

SB

303



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 11, 1994

303

The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to voter eligibility, voter registration, and voter registration agencies. The bill implements 42 U.S.C. 1933gg and the National Voter Registration Act of 1993 (NVRA). The state must implement the NVRA by January 1, 1995. Although the NVRA sets out requirements for voter registration only for elections for federal office, it is not practical from a fiscal standpoint to maintain registration requirements and lists for elections for federal office that are different from those for state and local offices. The bill that I am transmitting today amends the registration requirements for elections for state and local offices, as well as for federal offices. The bill also makes necessary technical amendments to state voting laws.

Section 2 of the bill amends AS 15.05.020(10) to permit a voter to advise the director of elections of a change of address in writing, without having to execute an affidavit on a form provided by the director. This complies with sec. 5(d) of the NVRA, which requires states to allow a change of address form for a driver's license to serve as a change of address form for voter registration. Under AS 28.05.071, no affidavit or notarization is needed for a driver's licensee's written notification to the Department of Public Safety of a change of address.

Section 3 of the bill amends AS 15.05.030(a) to provide for cancellation of voter registration of persons convicted of felonies involving moral turpitude under federal law. The existing statute provides for cancellation of voter registration of persons convicted of those felonies under state law. The NVRA requires the United States attorney to give the state notice when a person is convicted of a felony in a United States district court. Although cancellation of voter registration of persons convicted of federal felonies is not required by the NVRA, inclusion of this provision is consistent with and advances the policies of AS 15.05.030(a).

Fiscal Note

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Section 4 of the bill amends AS 15.07.050 to permit registration in person through voter registration agencies, which are designated in sec. 5 of the bill.

Section 5 of the bill designates specific state agencies as voter registration agencies that will provide voter registration materials and assistance. Under sec. 7 of the NVRA, the state must designate public assistance agencies and other state-funded agencies that primarily provide services to persons with disabilities to serve as voter registration agencies. The Conference Report on the NVRA explains that "public assistance agencies" is intended to include state agencies "that administer or provide services under the food stamp; Medicaid; the Women, Infants and Children (WIC); and the aid to families with dependent children (AFDC) programs."

The NVRA requires the state to designate other agencies as voter registration agencies. The division of motor vehicles, which already provides voter registration assistance, is designated as a voter registration agency by sec. 5 of the bill. Also designated is the division in the Department of Community and Regional Affairs that is responsible for municipal and regional assistance programs (currently, that is the division of municipal and regional assistance). Because employees of that division visit each of Alaska's rural communities at least once during each election cycle and provide bilingual information in the villages when needed, designation of this division assures availability of registration opportunities to Alaska's Native rural residents. The bill also designates United States armed forces recruitment offices, which are required by the NVRA to provide registration assistance. The bill requires the director of elections to designate agencies that provide assistance to persons with disabilities, and allows the director of elections to designate other state, local, federal, and nongovernmental offices as voter registration agencies. Section 13 of the bill provides a definition of "voter registration agency" for AS 15.

Section 6 of the bill amends AS 15.07.064(e) by repealing a provision that allows the director to consider whether the application of a resident of a single-precinct municipality or established village was witnessed by two voters already registered in the area. This conforms that statute to sec. 9(b)(3) of the NVRA, which prohibits "any requirement for notarization or other formal authentication" of mail voter registration forms.

Section 7 of the bill amends AS 15.07.070 to provide the director of elections with specific authority to adopt regulations to implement requirements of federal law, including the NVRA. The bill also amends existing AS 15.07.070 to include voter registration agencies as agencies that must provide mail voter registration forms and in-person registration. Existing AS 15.07.070(b) is amended to remove notarization

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Page 3

and formal authentication requirements from the mail registration procedure. Such requirements are prohibited by sec. 3(b)(3) of the NVRA. The bill amends existing AS 15.07.070(c) to provide that the names of persons submitting mail registration forms that are postmarked at least 50 days before an election will be placed on the official registration list for that election, as required by sec. 8(a)(1)(B) of the NVRA. Based on the experience of the division of elections that many mail registration forms arrive without legible, dated postmarks, existing AS 15.07.070(c) also is amended to provide that those registrations will be considered timely if they are both executed at least 30 days before the election and received by the director or election supervisor by mail at least 25 days before the election.

Sections 8, 9, 10, and 12 of the bill amend Alaska law to comply with the requirements of the NVRA regarding maintenance of voter registration lists. AS 15.07.130 and AS 15.15.198 are amended by secs. 10 and 12 of the bill, respectively, to ensure that the content of the notice sent to a voter complies with the NVRA and to provide that the voter's registration is only "inactivated," and the voter's name is to be maintained on the master register, if the voter fails to respond to the notice. The deadline for a voter's response to the notice is extended to 30 days before the next primary election. If the voter does not respond to the notice by the deadline, he or she may still vote a questioned or absentee ballot. The questioned ballot procedure required by AS 15.15.198 and the information required for an absentee ballot provide for the "affirmation or confirmation" of the voter's address allowed under the NVRA when a voter does not respond to a notice to confirm address. The amendments to AS 15.07.130 provide that the voter's name will be removed from the master register only if the voter does not respond to the notice and does not vote during the period beginning on the date of the notice and ending on the day after the second general election for federal office that occurs after the date of the notice. The bill retains AS 15.07.130(c)'s existing provision that the registration of deceased voters is to be cancelled. Section 3 of the bill amends AS 15.07.090(b) to remove reference to cancellation of voter registration for failure to vote. Because inactive voter registrations will now appear on the master register, sec. 9 of the bill amends AS 15.07.125 to accurately describe which voter names are to be included on the official registration list, from which the precinct registers are prepared.

