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Alaska State Legislature

ST

REPRESENTATIVE  
**TERRY MARTIN**  
DISTRICT 13  
HOUSE FINANCE COMMITTEE  
CHAIRMAN—UNIVERSITY OF ALASKA BUDGET



3960 REKA DRIVE—B6  
ANCHORAGE, AK 99508  
PHONE 333-6990

DURING LEGISLATURE  
POUCH V  
STATE CAPITOL BLDG  
JUNEAU AK 99811  
PHONE 465-3783

April 30, 1984

Senator Vic Fischer, Chairman  
Senate State Affairs Committee  
Pouch V  
Juneau, Alaska 99811

Open Letter regarding House Bills 29 and 30

Dear Senator Fischer:

The purpose of this letter is to formally request that you schedule the above-referenced bills for hearing before your committee. These bills are extremely pertinent to the upcoming elections, and should be given a fair hearing before your committee.

House Bill 29 would authorize the Division of Elections to investigate a candidate's claim of proper residency in the district in which the candidate has filed to run for office. At this time, the Division has no authority to investigate a candidate's residency. In fact, the only agency empowered to do so is the Alaska Court System, and then only when a suit is brought by a private concern or individual challenging the candidate's residency.

House Bill 30 authorizes the Division of Elections to require more specific information from a person who registers to vote. This bill is designed to eliminate questionable registrations. It would, for instance, allow the Division to question a person registering to vote in one district, but showing a mailing address across town; or to request a more specific address than "general delivery".

These bills have been in your committee since May, 1983, and my office has several times asked that these bills be scheduled for hearing by the State Affairs Committee. I cannot understand your hesitation to hold public hearings on these bills. I would appreciate knowing your specific objections to hearing these bills.

Your constituents and I look forward to your response.

Sincerely,

Handwritten signature of Terry Martin in cursive.

Representative Terry Martin

cc: All Legislators  
Anchorage Times  
Anchorage Daily News



# Alaska State Legislature

REPRESENTATIVE  
**TERRY MARTIN**

DISTRICT 2  
CHAIRMAN—LABOR AND COMMERCE COMMITTEE  
PHONE 465-3873



3250 REK/ DRIVE—06  
ANCHORAGE, AK 99504  
PHONE 333-6990

DURING LEGISLATURE  
POUCH V  
STATE CAPITOL  
JUNEAU, AK 99801  
PHONE 465-3784

## MEMORANDUM

To: Senator Vic Fischer, Chairman  
Senate State Affairs Committee

From: Representative Terry Martin *TMM*

Date: February 3, 1984

Subject: HB 29

"An Act relating to the verification of residency of candidates for certain public offices."

The Constitution of the State of Alaska, Article II, Section 2, requires that "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." HB 29 is necessary in order to give the Division of Elections statutory authority to investigate a declared candidate's eligibility to seek office.

Under current law, no state agency is authorized to check a candidate's claims of residency when a citizen of Alaska questions the matter. If a complaint is lodged with the Division, the Division asks the candidate to verify the statements made at the time of filing for office. If the candidate says that the the statements made are true, then neither the Alaska Public Offices Commission nor the Division of Elections has authority to investigate further. The party questioning the candidate's filing must take the issue to court if the matter is to be pursued. I refer you to the attached Memorandum from Rodger Pegues, Assistant Attorney General, to Terry Miller, Lieutenant Governor, dated January 22, 1980:

"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....

...The Election Code makes no provision for the election officials to reject an application which is valid on its face and timely filed....

On page 2 of that same memorandum, paragraph 2, Mr. Pegues goes on to say that, even if a candidate states that he is not sure he does meet residency requirements, but later "repudiates" that statement, the Division of Elections has no authority to question residency, because an admission of disqualification could be "dead wrong", and because "proof of residence consists of both objective facts and subjective feelings" (page 2, para. 1).

This is inconsistent with state policy in other residency-based programs, such as the permanent fund dividend distribution. If a permanent fund applicant does not appear to meet residency requirements, the state not only has the authority, but has an obligation to question the applicant's legal residence. If we can question every permanent fund applicant's right to a permanent fund dividend based on that applicant's legal Alaskan residency, then we surely should enable our election officials to determine whether a candidate meets the Constitutional residency requirements to run for office.

