Safety for construction of a state trooper crime laboratory and office facility in Anchorage. Provides appropriation is for a capital project and does not lapse. Provides Act takes effect July 1, 1983.

Introduced January 17 and referred to State Affairs, then to Finance.

REGISTRATION PROCEDURES BY MAIL

1. If you are currently registered to vote in another state you must complete the attached "Voter's Authorization to Cancel Registration" card.
2. Print or type full name - last, first and middle initial. Names containing punctuation, such as a hyphen (-) or apostrophe ('), should be shown with that punctuation. A name suffix such as "Jr.", "Sr.", or "III" should follow the last name.
3. Print previous name if registered to vote under that name. Be sure to sign this card according to your new name.
4. Print complete Alaska residence address. Exact descriptions are necessary to determine accurately the exact precinct and district in which you live. As examples (where applicable) you should provide street name and house number, subdivision name, highway name, milepost number, a pier and slip number for ships, space number and trailer park name for trailers, and tract or plot numbers for rural areas. A rural postal box or highway will not suffice.
5. Print your mailing address if different from your residence address including a specific street address (where applicable), postal box number, star route, city and zip code.
6. It is not mandatory to provide your social security number, however, this information is helpful to our office.
7. Please fill in place of birth, although this information is not mandatory. If you were born abroad, enter the foreign country along with a phrase indicating military or American parents (if applicable).
8. Please fill in date of birth. Although this information is not mandatory, it is helpful to the Elections Office for identification purposes.
9. If you are a naturalized citizen, fill in your date of naturalization.

10. Fill in how long you have lived in Alaska. This information is computed from the day you moved to Alaska to the date of registration. For those who have lived here longer than one year, only the number of years need be entered. If you have temporarily resided outside of Alaska after initially residing here, your time in Alaska would include the time spent outside IF you have not registered to vote in any other state. If you have registered to vote in another state, THEN, the length of time in Alaska would be computed from the date of your return to Alaska.
11. Fill in how long you have lived in the current election district, following the same guidelines as above. If you are unsure of your election district, indicate how long you have lived at your current address.
12. Indicate male or female.
13. Please indicate if you have been convicted of a felony. If your civil rights have not been restored, it is illegal for you to register to vote. If you have been unconditionally discharged from incarceration, probation and/or parole be sure to indicate the date of your discharge.
14. You are not required to provide your political affiliation. "Non-Partisan" is the same as "Independent" (a designation used in some other states) while "Other" is the category for any political affiliation other than Republican and Democrat (such as Libertarian, Alaskans for Independence, etc.)
15. Fill in today's date -- the date of this registration -- so that this office can compute the thirty-day registration requirement.
16. You are required to sign the registration form, and are, in fact, taking an oath. Sign the form by the same name you have printed above (i.e. by your proper first, middle initial, and last name, including any suffixes, etc.).
17. Have a registrar, notary public, U.S. postal official, a district judge or magistrate, commissioned officer of the armed forces, or other person qualified to administer oaths, witness and sign this registration form. If a qualified official is not available, two witnesses over the age of 18 years may sign this registration form, and, in addition, shall provide certification according to AS 09.65.012. A sample certification is attached.

SAMPLE VOTER REGISTRATION CARD

STATE OF ALASKA

VOTER REGISTRATION

PLEASE PRINT

READ INSTRUCTIONS ON BACK SIDE BEFORE COMPLETING CARD

1 VOTER'S AUTHORIZATION TO CANCEL REGISTRATION

To the voter registration office of _____
City or County State

This is to advise that I am now a resident of Alaska. Therefore, my registration where I formerly resided at the following address should be cancelled.

NAME	
FORMER ADDRESS (House Number and Street Name or Rural Route and Box Number)	
CITY	STATE ZIP CODE
BIRTHDATE	SOCIAL SECURITY NUMBER
SIGNATURE X	DATE

2 VOTER'S NAME _____
LAST FIRST INITIAL

3 PREVIOUS NAME (If registered to Vote in Alaska under that name) _____

4 ALASKA RESIDENCE ADDRESS _____
DO NOT LIST P.O. BOX OR RURAL ROUTES

CITY _____ STATE _____

5 MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

6 SOCIAL SECURITY NUMBER	PLACE OF BIRTH	7	DATE OF BIRTH	8	DATE OF NATURALIZATION	9
			MO DAY YR		MO DAY YR	

10 HOW LONG HAVE YOU LIVED IN ALASKA? YEARS MONTHS DAYS	HOW LONG HAVE YOU LIVED IN THIS ELECTION DISTRICT (AT CURRENT ADDRESS) YEARS MONTHS DAYS	11	SEX: 12 <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE
--	---	----	--

13 IF YOU HAVE EVER BEEN CONVICTED OF A FELONY, HAVE YOU BEEN UNCONDITIONALLY DISCHARGED FROM INCARCERATION, PROBATION AND/OR PAROLE?
OATH: I, the undersigned declare that the foregoing facts concerning my qualifications as a voter or a voter changing my address are true. I further declare that I am a citizen of the United States and will be 18 years of age or older within 90 days of the date of registration.