Section 11 of the bill designates the director of elections as the state official responsible for coordination of state responsibilities under the NVRA, as required by sec. 10 of the NVRA.

Section 14 of the bill amends AS 28.05.045 to provide for simultaneous application for voter registration and licenses, identifications, and registrations issued by the Department of Public Safety, division of motor vehicles.

The Honorable Rick Halford

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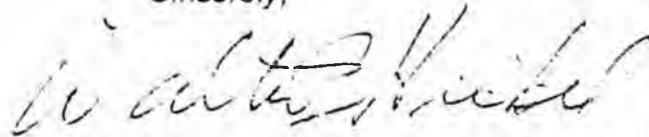
Page 4

Sections 15 and 16 of the bill make conforming amendments to the statutes setting out duties for the Department of Health and Social Services, and the Department of Community and Regional Affairs, to acknowledge the new voter registration agency responsibilities assigned by proposed AS 15.07.055 and the NVRA.

Sections 17 and 18 of the bill would allow the director of elections to proceed to adopt needed regulations, which would take effect at the same time that secs. 1 - 16 of the bill take effect.

I urge the legislature's expeditious consideration and passage of this important bill to conform Alaska's voter registration laws with federal law.

Sincerely,



Walter J. Hickel
Governor

FISCAL NOTE

No. 7
Bill Version: SB303
(S) Publish Date: 2-11-94

Revision Date: February, 1994 Dept. Affected: Community & Regional Affairs 30-
Title: Governor's Motor Voter Bill BRU: Local Government Assistance
Sponsor: Governor Component: Training and Development
Requestor: _____ COMPONENT SERIAL NO. 672

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL	5.0	5.0	0.0	0.0	0.0	0.0
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
LIABILITIES, CLAIMS						
MISCELLANEOUS	5.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	10.0	5.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	10.0	5.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	10.0	5.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current (FY94) impact \$ none

ANALYSIS: (Attach a separate page if necessary)
This legislation amends state law to bring the Alaska statutes into line with recently passed federal law, the National Voter Registration Act of 1993 (NVRA). Under this legislation, the Department of Community and Regional Affairs is designated as a voter registration agency. In general, the Department can absorb the additional duties required of this responsibility without fiscal impact. That is, existing staff can incorporate the new duties (help clients complete voter registration forms, distribute voter materials, etc.) within the course of their ongoing programmatic functions.
(continued on attached page)

Prepared by: Michael Cushing, Research Analyst Phone: 465-4708
Division: Municipal and Regional Assistance Division Date: 1/31/94
Approved by Commissioner: [Signature] Date: 1/31/94
Agency: Community & Regional Affairs

FISCAL NOTE

Fiscal Note Analysis Continued

Governor's Motor Voter Bill

The Department, however, does anticipate some minor additional "start-up" training costs associated with helping municipal officials in Alaska's smaller rural communities understand the new federal and state laws; and what they, as municipal officials, need to do to implement these laws correctly. We estimate the additional training costs in the first year will be about \$10,000 which includes \$5,000 for travel expenses and \$ 5,000 for materials and contractual services associated with putting training sessions together. The training will be performed by DCEA's regional office staff. We envision the additional costs to drop off in the second year and to consist of about \$5,000 — all in travel expenses. Beginning in the third year, we would expect this training to be fully integrated into our municipal officials training efforts and, therefore, should not represent an additional fiscal impact from that point forward.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 303

(S) Publish Date: 2-11-94

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to voter eligibility, voter registration, and voter registration agencies BRU: Public Assistance Administration
 Component: Eligibility Determination
 Sponsor: Governor
 Requestor: _____ COMPONENT SERIAL NO. 0236

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	10.2	21.0	21.6	22.2	22.9	23.6
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.2	0.4	0.4	0.4	0.4	0.4
SUPPLIES	0.0	0.0	0.0	0.0	0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
DEFANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	10.4	21.4	22.0	22.6	23.3	24.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts	5.2	10.7	11.0	11.3	11.6	12.0
1003 GF Match	5.2	10.7	11.0	11.3	11.7	12.
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/AHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	10.4	21.4	22.0	22.6	23.3	24.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY94) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

The federal National Voter Registration Act of 1993 requires state agencies administering certain public assistance programs, including Aid to Families with Dependent Children (AFDC), Food Stamps, and Medicaid, to be voter registration agencies.

(continued on page 2)

Prepared by: Jan L. Hansen, Director
 Division: Division of Public Assistance
 Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S
 Agency: Department of Health & Social Services

Phone: 465-2680
 Date: 2/11/94
 Date: 2-2-94

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ANALYSIS (cont.):

Under this legislation, Division of Public Assistance field offices must provide voter registration materials to all applicants for all of the programs it administers and to clients who wish to report address changes to the Division of Elections. DPA staff must also assist applicants who request help in completing the voter registration forms and mail in the completed forms for individuals who do not wish to mail them themselves. Under federal law, public assistance applicants must be requested to agree or decline in writing to register to vote, and written declinations must be retained in state records.

These activities will increase the workload of already-overburdened staff in DPA offices throughout the state. We estimate that 10 percent of the approximately 35,000 applicants interviewed each year in our offices will wish to register to vote when they apply for public assistance, and that an equal number will request an explanation of the form or help with the form. We assume that each such interaction will require 10 minutes of staff time, including time to assemble materials, process mailings, and assist clients.

7,000 clients assisted x 10 minutes processing/client = 1160 hours

$\frac{1160}{1950} = 0.6 \text{ FTE}$ $0.6 \times \$33,900/\text{year}/\text{FTE Clerk III} = \$20,340/\text{year}$

The requirement takes effect January 1, 1995. FY95 figures reflect 6 months' costs.

