

HB

30

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

PHONE: (907) 586-6161

September 27, 1983

Honorable Vic Fischer
Alaska State Senate
State Affairs Committee
1024 W. 6th, Suite 204C
Anchorage, Alaska 99501
Attn: Suzanne Tryck

Dear Senator Fischer:

Enclosed are the observations and other materials that you requested for HB 29 and HB 30.

If this office can be of any further assistance to you, please do not hesitate to call upon us.

Sincerely,



Mary Lou Meiners
Director

Enclosures

TO: Senate State Affairs Committee
FR: Director, Division of Elections
RE: HB 29 and HB 30

Date: 9/27/83

The Division gave considerable testimony in the respective State House Committees in 1983 on both HB 29 and HB 30. We consider both bills as unnecessary legislation that will complicate the present procedures for running for office and registering as a voter.

The analysis of HB 29 is attached. In addition to this analysis, we feel that the present situation of candidate scrutiny of other candidates who file for office from the same district is superior to any regulatory or administrative checks that the Division could impose. To give two examples:

One Alaskan filed as a representative from Ketchikan in 1974. His long and immediate residence in Anchorage was known to his fellow candidates and to many voters; his candidacy was thus disallowed. Another Alaskan was an Anchorage House candidate, challenged on duration of residency by her opposing candidate in 1982. Because of her housing situation in that district, she was allowed to remain on the ballot.

In both situations it was the opposing candidates who made public their charges of residency; after review of their answers to the charges, the situations were resolved without the Division becoming directly involved.

The Division feels that an investigative arm for checking each candidates' truth in filing would be a magnet for opposing candidates to plant suspicion of eligibility. If a opposing candidate is so unsure of the "facts" regarding a candidates' eligibility, then they should let their doubts be publically known to members of the press or others who can ascertain whether that candidate is eligible. The Division is no more capable of determining this information though State or local government entities than is the neighbor next door or a campaign worker, or member of the press.

Again, we feel this investigative arm would be a target for candidates and the press, which, if our information is incorrect, could well lead to lawsuits and charges of misconduct or malfeasance by the Division.

Similarly, we do not feel comfortable in requesting or checking local tax records, phone bills or other information on the residence of candidates.

We are not that sort of watchdog or investigative agency. Our files reflect the residence and mailing addresses of each registered voter. We feel this is sufficient information to check a candidate's residence, using previous years microfiche of voter registration.

HB 30 "relating to proof of eligibility for registration as a voter" by Martin and Lindauer

HB 30 would require the Division of Elections to design a new voter registration form containing a much larger OATH SECTION.

Presently, the form has a qualifications oath that pertains to the entire form; name, residence address, date of birth (age), and length of residence in the State and District, and U.S. citizenship.

As Alaska has very few overseas voters, the Division does not consider this category of voter as necessary of special treatment on a new registration form.

Additionally, the category of voters who are eligible only for the presidential election is also very small; those registering within 30 days of the election, or out-of-state voters visiting our state during this once-in-four-year period. To satisfy this small category, elections offices could have a special form made up for this purpose and used only during this 30 day period.

Referring to LINE 10 of the proposed bill, registrars are already required under (c) of this section to examine one or more forms of identification, such as drivers license, birth certificate, hunting license, passport, etc., unless the voter is personally known.

The Division does not feel that this new section will add any degree of voter security than is already available in statute. For instance, the Division is allowed access to the Alaska Justice Information System Computer (AJIS) to check criminal records if we know of or suspect felony convictions, and thus, voter ineligibility.

Finally, present law does not require SOCIAL SECURITY or DATE OF BIRTH information to be entered on the form for registration. Consequently, the Division would be hard pressed to coordinate with other state agencies to check eligibility without this data.

NOTE: Because of the addition of the LIBERTARIANS as a political party, it is necessary for the Division to change the registration form to reflect this in the PARTY PREFERENCE section. However, with this small addition, we feel the form is adequate for our purposes, and we would not recommend any further changes at this time.