Your careful consideration of this legislation is greatly appreciated. Please contact me if I can offer any assistance to you with regard to HB 29. It is most important to expedite hearing on this bill so that implementation can be assured before the upcoming election.

## OFFICE OF THE LIEUTENANT GOVERNOR

Rod Pegues  
Assistant Attorney General  
Dept. of Law

January 18, 1980

Terry Miller  
Lieutenant Governor

Constitutional Residency  
Requirements for Filing  
for Office

Rod, as you already know, my office has had many requests for the necessary forms for filing for office for the 1980 elections. Along with these requests have been several questions regarding the residency requirements outlined in the State Constitution. For example, one gentleman has lived in California since 1977; however, he has maintained a permanent residence address in Alaska and has voted by absentee ballot. According to the constitution, he qualifies as being a resident of the state for three years and a resident of the district for one year although in reality he no longer lives here.

I am requesting an opinion from the Department of Law on the residency requirement, what my position is in accepting an individual's declaration base on these requirements, and what the appropriate response may be to individuals in this situation.

I would appreciate your prompt attention to this matter.

Thanks!

# MEMORANDUM

RECEIVED  
STATE OF ALASKA  
JAN 23 1980  
LIEUTENANT GOVERNOR

TO: [ Honorable Terry Miller  
Lieutenant Governor

DATE: January 22, 1980

FILE NO: J-66-412-89-99

TELEPHONE NO:

FROM: AVRUM M. GROSS  
ATTORNEY GENERAL

SUBJECT: Constitutional resi-  
dency requirements  
for elective state  
office

By: *[Signature]*  
Rodger W. Pegues  
Assistant Attorney General

You have asked what you, as Lieutenant Governor and the state's chief election officer, should do with respect to the application of the constitution's residency requirements to those who file for elective state office.

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.

Under the Alaska Constitution, one who files for elective public office must have been a resident of the State (and, for legislators, of the election district) for a prescribed period. \*/ A candidate's eligibility for filing is determined "immediately preceding his filing for office." Alaska Const., art. II, § 2, art. III, § 2. The requisite information is entered on the declaration of candidacy which is filed by the candidate. AS 15.25.030(8).

The Election Code makes provision for the election officials to reject an application which is valid on its face and timely filed. Under AS 15.25.040, an untimely filed declaration of candidacy clearly must be rejected. But there is no similar provision for rejecting a declaration which substantially complies with the prescribed requirements for filing for office. With respect to residency, those requirements are that, in substance, the candidate states that he meets "the specific residency requirements of the office for which he is a candidate." AS 15.25.030(8). Given substantial compliance by the candidate, his name must

\*/ For the legislature, three years in the State and one in the district is required. Alaska Const., art. II, § 2. For governor and lieutenant governor, seven years in the State is required. Alaska Const., art. III, §§ 2, 7.

EXHIBIT A - 5

Honorable Terry Miller  
January 22, 1980  
Page #2

be placed on the ballot. AS 15.25.060.

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 decision maker. The Election Code quite wisely does not provide for the election officials to make such determinations.

Of course, if a declared or would-be candidate states to the election officials that in his own mind he does not believe he is a resident of the state or of the election district or that he believes that he no longer meets the constitution's residency requirements, then the officials -- on the basis of that admission -- may reject a declaration of candidacy from that person unless it is preceded or accompanied by a withdrawal or repudiation of the admission of disqualification. While election officials have no duty to question or determine residency, they are not compelled to ignore admissions of disqualification. However, whether one is qualified or not is a legal question and an admission of disqualification could be dead wrong. Therefore, the election officials must honor any subsequent withdrawal or repudiation of such an admission. And, indeed, if they are convinced at the outset that a candidate's admission of disqualification is in error, they can and should disregard it and accept a timely and properly filed declaration of candidacy from the candidate.

RWP/pjg

HB 29

BILL HB0029  
PAGE 00024  
DATE 01/17/83  
CHAMBER HOUSE  
TEXT HOUSE BILL NO. 29 by Martin, Flood and Lindauer, entitled:  
"An Act relating to the verification  
of residency of candidates for certain  
public offices."  
was read the first time and referred to the State Affairs  
and Judiciary Committees.