Personnel costs for years after FY95 are increased by 3.0 percent to account for inflation.

Additional PCN not requested: personal services increment will be used to reduce V&T to absorb additional workload.

Estimated mailing costs: \$400/year

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

5
Bill Version: SB 303
(S) Publish Date: 2-11-94

Revision Date: _____ Dept. Affected: Health and Social Services
Title: Act relating to voter elig., voter registration BRU: State Health Services
& voter reg. agencies; & providing for effective date. Component: Women Infants & Children
Sponsor: _____
Requestor: Governor COMPONENT SERIAL NO. #1013

Expenditures/Revenues:	(Thousands of Dollars)					
OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	4.4	8.9	9.2	9.5	9.7	10.0
MISCELLANEOUS						
TOTAL OPERATING	4.4	8.9	9.2	9.5	9.7	10.0

CAPITAL EXPENDITURES

CHANGES IN REVENUES

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	4.4	8.9	9.2	9.5	9.7	10.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	4.4	8.9	9.2	9.5	9.7	10.0

POSITIONS:	FY95	FY96	FY97	FY98	FY99	FY00
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY94) cost \$ NONE

ANALYSIS: (Attach a separate page if necessary)
This bill 1993 requires state agencies administering certain public programs, including WIC, to be voter registration agencies.

As the agency administering WIC, Division of Public Health, WIC grantees must, under the and this legislation, provide voter registration materials to all applicants for these programs and to clients who wish to report address changes to the Division of Elections. DPH staff and grantee staff must also assist applicants who request help in completing the voter registration forms and mail in the completed forms for individuals who do not wish to mail them themselves. Public health applicants must be requested to agree to decline in writing to register to vote, and written declinations must be retained in state records.

SEE ATTACHED

Prepared by: Peter M. Nakamura, MD, MPH Phone: (907) 465-3030
Division: Public Health Date: 02/01/94

Approved by Commissioner: Margaret R. Lowe Date: 2-2-94
Agency: Department of Health & Social Services

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ANALYSIS (cont.):

These activities will increase the workload of already-overburdened staff in DPH and grantee offices throughout the state. We estimate that 10 percent of the approximately 14,578 applicants interviewed each year in our grantees offices will wish to register to vote when they apply for services, and that an equal number will require an explanation of the form or help with the form. We assume that each such interaction will require 10 minutes of staff time, including time to assemble material: process mailings, and assist clients.

2,916 clients assisted x 10 minutes processing/client = 486 hours
486 = 0.25 FTE 0.25 x \$33,900/year/FTE Clerk III = \$8,475/year
1950

Personnel costs for years after FY95 are increased by 3.0 percent to account for inflation.

Additional PCN not requested: Grantees may require additional staff.

Estimated mailing costs: \$204/year

FISCAL NOTE

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1994 LEGISLATIVE SESSION**

4
Bill Version: SB 303

(S) Publish Date: 2-11-94

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Motor Voter BRU: Mental Health/DD Admin
 Component: Institutions and Administration
 Sponsor: n/a
 Requestor: Governor's Office COMPONENT SERIAL NO. 310

Expenditures/Revenues:		(Thousands of Dollars)				
	FY95	FY96	FY97	FY98	FY99	FY00
OPERATING						
PERSONAL SERVICES	8.2	17.0	17.6	18.2	18.8	19.5
TRAVEL						
CONTRACTUAL	0.4	0.8	0.9	0.9	0.9	1.0
SUPPLIES						
EQUIPMENT	2.1	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.7	17.8	18.5	19.1	19.7	20.5
CAPITAL EXPENDITURES	0.0					
CHANGES IN REVENUES	0					

FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF	10.7	17.8	18.5	19.1	19.7	20.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	10.7	17.8	18.5	19.1	19.7	20.5

POSITIONS:						
FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY94) cost \$ 0.0

ANALYSIS: (Attach a separate page if necessary)

This bill would require the four office locations of the Division of Mental Health and Developmental Disabilities and the division's two institutions, Alaska Psychiatric Institute and Harborview Developmental Center, to conform to the "National Voter Registration Act of 1993". This means that each location will inform the public served and provide them with the opportunity for voter registration. Furthermore, each location will offer voter registration services to their staff and the general public upon request. All above locations will be trained by the Division of Elections in voter registration services and will be provided the necessary forms for registration. Each location will be responsible for assisting each individual wishing to register, re-register or change address. Additionally, each location will be responsible for mailing all completed registration forms, and for notifying, in writing, the election supervisor/director of all denials as specified by the bill.

Prepared by: *David K. Jole* Phone: 465-3370
 Division: Mental Health and Developmental Disabilities Date: 02/01/94
 Approved by Commissioner: *Margaret R. Lowe*
 Agency: Department of Health & Social Services Date: 2/2/94

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ANALYSIS (cont.):**Assumptions:**

The cost projections are based upon the following rationale: The projected average number of monthly consumer contacts by each office location multiplied by the average time projected to explain the information and to assist the public or consumer or services with the registration process. It is to be remembered that the population being served by the Division of Mental Health and Developmental Disabilities is more difficult to work with and habitually has a much more difficult time understanding the rationale behind any requirement or service. The needed staff time is based upon the FTE (1950 hours/year) at the range of a Clerk Typist III.

Other Expenditures:

- Personal Services is based upon 0.50 of an FTE at the Clerk Typist III, Range 8, Step A, Anchorage pay scale, to be used to offset personnel costs.
- Contractual Services covering estimated costs associated with mailing completed registration forms to the Division of Elections.
- Equipment for storage of the forms, based upon 1 (2) drawer file cabinet for each location.