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. Operatio
 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	212.5	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)	15.7
	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	300	x 4 positions
	<u>1875</u>	

Total Equipment 7.5

ELECTION CODE—TITLE 15

Chapter 25. Nomination of Candidates

Article 1. Primary Elections—Excerpts

Section

- 30. Declaration of candidacy
- 40. Manner and date of filing declaration
- 45. Withdrawal of Candidacy

Sec. 15.25.030. Declaration of candidacy. (a) A member of a political party who seeks to become a candidate of the party in the primary election shall execute and file a declaration of candidacy. The declaration shall be executed under oath before an officer authorized to take acknowledgments and shall state in substance: (1) the full name of the candidate; (2) the full mailing address of the candidate; (3) if the candidacy is for the office of state senator or state representative, the election or senate district of which the candidate is a resident; (4) the office for which the candidate seeks nomination; (5) the name of the political party of which he is a candidate for nomination; (6) the full resident address of the candidate; (7) the date of the primary election at which the candidate declares himself to be a candidate; (8) that the candidate will meet the specific residency requirements of the office for which he is a candidate; (9) that the candidate will meet the specific citizenship requirements of the office for which he is a candidate; (10) that the candidate is a qualified voter as required by law; (11) that the candidate will meet the specific age requirements of the office for which he is a candidate; (12) that the candidate requests that his name be placed on the primary election ballot; (13) that the required fee accompanies the declaration; (14) that he is not a candidate for any other office to be voted on at the primary or general election and that he has not filed another declaration of candidacy or nominating petition for the office for which this declaration is filed; (15) the manner in which he wishes his name to appear on the ballot; and (16) that the candidate is registered to vote as a member of the political party whose nomination he seeks. (b) A person filing a declaration of candidacy under this section shall simultaneously file a statement of income sources and business interests which complies with the requirements of AS 39.50.

Sec. 15.25.040. Manner and date of filing declaration. (a) The declaration is filed by either (1) the actual physical delivery of the declaration in person or by mail at or before 5:00 p.m., prevailing time, June 1 of the year in which a general election is held for the office, or (2) the actual physical delivery by telegram or a copy in substance of the statements made in paragraphs (1) - (5) of the declaration as required by AS 15.25.030 at or before 5:00 p.m., prevailing time, June 1 of the year in which a general election is held for the office and

Section

- 50. Requirement of filing fee
- 55. Removal of name from primary ballot

also the actual physical delivery of the declaration containing paragraphs (1) - (16) as required by AS 15.25.030 by registered mail which is received not more than 15 days after that time. (b) If the postmark is illegible, a dated receipt from the post office where dispatched shall be acceptable as evidence of mailing. If June 1 is a Sunday or holiday, the deadlines for postmarking and receipt of the declaration shall be extended 24 hours in each instance. (c) A candidate for a statewide office or a candidate for a district-wide office shall file either with the director or an election supervisor. If the candidate files his declaration with an election supervisor, the election supervisor shall immediately forward the declaration to the director. (d) If the declaration filed under (a) of this section is not received within seven calendar days, the candidate shall be notified of nonreceipt. The candidate shall have the opportunity to refile his declaration with proof that his previous declaration has been filed in a timely manner and in accordance with law.

Sec. 15.25.045. Withdrawal of candidacy. Notice of withdrawal of candidacy must be in writing over the signature of the candidate.

Sec. 15.25.050. Requirement of filing fee. (a) At the time the declaration is filed, each candidate shall pay a filing fee to the director. The filing fee for candidates for office of governor, lieutenant governor, United States senator, and United States representative is \$100. The filing fee for candidates for office of state senator and state representative is \$30. Subject to legislative appropriation, the director shall pay the filing fee collected from a candidate under this section to the central committee of the political party of that candidate. (b) An indigent person as defined by regulations adopted under the administrative procedure act (AS 44.62) may file a statement of indigency in the form prescribed by regulation in place of the filing fee required by this section.

Sec. 15.25.055. Removal of name from primary ballot. A candidate's name will appear on the primary election ballot unless notice of his withdrawal from the primary is received by the director at least 30 days before the date of the primary election.

