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547

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
SB 547

Voter Residency

Received May 4, 1990
by The State Affairs Committee

Heard May 5, 1990

Adopted HCS SB 547 (SA)

Passed Out of Committee May 5, 1990
2 Do Pass
2 No Recommendation

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HOUSE COMMITTEE REPORT

(7)

Date Referred: May 4, 1990

FURTHER REFERRALS:

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

SB 547

SENATE BILL NO. 547

VOTER RESIDENCY

"An Act relating to address information required for voter registration; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with HC SSB547 (SA) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Date/Dept)

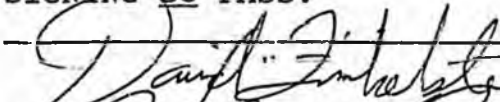
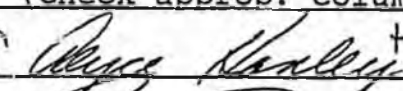
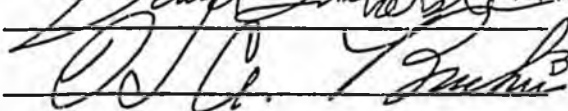
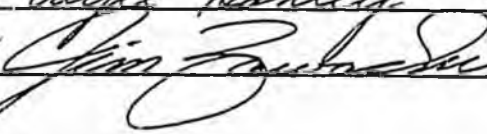
- fiscal impact _____ fiscal note(s) _____
- zero fiscal note _____ zero fiscal note(s) 4/23/90. Elections
- zero with analysis _____ zero fn/analysis _____


SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not
Pass No Rec Amend

	Fintelstein		Hanley		
	Boucher		Zawacki	✓	


Chairman's Signature

Item 2

FISCAL NOTE

REQUEST:

Revision Date: 4/20/90
Title: Relating to address information
required for voter registration
Sponsor: State Affairs Committee
Requestor: State Affairs Committee

Agency Affected: Office of the Governor
BRU: Elections
Components: I - Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The fiscal impact for FY 90 is -0-.

Prepared by: Linda Edgeworth
Division: _____

Phone: 465-4611
Date: 4/20/90

Approved by Commissioner: _____
Agency: Division of Elections

Date: 4.20.90

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

BRIEF ANALYSIS OF SB547

Prepared by Division of Elections
April 20, 1990

Section (a): This section sets out the purpose of requesting address information at the time of registration or reregistration. It identifies the fundamental criteria which must be met in providing a residence address.

Section (b): The second section clarifies that rules for determining sufficiency of residence address information may vary based on certain conditions which influence how specific rules will be defined. Such conditions would include: size of area, population and location of the community; whether the location is divided into more than one precinct, or other election subdivisions; and whether or not street names, and other official physical descriptions are commonly utilized in the area.

Section (c): This section specifies the kinds of descriptions which must be included on the registration application if the voter is claiming residence in an urban area which includes more than one precinct or election subdivision, more than one district, etc. It also specifies that in these areas provision of a mail designation as a residence address is not sufficient in establishing the residence of the voter.

Sections (d) & (e): These sections set out different criteria for rural areas where the community lies solely within one precinct and in which there are no election subdivisions. It provides that only the community name is sufficient, and further, that provision of excess information will not cause the registration to be rejected, even if the excess information would commonly be considered a mailing address. It also identifies other criteria on the application which could be considered evidence of the person's residence.

Section (f): In this section, provision is made for voters identifying a military installation, institution or other fixed reservation as their residence instead of identifying a community by name. It provides that this information is acceptable if the location is within the boundaries of a single precinct, but also stipulates that provision of a mailing address

in these circumstances would be insufficient in establishing the residence of the voter.

Section (g): Finally, this section allows the director to apply the provisions of this bill in evaluating the registrations of individuals who registered before this bill was enacted.

Item 4

COMMENTS IN SUPPORT OF SB547

"An Act relating to address information required for voter registration; and providing for an effective date."