Computations:

All expenditures have been adjusted with an inflation factor of 3.5% for each year and carried out to FY2000. Also, only six months of FY95 have been figured in due to the date of expected implementation.

Economic Impact:

More individuals will be registered to vote and the State of Alaska will be in compliance with the National Voter Registration Act of 1993 and not be in jeopardy of any penalties for non-compliance.

FISCAL NOTE

No. 3

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 303

(S) Publish Date: 2-11-94

Revision Date: _____ Dept. Affected: Division of Elections
 Title: Implementation of the National BRU: Elections Operations
Voter Registration Act of 1993 (Motor Voter) Component: Elections
 Sponsor: Rules Committee
 Requestor: Governor COMPONENT SERIAL NO. 0021

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	17.8	2.9	2.9	2.9	2.9	2.9
CONTRACTUAL	4.0	4.2	4.4	4.6	4.9	5.1
SUPPLIES	1.2	1.2	1.2	1.2	1.2	1.2
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	23.0	8.3	8.5	8.7	9.0	9.2

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts	0	0	0	0	0	0
1003 SF Match	0	0	0	0	0	0
1004 GF	23.0	8.3	8.5	8.7	9.0	9.2
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	23.0	8.3	8.5	8.7	9.0	9.2

Estimate of any current year (FY94) cost: \$ 0

POSITIONS						
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (attach a separate page if necessary)

 Please see attached page.

Prepared by: Joseph L. Swanson, Director Phone: 415-4611
 Division: Division of Elections Date: 12/21/93
 Approved by Commissioner: John E. Coghill, Lieutenant Governor Date: 1/3/94
 Agency: Office of the Lt. Governor

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IMPLEMENTATION OF THE NATIONAL VOTER REGISTRATION ACT OF
1993 (Motor Voter)

Complying with the federal voter registration mandate will require states to change existing election laws and increase spending. While the Act applies only to federal elections, Alaska would have to maintain a much more costly dual system if we chose not to implement the requirements for state as well as federal elections.

Major provisions of the law require states to establish procedures to permit voter registration simultaneously with an application for a drivers license, by mail, at public assistance offices, at state funded offices that serve people with disabilities, and at recruitment offices of the armed services.

The Federal Election Commission (FEC) is required to prescribe a uniform mail registration form. Alaska must accept the FEC form, but may develop and use our own form if it is in compliance with the Act. The Division plans on developing an acceptable form which meets federal requirements, while being generic enough to be used by other state agencies.

MOTER-VOTER INCREMENT FY 1995

TRAVEL (17.8)

Field Travel (11.2)

Registrar training for the Department of Motor Vehicle offices and public health services personnel.

Conventions and Meetings (7.2)

Yearly National Voter Registration Act educational, training and implementation meetings or seminars.

Per Diem (4.4)

Per diem for trips listed above.

CONTRACTUAL SERVICES (4.0)

73500 Printing of universal voter registration form to be used by agencies mandated to implement the Act. (1.2)
Printing of E-12 envelopes for sendbacks. (.9)

73380 Postage for sendbacks (1.7). Annual Postage fee and bulk mail permit (.2).

OFFICE SUPPLIES (1.2)

FISCAL NOTE

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

Bill Version: SB 303
(S) Publish Date: 2-11-94

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to voter registration BRU: Motor Vehicles
 Component: Field Services
 Sponsor: Rules by Request
 Requestor: Governor Hickel COMPONENT SERIAL NO. 502

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	73.4	73.4	73.4	73.4	73.4	73.4
TRAVEL						
CONTRACTUAL	7.5					
SUPPLIES						
EQUIPMENT	10.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	90.9	73.4	73.4	73.4	73.4	73.4

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

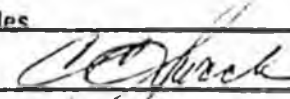
1002 Federal Receipts						
1003 GF Match						
1004 GF	90.9	73.4	73.4	73.4	73.4	73.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL						

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.) See page 2 of 3.

Prepared By: Charles R. Hosack Phone: 269-5559
 Division: Motor Vehicles Date: 1/12/94
 Approved by Commissioner:  Date: 2/2/94
 Agency: Richard L. Burton, Dept. of Public Safety

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DEPARTMENT OF PUBLIC SAFETY
FISCAL NOTE ANALYSIS
Page 2 of 3

The Division of Motor Vehicles currently offers voter registration at all field offices as required by AS 28.05.045. This bill expands on this to include the requirements of the federal National Voter Registration Act of 1993 (Motor-Voter Law). The Motor-Voter Law requires states to make a driver's license application include a voter registration application. The state may not require the applicant to fill out extra forms or provide information twice. The Division of Motor Vehicles will receive no federal funding for this Act.

The driver's license application will be revised to include the additional information needed for voter registration. The applicant must also have the opportunity to decline registration. The division must also forward all change of addresses to the Division of Elections unless the person specifies that the change is not for voter registration purposes.

The driver license computer programs will be changed to collect and print the information required for voter registration. The driver license database will be modified to collect and retain information if the driver declines to register. This programming effort will require 100 hours of programmer-analyst time at \$75.00/hour. Contract programmers will be used because the available staff is fully committed with other mandatory federal programs.