IF SO, GIVE DATE:	DATE 15	SIGNATURE OF VOTER 16 X
-------------------	---------	----------------------------

14 POLITICAL AFFILIATION (Circle preference) REPUBLICAN DEMOCRAT NON-PARTISAN	WITNESS 17	WITNESS OR OFFICIAL 17
--	------------	------------------------

OTHER (SPECIFY) _____	TWO WITNESSES OR A QUALIFIED OFFICIAL MUST SIGN	TITLE	LOCATION
-----------------------	---	-------	----------

195108

FOR OFFICE USE ONLY

VOTER NUMBER

INITIAL REGISTRATION CHANGE OF AFFILIATION
 CHANGE OF ADDRESS CHANGE OF NAME

FORM 01-3001 (3/82)

Sample Certification

The following is a sample of the certification which must be used if a notary public or other individual empowered to administer oaths (discussed in number 17 of the previous page) is unavailable to witness the registrant's (voter's) signing of the voter registration card.

I _____ certify under penalty of
Registrant's Name (Please Print)

perjury that the information on the attached voter registration form is true and accurate. I further certify that no notary public or other official empowered to administer oaths is available.

Date

Signature of Registrant

Location

I certify that I am at least 18 years old and that I have witnessed the registrant's signing of the attached voter registration card and this certification.

Date

Signature of Witness

I certify that I am at least 18 years old and that I have witnessed the registrant's signing of the attached voter registration card and this certification.

Date

Signature of Witness

government to provide housing facilities to persons engaged in national defense activities, to register and vote at election in state 142 ALR 430.

Sec. 15.07.040. Time for registration. A person who is qualified under AS 15.05.010(1) — (4) is entitled to register at any time throughout the year except that a person under 18 years of age may register at any time within 90 days immediately preceding his 18th birthday. (§ 2 ch 211 SLA 1968; am § 20 ch 32 SLA 1971; am § 6 ch 116 SLA 1972; am § 7 ch 100 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "a person under 18 years of age may register at any time within 90 days immediately preceding his 18th birthday" for "no registration will be made for a period of 30 days preceding the

election" at the end of the section.

Collateral references. — Constitutionality of statutes in relation to registration before voting at election or primary. 91 ALR 349.

Sec. 15.07.050. Registration in person or by mail. Registration may be made in person before a registration official or by mail. (§ 2 ch 211 SLA 1968)

Sec. 15.07.060. Required registration information. (a) Each applicant who requests registration or reregistration shall supply the following information under oath:

- (1) name and sex;
- (2) address and other necessary information establishing residence if requested;
- (3) Repealed by § 8 ch 100 SLA 1980.
- (4) term of residence in state and in election district; and whether the applicant has previously been registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of the previous registration;
- (5) a declaration that the registrant will be 18 years of age or older within 90 days of the date of registration;
- (6) a declaration that the registrant is a citizen of the United States;
- (7) date of application;
- (8) signature or mark.

(b) If the applicant has been previously registered to vote in another jurisdiction, he shall surrender to the registration official any voter registration or identification card or credentials from that jurisdiction the applicant may possess. The director shall notify the chief elections officer in that jurisdiction that the applicant has registered to vote in Alaska, request that jurisdiction to cancel the applicant's voter registration there, and return the applicant's voter registration or identification card or credentials, if any, to that jurisdiction.

(c) If application for registration is made in person before a registration official, the applicant shall exhibit one form of identification to

the official, including but not limited to a driver's license, birth certificate, passport, hunting or fishing license. A registration official who knows the identity of the applicant may waive the identification requirement.

(d) If the applicant requests reregistration, the applicant shall supply under oath any former name under which the applicant was registered to vote in the state. (§ 2 ch 211 SLA 1968; am § 21 ch 32 SLA 1971; am §§ 6, 7 ch 197 SLA 1975; am § 8 ch 100 SLA 1980)

Effect of amendments. — The 1980 amendment inserted "under oath" at the end of the introductory paragraph of subsection (a), repealed the former provisions of paragraph (3) of subsection (a), which read: "Election district and precinct as of the date of registration," substituted "the jurisdiction and the address of the previous registration" for "where" at the end of

paragraph (4) of subsection (a), substituted "within 90 days of the date of registration" for "on or before the date of the next statewide election" at the end of paragraph (5) of subsection (a), substituted "director" for "lieutenant governor" at the beginning of the second sentence of subsection (b), and added subsections (c) and (d).