Alaska State Legislature

REPRESENTATIVE
TERRY MARTIN
DISTRICT 8
CHAIRMAN—LABOR AND COMMERCE COMMITTEE
PHONE 465-3873



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ANCHORAGE, AK 99504
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DURING LEGISLATURE
POUCH V
STATE CAPITOL
JUNEAU, AK 99811
PHONE 465-3764

MEMORANDUM

To: Senator Vic Fischer, Chairman
Senate State Affairs Committee

From: Representative Terry Martin *TMM*

Date: February 3, 1984

Subject: CSHB 30 (Fin)

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

I introduced the bill in order to tighten up our tests of eligibility of a person to vote in Alaska at the time of voter registration. I became concerned when I was going through a list of those eligible to vote in my district. A great many of those listed had mailing addresses which were obviously from other voting districts and, in some cases, other states or countries.

This legislation is designed to ensure that voter registrars check to be sure that registrants are actually residents of Alaska and of the district in which they are registering to vote. Specifically, the bill:

1. Provides that an applicant shall be required to provide proof of eligibility to vote, and allows the director of the Division of Elections to obtain information from other state agencies for use in determining an applicant's eligibility. (Note: the word used in the bill is "may" be required to provide proof. This should be amended to reflect our desire that the applicant shall provide proof.);
2. Instructs the director of the Division of Elections to provide a form to applicants stating that they are indeed eligible to vote in Alaska and in the election district;
3. Instructs the director to investigate claims of eligibility that seem to contain conflicting statements (eg, registering to vote in a particular election district, but listing a mailing or residence address in another election district); and,
4. Allows the director to adopt regulations to carry out these provisions.

I have copies of mailing labels which were provided to me before the last general election listing people registered to vote in my district (East Anchorage). These mailing labels have addresses from West and Mid-town Anchorage, numerous General Delivery addresses, Seward, Kodiak, Fairbanks, Maryland, Colorado, and other states and countries. I would be happy to share these with you. Please don't hesitate to contact me if you have any questions regarding this legislation.

DECLARATION OF CANDIDACY
STATE HOUSE OF REPRESENTATIVES
1984

PLEASE TYPE OR PRINT

HOME PHONE _____

WORK PHONE _____

I, _____, (Please use same form of name as

on your voter acknowledgment card) declare that my full resident address is: _____

_____, Alaska, and that my full mailing address is:

_____, Alaska _____

(zip code)

I declare myself a resident of and candidate for nomination to the office of State Representative representing Election District _____, Seat _____, I am a candidate for the _____

political party in the primary election to be held on August 28, 1984. I am a citizen of the United States

and have been a resident of Alaska since _____, 19 _____. I am a qualified voter and am regis-

tered to vote under the _____ political party and have been a resident of

Election District _____ since _____, 19 _____. I shall meet the age requirement upon taking the

oath of office if elected. I am not a candidate for any other office to be voted upon at the primary or

general election and I have not filed another decl ration of candidacy or nominating petition for the

office for which this declaration is filed. I request that my name appear on the primary election ballot

and that it appear in the following form.*

(print name for ballot use)

The required fee of \$30.00 accompanies this declaration.

(Signature of Candidate)

Subscribed and sworn before me this _____ day of _____, 198 .

(Notary Public or Postmaster)

(Commission expires: _____)

Please check one of the following:

_____ I am filing my conflict of interest statement with this declaration.

_____ I have a current conflict of interest statement on file with the Alaska Public Offices Commission.
(A current municipal conflict of interest does not apply)

To assist the staff in verifying voter identification, please provide one or more of the following:

1. Voter Registration Number _____
2. Social Security Number _____
3. Birthdate _____

*The director of elections may not include on the ballot, as a part of a candidate's name, any honorary or assumed title or prefix but may include in the candidate's name any nickname or familiar form of a proper name of the candidate. (AS 15.15.030 (4))

5/12 COPY
Offered: 5/4/83
Referred: Rules

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."

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

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

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(e) The director may require an applicant to provide proof of

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eligibility to vote. The director may use information available from

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other state departments or agencies to determine the eligibility of an

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applicant to vote.

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(f) The director shall prescribe and furnish an application form

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for registration as a voter. The application must contain a statement

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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

5

6

7

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

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

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(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 and AS 15.07.060.