The Division currently registers voters but it is not currently mandatory to either register or decline to register. There will be additional work in registering additional voters and there will be additional time needed with each driver license transaction to explain the options to the individual. This work will be spread over the offices throughout the state and the total impact is estimated to be an increase of 2% over the current workload. To fund this the Division field office staff will be increased by 2% or 2 full-time positions and related equipment. Another method of illustrating this need is that an additional 1.5 minutes will be needed for each of the 165,000 driver license transactions completed each year. This time will be needed to complete the forms and to explain the law. The additional 1.5 minutes equates to 2 employee-years of work when applied to the annual volume of 165,000 transactions.

COST SUMMARY

Personal services - 2 PFT MVR I/II (Range 9B)	\$73.4
Contractual - 100 hours programmer time @ \$75/hr	\$ 7.5
Equipment - 2 terminal work stations @ \$5,000 ea	\$10.0

Note: The contractual and equipment costs are one-time costs only for the first year of the program.

02/03/1994 08:15:13 =====

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.

02/03/94

Position Information Inquiry/Update

08:16:11

Position: 12-12#129 Project: 0 Salary Costs: 24,288.00
 Component: 12-55-07-07-01-03 Benefits Costs: 12,365.66
 Scenario: 7 FY: 95 COLA %= 0.00 Total Costs: 36,653.66

Actuals not available (Status: UNKNOWN) Retirement Code: A

00/00/00 Step: B for 12.0 months & Step: C for 0.0 months (total: 12.0)
 0 Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
 0 Class/Sched Prefix: 1 Schedule: 1A (actual:)
 Bargaining Unit: GG Range: 09 (actual:)
 Location Code: EBA Place: ANCHORAGE
 Job Class Code: P7550 Title: MOTOR VEHICLE REP II
 Seasonal Indic.: F Type: -

Optional Override Salary Rates:

Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months
 Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Premium Pay Items/Amounts Budgeted

Item Cost	---- Actual Costs ----	
	Y.T.D.	Prior Year
Overtime Hours: 0.0	0.00	0
Graveyard Shift Diff. (months): 0.00	0.00	0
Swing Shift Diff. (months): 0.00	0.00	0
Hazard Pay (\$): 0.00	0.00	0
Sea Duty Pay (\$): 0.00	0.00	0
Standby Pay (\$): 0.00	0.00	0
Higher Class Work Pay (\$): 0.00	0.00	0
Area Subsistence Pay (\$): 0.00	0.00	0
Additional Salary (\$): 0.00	0.00	0
PLUS 0.00000 PERCENT C.O.L.A.	0.00	0
Total Premium Pay Costs:	0.00	0

Press ENTER to update record; enter # or use PF key to go another screen:
 1=Position Inquiry/Update 2=Funding info 12=Exit w/o update Selection: 0

FISCAL NOTE

No. 1

Bill Version: SB 303

(S) Publish Date: 2-11-94

STATE OF ALASKA

1994 LEGISLATIVE SESSION

Revision Date: _____

Title: An Act relating to voter eligibility, voter registration and voter registration agencies

Sponsor: Governor Hickel

Requestor: _____

Department Affected: Department of Education

BRU: Alaska State Library / Vocational Rehabilitation

Component: Library Operations / Client Services

COMPONENT SERIAL NO. 208 / 1828

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

The zero fiscal note is based on the assumption that the Department of Education will retain the current level of existing staff.

Prepared by: Sheila Peterson
 Division: Commissioner's Office

Phone: 465-2803
 Date: February 9, 1994

Approved by Commissioner: [Signature]
 Agency: Education

Date: February 9, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 303

Revision Date:		Dept. Affected:	Revenue
Title:	<u>Uniform Voter Registration System</u>	BRU:	<u>Permanent Fund Dividend</u>
Sponsor:	<u>SENATE RULES COMMITTEE, by Request of the Governor</u>	Component:	<u>Permanent Fund Dividend</u>
Requestor:	<u>Senate State Affairs</u>	COMPONENT SERIAL NO.	<u>981</u>

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF MHTIA						
Other						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ -0-

ANALYSIS:

This fiscal note assumes that the Director of Elections does not designate the Permanent Fund Dividend (PFD) Division as a voter registration agency since the PFD Division already includes voter registration forms in the application booklet as required by AS 43.23.016. If the Director of Elections were to designate the PFD Division as a registration agency under proposed AS 15.07.055(c), [See page 2, section 5, lines 24 and 25] the increased cost would require a general fund appropriation or a reimbursable services agreement from the Division of Elections to the PFD Division.

Prepared by:	<u>Thomas C. Williams</u> <i>Thomas C. Williams</i>	Phone: <u>465-2323</u>
Division:	<u>Permanent Fund Dividend</u>	Date: <u>02-14-94</u>
Approved by Commissioner:	<i>[Signature]</i>	Date: <u>2/15/94</u>
Agency:	<u>Department of Revenue</u>	

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JOHN B. COGHILL
LIEUTENANT GOVERNOR

STATE OF ALASKA

P. O. Box 110015
JUNEAU, ALASKA 99811-0015
(907) 485-3520

February 18, 1994

The Honorable Fran Ulmer
House of Representatives
State Capitol Room 403
Juneau, Alaska 99811-1182

Dear Representative Ulmer:

I would like to take this opportunity to thank you for your interest in amending Alaska's election laws to ensure our compliance with the National Voter Registration Act of 1993 (NVRA).

Alaska's election laws are already among the most progressive in the Nation. Many states have a tremendous amount of changes to implement in order to comply with the NVRA, but we are fortunate that existing provisions of Alaska law generally comply, or are close to complying with the federal act. The legislation submitted by the Governor was drafted by the Division of Elections and reflects many hours of research and meetings with representatives from the Federal Election Commission and the Department of Justice, as well as state and local officials from around the country who face the same challenge. I believe this is the best piece of legislation to bring Alaska's election laws into compliance with the NVRA in the most cost-effective and efficient manner.