BILL HB0029  
PAGE 00049  
DATE 01/18/83  
CHAMBER HOUSE  
TEXT Speaker Hayes added a Finance Committee referral to  
HOUSE BILL NO. 29 (relating to the verification of resi-  
dency of candidates for certain public offices)  
HB 29 is now referred to the State Affairs, Judiciary  
and Finance Committees.

BILL HB0029  
PAGE 00501  
DATE 03/16/83  
CHAMBER HOUSE  
TEXT The State Affairs Committee has had HOUSE BILL NO. 29  
(verification of residency of candidates for certain pub-  
lic offices) under consideration and reports it back as  
follows: Abood (Chairman), Shultz, Cowdery, Furnace and  
Larson recommend do pass. A fiscal note was attached.  
HB 29 was referred to the Judiciary Committee.  
Fiscal note appears in House Journal Supplement No. 25.

BILL HB0029  
PAGE 01251  
DATE 05/10/83  
CHAMBER HOUSE  
TEXT The Judiciary Committee has had HOUSE BILL NO. 29 (relating  
to the verification of residency of candidates for certain  
public officer) under consideration and reports it back as  
follows: Bussell (Chairman), Liska, Hayes, Wendte and  
Barnes recommend do pass. Malone and Clocksire have no  
recommendation.  
HB 29 was referred to the Finance Committee.

HOUSE JOURNAL  
SUPPLEMENT

No. 25

March 16, 1983

HB  
29

PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 29 Date on Bill: 1/17/83  
 Title: relating to the verification of residency of candidates for certain public offices  
 Sponsor: Martin, Flood & Lindhauer  
 Requestor: State Affairs Committee (HOUSE) 1/14/83 1:45 pm Rm. 102

1. Estimated fiscal impacts on: Division of Elections staff

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87
LAOICSI					
OPERATING			-1-		-2-
OTSI					

Revenues:

RE	83	84	85	86	87

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

3. Assumptions: Regulations must be written and adopted to require coordination between Div. of Elections and local taxing authorities to confirm length of residency. (\$1,000 in FY 85)  
 Staff time must be allocated to verify residency of 120-150 state office candidates every 2 years. This should take the month of July for one person. (\$3,000 every 2 years)

4. Disclaimer: This statement has not been reviewed by the CAB in the Office of the Governor. It do not represent the policy of the Sheffield Administration or the final estimate of its impact.

Prepared By: JPThoma Phone: 4611  
 Division: Elections Date: \_\_\_\_\_  
 Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Department: \_\_\_\_\_

5. Distribution:  
 Original to Legislative Finance  
 Copy to OMB  
 Copy to Sponsor

COMMITTEE REPORT

HOUSE

5/17

Rules

FURTHER:

Date: 5/16/83

5/10/83

Mr. Speaker:

The Committee on FINANCE has had HB 29

"An Act relating to the verification of residency of candidates for certain public offices."

under consideration and reports it back as follows:

- do pass [ ] do not pass
- [ ] do pass with attached amendments(s)
- [ ] replace with CS for [ ] same title [ ] new title
- and recommends \_\_\_\_\_
- [ ] 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

*[Handwritten signatures]*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*[Handwritten signature]*

CHAIRMAN

Candidates for  
Public Office  
(residency  
requirements)

HOUSE BILL NO. 29, by Martin, Flood and Lindauer.  
Amends section of the Election Code relating to the nomination of candidates (AS 15.25) by adding new sections requiring the verification of residency of candidates. Candidates must meet specific requirements (to be adopted as regulations by the Director of Elections). Requirements apply to candidates for state executive and national legislative offices (AS 15.25.030), and also for candidates who do not represent a political party (AS 15.25.180). Does not provide for an effective date.



page 36

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

DIVISION OF ELECTIONS  
POUCH AF  
JUNEAU, ALASKA 99811-9974

**OFFICE OF THE GOVERNOR**

PHONE: (907) 586-6181

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 - "an Act relating to proof of eligibility for registration as a voter" by Martin.

This legislation would require the Division of Elections to design and print new voter registration forms containing an expanded oath section. The estimated cost would be \$20,000 for 500,000 forms.

Section (e) is an unneeded new subsection; some sort of identification is already required by all new registrants, unless they are personally known by a registrar. However, a new voter is not required to list their social security number or date of birth, the traditional ways to verify the identify of a person through cross-files. Thus, we do not feel that information from other divisions of state government will provide any better knowledge of eligibility than a potential voter's own Alaskan identification at the time of registration.