Prepared by
Division of Elections
April 19, 1990

Why Is This Bill Necessary?

Senate Bill 547 was developed in direct response to a hostile court decision which has the potential of disenfranchising between 19,000 and 25,000 voter throughout rural areas of Alaska for this year's Primary and General Elections. (Baird vs. State of Alaska.)

The issues in the case related to the conduct of a local liquor option election in Red Devil, involving 28 voters. This election was conducted by mail. The primary issue of the court case centered around the countability of votes cast by voters who had registered to vote claiming Red Devil as their place of residence but who provided what the court held were insufficient residence addresses. These voters identified their residence address by their box numbers in Red Devil, or as General Delivery, Red Devil.

Background Regarding Residency Issues:

This case is the first in which the sufficiency of residence address information for rural voters residing in remote villages was tested. While several recent Supreme Court Cases focused on residence address information, their focus was on urban areas involving multiple districts and multiple precincts. In Fischer vs. Stout, and Finklestein vs. State of Alaska, both centering around absentee ballots cast by voters registered at Elmendorf Air Force Base, the court ruled that use of a PSC Box (or military mail stop) as residence address information was insufficient in determining the residence of the voter, and, therefore the votes of these individuals should not be counted.

However, in those same cases, the Court also indicated that identifying Elmendorf Air Force Base by itself would be sufficient because the Base was totally contained within the boundaries of a single precinct. Clearly, the location in a single precinct was a distinguishing factor.

In the case of rural voters, the villages in which voters claim residence lie totally within the boundaries of a single precinct. Additionally, in many villages and rural communities, street names and subdivisions are not commonly utilized. It is also significantly less likely, that a person identifying a rural village as his or her place of residence and permanent mailing address, could easily or readily cross district lines. In view of these circumstances the Division has interpreted the sufficiency of residence address information in rural areas more liberally.

For the first time, address information for rural voters has been tested. Even in this case, no one made any allegation that the individuals whose registrations were challenged did not live in the village. On the contrary, parties concurred that they were residents. The central issue was based on how they technically completed their registration forms, not on where they actually lived.

The State is appealing the case to the Supreme Court. We have been advised that at that time, the plaintiffs also intend to challenge registrations of individuals who provide only the village name in identifying the location of their residence.

Significant Impact:

The impact on rural voters is significant. As part of the Division's review for the court case, a preliminary survey of the voter rolls was completed for several specific districts, to determine the extent of the potential impact on voters who registered in the manner found to be insufficient in the court's ruling. Our preliminary findings were as follows:

District	Potentially Impacted (Rural Communities)	% of Total Registered Districtwide	% Alaska Native (Average of Communities Included)
2	1347	19.75%	67.5%
22	3849	63.75%	89.63%
23	3287	63.59%	93.19%
24	4199	80.22%	82.7%
25	2934	58.95%	94.4%
26	3485	47.40%	76.1%

Note: It is also important to understand that over 50% of these individuals have been registered for many years, with no changes in their records since before the State's registration rolls were computerized. They are long standing, non-transient voters.

THE SOLUTION:

To ensure that these voters are not disenfranchised SB 547 was proposed. Not only does it safeguard the voting rights of these voters, it also lays a sound foundation to clarify the rules for determining the sufficiency of residence information for all voters

statewide, rural, urban, and military, once and for all. This legislation would add the layer of clarity that is needed to avoid repeated lawsuits over the same issue of residence address which threatens each and every election.

In considering this bill, it is important to know that:

1. the bill does not change anything....it only clarifies the rules on which the Division of Elections will determine the sufficiency of address information; and,
2. the bill is consistent with the rulings of the two major Supreme Court cases while addressing the realities that exist across our widely diversified State.

Attached is a brief summary of how the bill is structured, and how it distinguishes the rules for urban and rural voters to apply fair and neutral standards that are reasonable and feasible.

We urge your prompt support.



David G. Koivunhiemi
Director

4/23/90

Date