All politics aside, I encourage you to support the Governor's legislation and work with us to pass Senate Bill 303. As you know, the Governor and I share your commitment to increasing voter registration and voter turnout, regardless of party affiliation. We believe in democracy, and we have an obligation to encourage participation in the democratic process so that everyone can be represented.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "John B. Coghill".

John B. Coghill
Lieutenant Governor

cc: The Honorable Walter J. Hickel, Governor

SENATE BILL NO. 303

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

Section 2. AS 15.05.020 (10) is amended to read:

Rules for determining residence of voter. Removes the requirement to "execute an affidavit on a form provided" and replaces it with notifying the director in writing of a change of voting residence.

Section 5 (d) of the National Voter Registration Act of 1993 (NVRA) requires states to allow a change of address form for a driver's license to serve as a change of address form for voter registration. Under AS 28.05.071 an affidavit or notarization are not needed when a driver's licensee provides written notification of a change of address to the Department of Public Safety. Also complies with Section 9 (b)(3) of the NVRA which prohibits "any requirement for notarization or other formal authentication" of mail registration forms.

Section 3. AS 15.05.030 (a) is amended to read:

Loss and restoration of voting rights. People convicted of felonies involving moral turpitude under state or federal law may not vote in state, federal, or municipal elections.

Currently statute provides for cancellation of voter registration of persons convicted of such felonies under state law. In Section 8 (g), the NVRA requires the United States attorney to give the state notice when a person is convicted of a felony involving moral turpitude in a United States district court. Names can be removed as provided by State law, by reason of criminal conviction...(Section 8 (a)(3)(B)).

Section 4. AS 15.07.050 is amended to read:

Registration in person or by mail. Adds "or through a voter registration agency"

Permits registration in person through voter registration agencies as well as before a registration official or by mail to comply with Section 7 of the NVRA.

SENATE BILL NO. 303 (cont.)

Section 5. AS 15.07 is amended by adding a new section to read:

Voter Registration Agencies. Designates the following state agencies as voter registration agencies:

Division of Motor Vehicles

Divisions of H&SS that provide public assistance through the food stamp program, Medicaid program, Special Supplemental Food Program for Women, Infants, and Children (WIC), and Aid to Families With Dependent Children (AFDC) program

Community and Regional Affairs/Division of Municipal and Regional Assistance

All recruitment offices of the armed forces of the United States located in Alaska

State-funded agencies that primarily provide services to persons with disabilities

Other agencies that may include: other state and local agencies, federal and nongovernmental offices w/ agreement from offices

Voter Registration Agencies will include voter registration materials with agency applications and forms, assist applicants in completing voter registration forms, and transmit voter registration forms to the director of elections in accordance with regulations adopted by the director.

Section 5 of the NVRA requires simultaneous application for voter registration and application for motor vehicle driver's licenses and defines the relationship and responsibilities of the Division of Motor Vehicles as a voter registration agency.

Section 7 of the NVRA designates voter registration agencies and defines the parameters and roles of those agencies named. The Conference Committee in its report on the NVRA delineated the minimum agencies to be included as "public assistance agencies" as "...those state agencies in each State that administer or provide services under": the food stamp program, the medicaid program, Women, Infants, and Children program, and the Aid to Families with Dependent Children program."

State funded agencies that primarily provide services to persons with disabilities are specifically designated under Section 7 (a)(2)(B) of the NVRA.

SENATE BILL NO. 303 (cont.)

All recruitment offices of the armed forces of the United States located in Alaska are also designated as voter registration agencies to comply with Section 7 (c)(2) of the NVRA.

The Division of Municipal and Regional Assistance in the Department of Community and Regional Affairs is designated as a voter registration agency in this bill because employees of that division visit each of Alaska's rural communities at least once during each election cycle and provide bilingual information in the villages when needed. Specifically recognizing this division as a voter registration agency assures availability of registration opportunities to Alaska's Native and rural residents.

Section 6. AS 15.07.064 (e) is amended to read:

Address information required for voter registration. Removes reference to consideration by the director of elections of witnessing of an application for voter registration by mail in determining the validity of applications from certain residents of single-precinct municipalities or established villages.

NVRA Section 9 (b)(3), prohibits "any requirement for notarization or other formal authentication" of mail voter registration forms.

Section 7. AS 15.07.07 is amended to read:

Procedure for registration. (a) The director is given specific authority to adopt regulations to implement requirements of federal law, including 42 U.S.C. 1933gg (National Voter Registration Act of 1993).

Regulations to bring the State into compliance with the NVRA are a necessary compliment to this legislation.

(b) In registering by mail, adds voter registration agencies to those who shall furnish forms at no cost to the voter. Removes [upon request] regarding forms prepared by the director for voter registration, so that a voter does not have to request a form to be given the opportunity to register. Removes language regarding required notarization and all witnessing requirements. When the Division notifies the applicant that their registration was denied, the requirement that the Division notify [by certified or registered letter] has been removed.

Section 7 of the NVRA requires that a voter registration agency must distribute mail voter registration application forms and that the individual will be asked by the voter registration agency whether or not they would like to register, rather than the individual requesting the

SENATE BILL NO. 303 (cont.)

application. Section 9 (b)(3) prohibits "any requirement for notarization or other formal authentication" of mail voter registration forms. As a cost saving measure, applicant notification of registration denial will be mailed first class rather than certified or registered mail

(c) Completed registration forms must now be postmarked, not [received by the director or election supervisor] at least 30 days prior to the next election. Added if a registration form is received less than 30 days before an election has an illegible and undated postmark, but was signed and dated by the applicant at least 30 days before an election and was received at least 25 days before an election, their name shall be placed on the official registration list. A person who submits a completed registration form by mail that does not meet the applicable requirements of this subsection may not be placed on the official registration list for that [the next] election.