Section (f) would require new sections on the form which we feel is also unnecessary; a person can easily file a change of voter addresss; registrars are well aware of the 30 day period of registration prior to an election, but many city and borough charters do not require this; overseas voters are an extremely small percentage of our voters, mostly military; those eligible to vote for only presidential candidates during the November election every four years are also an extremely small percentage of the votes cast, and should not merit this special treatment on the voter registration form. They vote questioned ballots, and our election workers are aware of this category of voter who may vote only for President.

Section (g) is an open-ended authority by the Director to launch investigations of voters, which we consider to be unnecessary. Also, as we've stated, the access and level of information available is rarely of better use than a voter's own identification.

In summary, we feel that both HB 29 and HB 30 are bills that would put the Division in a delicate position of instigating, investigating, judging and sentencing both candidates and voters for subjective violations in filling out forms. Since Alaska has no history of voter fraud, and candidates seem to police their fellow candidates with close scrutiny, we request that both pieces of House legislation be examined carefully for their merits, if any.

Attachments:

Legislative testimony  
fiscal notes (revised)  
1984 candidates application form  
voter registration form

# 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 of 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.

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 registered 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 declaration 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.\*

\_\_\_\_\_  
(printed 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) )

I. REQUEST

Bill/Resolution No.: HB 29  
 Title: "Verify residency of candidates"  
 Sponsor: Representative Martin & Flood  
 Requestor: House Finance

II. FISCAL DETAIL

Agency Affected: Office of the Governor  
 Program Category Affected: Exec. Operation  
 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			4.4		5.	
200 TRAVEL						
300 CONTRACTUAL			1.			
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING			5.4		5.	
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND			5.4		5.	
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY			2		2	

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: Not Provided

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: T.P. Thora, Information Officer Phone: 465-4611  
 Division: Division of Elections Date: 05-16-83  
 Approved by Commissioner: *[Signature]* Date: 05-16-83  
 Department: Lieutenant Governor

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)

FISCAL ANALYSIS  
HB 29

"Verification of residency of candidates for certain offices"

ASSUMPTIONS:

Regulations must be written in FY 83 to allow cooperation between the Division of Elections and local entities such as property taxing authorities. This would confirm length of local residency. It is assumed that advertising for the change in regulations will cost \$1000 in contractual services.

Two temporary staff persons, at range 10, would work one month to verify residency of between 120- 150 state office candidates every two years. With 25% benefits and 6% inflation, these costs should be \$4,400 in FY 85 and \$5000 in FY 87.

"An Act relating to the verification of residency of candidates for certain public offices"

by: Martin, Flood and Lindauer

This bill would require the Director of Elections to verify the residency (by place and duration) of all candidates for the offices of:

Governor  
Lieutenant Governor  
U.S. Senate

U.S. House  
State Senate  
State House

In 1982 for example, there were 120 individual candidates in the Primary whose address and length of residence would need verification by the Division.

ASSUMPTION:

If this proposal were to become statutory law, the Division of Elections foresees the need to employ up to four more temporary staff persons in 1984 to investigate the durational residence and residence location of an increasing number of candidates for state office.

Presently, the Division of Elections requires candidates to file a notarized declaration of candidacy with the Division which includes their:

- 1) full residence address;
- 2) that the candidate meets the residency requirements as outlined in Article 2, Section 2 of the Alaska Constitution;
- 3) that they are registered voters of the parties under which they have filed as candidates for office.

At the bottom of the notarized form is the statement "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"

RESOLVE:

An oath similar to that on the voter registration form could be added to the candidacy form attesting that all the information is true and setting out penalties for false statements. This may address the intent of HB 29.

The present method of challenging residency statements by candidates for office is to file a legal challenge with the courts, Attorney General, the Division of Elections, APOC or take the matter directly to the press.

IMPACT OF HB 29:

For the Division of Elections to verify each individual candidate for office would require that, between June 1 (the last day for filing) and August 1 (an arbitrary date before the primary), a check of residence and duration be run on all 120-150 candidates. Since the Division has only six year voter history, not district residence history, per se, we would have to check with the property tax division of the boroughs and municipalities, landlords or others renting units to absolutely confirm duration of residency.