NOTES TO DECISIONS

Omission of a voter's complete address is not a "minor" omission. *Willis v. Thomas*, Sup. Ct. Op. No. 1923 (File No. 4398), 600 P.2d 1079 (1979).

Where a voter filled out a voter registration application on October 5, 1978, but failed to supply her complete street address as required by this section, and on election day, filled out a second voter regis-

tration form, this time including her complete address, her ballot should not be counted. *Willis v. Thomas*, Sup. Ct. Op. No. 1923 (File No. 4398), 600 P.2d 1079 (1979).

Applied in *Hammond v. Hickel*, Sup. Ct. Order (File Nos. 4281, 4282, 4283, 4284, 4285, 4291), 588 P.2d 256 (1978).

Collateral references. — Validity of statute requiring information as to age, sex, residence, etc., as condition of registration or right to vote. 44 ALR 260.

Propriety of test or question asked applicant for registration as voter other than

formal questions relating to specific conditions of his right to registration. 76 ALR 1238.

Right of married woman to use maiden surname. 67 ALR3d 1266.

Sec. 15.07.065. Exchange of voter registration information.

Repealed by § 231 ch 100 SLA 1980.

Editor's notes. — The repealed section derived from § 8, ch. 197, SLA 1975.

Sec. 15.07.070. Procedure for registration. (a) The director may adopt regulations under the Administrative Procedure Act (AS 44.62) relating to the registration of voters consistent with the requirements of this section.

(b) To register by mail the director or the area election supervisor shall furnish, upon request, and at no cost to the voter, forms prepared

STATE OF ALASKA THE LEGISLATURE

POUCH Y . STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

May 3, 1983

SUBJECT: Eligibility for voting
(CSHB 30 (Finance))

TO: Representative Albert P. Adams
Chairman, House Finance Committee

FROM: Richard A. Bradley 
Legislative Counsel

The bill is delivered as requested. I note, however, that the change requested to the statement in the former first paragraph of sec. 60(f) is factually and grammatically incorrect.

It is factually incorrect because the law requires that the voter be both a resident and also have been a resident for 30 days before the election. A person who has been a resident for 30 days is a resident. A person who fails on either count may not register for that election.

It is grammatically incorrect because the future perfect tense is required in this usage.

To the extent that the bill addresses the situation of a person who is registered to vote in the state, the new material added in this committee substitute seems inappropriate. The staff of the division of elections should be able to tell a change of address [AS 15.07.090(c)] from a registration and if the provisions of AS 15.07.090(c) are to be duplicated here, it should rather read ". . . in another election district or precinct in the state".

Finally, I note that the original bill is also defective in not fully stating the requirements of AS 15.05.010(4) in the former first paragraph of sec. 60(f); since these changes seem required by AS 15.05.010(4), I have included them.

If I may be of further assistance, please advise.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

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If I may be of further assistance, please advise.

Bradley
5/3/83 ✓

Original sponsors: Martin and Lindauer

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 30 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to proof of eligibility for regis-
7 tration as a voter."

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

9 * Section 1. AS 15.07.060 is amended by adding new subsections to read:

10 (e) The director may require an applicant to provide proof of
11 eligibility to vote. The director may use information available from
12 other state departments or agencies to determine the eligibility of an
13 applicant to vote.

14 (f) The director shall prescribe and furnish an application form
15 for registration as a voter. The application must contain a statement
16 of eligibility in substantially the following form:

17 I certify that

18 () I am currently registered in another precinct in Alaska; or

19 () I am a resident of the state and of the election district in
20 which I seek to vote on the date of this application or I will be a
21 resident of the state and of the election district in which I seek to
22 vote for at least 30 days immediately preceding the date of the next
23 election; or

24 () I claim eligibility to vote as an overseas voter under AS 15.05.-
25 011; or

26 () I claim eligibility to vote in a presidential election under
27 AS 15.05.012 - 15.05.014.

28 I understand that a false claim of eligibility in an application for
29 registration as a voter is a criminal offense and is subject to

1 criminal penalties imposed by law.

2
3 _____
(signature of applicant)

4 (g) The director shall investigate a claim of eligibility to
5 vote under this chapter if information provided by the voter is or
6 seems inconsistent with other information regarding eligibility of the
7 applicant.

8 * Sec. 2. AS 15.07.070(a) is amended to read:

9 (a) The director may adopt regulations under the Administrative
10 Procedure Act (AS 44.62) relating to the registration of voters con-
11 sistent with the requirements of this section and AS 15.07.060.

Introduced: 1/17/83
Referred: State Affairs and Judiciary

1 IN THE HOUSE

BY MARTIN AND LINDAUER

2

HOUSE BILL NO. 30

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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16 of eligibility in substantially the following form:

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20 date of the next election; or

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8 sistent with the requirements of this section and AS 15.07.060.

Offered: 4/21/83
Referred: Finance

Original sponsors: Martin and Lindauer

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 30 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

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