Complies with Section 8 (a)(1)(B) of the NVRA. The Division of Elections receives many by-mail registration that have illegible, undated, or no postmarks. To maximize the registrations that will be accepted and placed on the official registration list, the provision for receipt of an application by the director at least 25 days before the election, and executed at least 30 days prior was added.

(d) Qualified voters may register in person before a registration official or through a voter registration agency...

Adds voter registration agencies to comply with Section 7 of the NVRA.

(f) Incomplete or inaccurate registration forms may not be accepted. Registration reexecuted and resubmitted forms may be completed in person or by mail and must meet the requirements of (c) or 'd). Removes language regarding the date of registration when reexecuting a registration application.

New language conforms to changes made in paragraphs (c) and (d) and complies with Section 8 (a)(1)(B) of the NVRA.

(g) Adds voter registration agencies designated under AS 15.07.055 and removes [Department of Public Safety].

The Division of Elections will be supplying by-mail voter registration forms to all other voter registration agencies for distribution to the public to comply with Section 7 (a)(4)(A)(i) which requires distribution of by mail voter registration forms. All costs associated with the printing of the forms will be the sole responsibility of the Division.

SENATE BILL NO. 303 (cont.)

Section 8. AS 15.07.090 (b) is amended to read:

Voting after change of name; registration; amendment or transfer of registration. If registration is cancelled [for failure to vote in prior elections], the voter shall reregister and the registration is effective for the next election that occurs at least [may not be made later than] 30 days after reregistration [preceding an election].

Section 8 (b)(2) of the NVRA prohibits a state from purging/cancelling a person's name from the registration list based solely on the person's failure to vote. A voter must have the opportunity to respond to several notices before the voter's name is removed from the rolls.

Section 9. AS 15.07.125 is amended to read:

Official registration list. The director shall prepare an official registration list for each election consisting of all names of voters whose registration are not inactive and all voters whose names are required to be placed on the list by AS 15.07.070 (c) and (d).

Removes the language [appearing on the master register 30 days before an election], which allows Elections to continue adding names from those applications defined under AS 15.07.070 (c) to the official registration list for as long as possible and not bind the Division to a "cut-off date" of 30 days prior to an election. This will make the lists the most comprehensive and representative of voters in each precinct.

Section 10. AS 15.07.130 is amended to read:

Voter Registration List Maintenance. [Elimination of Excess Names]. (a) At the close of each calendar year the area election supervisor shall examine the register maintained by the supervisor under AS 15.07.120.

The additional language clarifies that the supervisors examine only the lists from their region.

(b) When a registered voter [has not reregistered or] has not indicated in writing a desire to remain registered as provided in this subsection within the preceding two calendar years and [or] has not voted in a local regional school board, primary, special or general election at least once in two consecutive calendar years, the voter shall be advised by a notice sent by forwardable mail [sent] to the voter's last known address that registration will be [cancelled] inactivated unless the voter responds to the notice at least 30 [indicates within 90] days before the date of the next primary election on a form [forms] furnished by the director [a desire to remain registered]. The director shall maintain on the master register the name of a voter whose registration is

SENATE BILL NO. 303 (cont.)

inactivated. The director shall cancel a voter's inactive registration after the second general election that occurs after the registration becomes inactive if the voter does not vote a questioned ballot or an absentee ballot that is counted under AS 15.15.198(b) at or before that election.

Adds calendar years to ensure consistency throughout. The deadline for a voter's response to the notice is 30 days before the next primary election. If the voter fails to respond to the notice, the voter's registration is only "inactivated," and the voter's name will be maintained on the master register which allows the voter to vote a questioned ballot or request an absentee ballot. As a result, the voter will not be disenfranchised.

(c) Substitutes bureau for [office] of vital statistics.

Retains the existing provision that the registration of deceased voters is to be cancelled. Complies with Section 8(a)(4)(A) of the NVRA.

(d) The notice described in (b) must include a postage prepaid and pre-addressed return card so the voter may state their current address. It must also indicate

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

(2) that the voter may vote only a questioned or absentee ballot if the voter fails to return the card 30 days before the next primary election;

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

(4) how the voter can remain eligible to vote if the voter has moved.

Defines the content of the notice sent to voters as required by Section 8 (d)(2) of the NVRA.

Section 11. AS 15.10.105 (a) is amended to read:

Administration of elections. (a) Adds the director is responsible for the coordination of state responsibilities under 42 U.S.C. 1933 (National Voter Registration Act of 1993.

Section 10 of the NVRA requires states to designate a State officer or employee as the chief State election official to be responsible for coordination of state responsibilities under NVRA.

SENATE BILL NO. 303 (cont.)

Section 12. AS 15.15.198 (b) is amended to read:

Voters not on official registration list. (b) A person whose registration is inactive [has been cancelled] and who votes a questioned or absentee ballot shall have either ballot counted if....

Removes the reference to "cancelled" and replaces it with "is inactive" to comply with the NVRA. The questioned ballot procedure and the information required for an absentee ballot provides for the "affirmation or confirmation" of the voter's address required before a voter whose name is not on the official registration list can be permitted to vote under Section 8 (d)(2)(A) of the NVRA .

Section 13. AS 15.60.010 is amended by adding a new paragraph to read:

Definitions. (36) defines a voter registration agency as an agency designated in or under AS 15.07.055.

Section 14. AS 28.05.045 is amended to read:

Voter Registration. Adds the division of motor vehicles shall serve as a voter registration agency to the extent required by state and federal law, including the NVRA and there will be simultaneous application for voter registration and driver's licenses, identifications, and registrations.

Some changes were required to comply with Section 5 of the NVRA which requires simultaneous application for voter registration and application for motor vehicle driver's licenses. The division of motor vehicles and the division of elections are working together to meet specific requirements regarding updating previous voter registration, limitation of use of information, forms and procedures, change of address, and transmittal deadlines.

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

Duties of department. (b) The Department of Health and Social Services shall comply with AS 15.07.055 to serve as a voter registration agency to the extent required by state and federal law, including the NVRA.

To comply with Section 7 of the NVRA, those divisions of the Department of Health and Social Services that administer or provide services under the food stamp, Medicaid, the Women Infants and Children (WIC), and Aid to Families with Dependent Children (AFDC) programs will be

SENATE BILL NO. 303 (cont.)

designated as voter registration agencies. The Conference Report specifically named those programs as public assistance agencies. Working with the division of elections, the divisions administering these programs will meet specific requirements regarding distribution of mail voter registration forms, assistance to applicants in completing voter registration forms, transmittal of forms to Elections, procedures, confidentiality and record-keeping.

Section 16. AS 44.47.050 is amended by adding a new subsection to read:

General powers and duties. (c) The department shall comply with AS 15.07.055 to serve as a voter registration agency to the extent required by state and federal law, including the NVRA.

The division of municipal and regional assistance in the Department of Community and Regional Affairs has been designated as a voter registration agency to provide outreach to rural communities and to work with those applicants who may need assistance and bilingual information.

Section 17. The director of the division of elections may proceed to adopt regulations to implement the changes made by this Act, but the regulations can not take effect before the effective date of sections 1 - 16 of this Act.

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

Public Law 103-31
103d Congress

An Act

To establish national voter registration procedures for Federal elections, and for other purposes.

May 20, 1993
[H.R. 2]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Act of 1993".

National Voter
Registration Act
of 1993.
Inter-
governmental
relations.
42 USC 1973gg
note.
42 USC 1973gg.

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress finds that—

- (1) the right of citizens of the United States to vote is a fundamental right;
- (2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and
- (3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) **PURPOSES.**—The purposes of this Act are—

- (1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;
- (2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;
- (3) to protect the integrity of the electoral process; and
- (4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

42 USC 1973gg-1.

As used in this Act—

- (1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));
- (2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));
- (3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 6. MAIL REGISTRATION.

42 USC 1973gg-4.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance;

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) provide a form that includes—

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) CONFIRMATION OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which

area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.— In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

- (A) the name of the offender;
- (B) the offender's age and residence address;
- (C) the date of entry of the judgment;
- (D) a description of the offenses of which the offender was convicted; and

area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

42 USC 1973gg-7.

(a) **IN GENERAL.**—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

Reports.

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) **CONTENTS OF MAIL VOTER REGISTRATION FORM.**—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

42 USC 1973gg-8.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

42 USC 1973gg
note.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

Approved May 20, 1993.

LEGISLATIVE HISTORY—H.R. 2 (S. 460):

HOUSE REPORTS: Nos. 103-9 (Comm. on House Administration) and 103-66 (Comm. of Conference).

SENATE REPORTS: No. 103-6 accompanying S. 460 (Comm. on Rules and Administration).

CONGRESSIONAL RECORD, Vol. 139 (1993):

Feb. 4, considered and passed House.

Mar. 10, 11, 15-17, S. 460 considered in Senate; H.R. 2, amended, passed in lieu.

May 5, House agreed to conference report.

May 6-8, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):

May 20, Presidential remarks.

A SUMMARY OF THE NATIONAL VOTER REGISTRATION ACT OF 1993

Sec.2. FINDINGS AND PURPOSE.

- * Establish procedures that will increase the number of citizens who register to vote in elections for Federal office
- * Enhance participation of eligible citizens as voters in elections for Federal office
- * Protect the integrity of the electoral process
- * Ensure accurate and current voter registration rolls are maintained

Sec.4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

IN GENERAL

- * Simultaneous voter registration and application for motor vehicle driver's license
- * By mail voter registration
- * Voter registration through voter registration agencies

NON-APPLICABILITY TO CERTAIN STATES

- * The Act does not apply to states where there is no voter registration requirement for any voter in the state in elections for Federal office (under law in effect continuously on & after 3/11/93)
- * All voters in the state may register to vote at the polling place at the time of voting in a general election for Federal office (under law in effect continuously on & after 3/11/93)

SEC.5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

- * Driver's license application (including renewal) shall serve as an application for voter registration unless the applicant fails to sign the voter registration application
- * Application for voter registration considered an update of previous voter registration
- * No information may be used for any purpose other than voter registration
- * Shall include voter registration application as apart of application for driver's license
- * Voter registration application portion can not duplicate information required on driver's license portion
- * If applicant declines to register to vote, the declination remains confidential
- * Change of address form for driver's license shall serve as notification of change of address for voter registration unless the registrant states otherwise
- * Transmittal deadline for DMV to transmit voter registration portions of application to Elections

SEC.6. MAIL REGISTRATION.

- * Each state shall use mail voter registration application for the registration of voters in elections for Federal office
- * Mail voter registration application shall be accepted as notification of a registrant's change of address
- * Mail voter registration applications shall be made available for distribution through governmental and private entities
- * If notice of the disposition of mail voter registration application is sent by nonforwardable mail and is returned undelivered, the registrar may proceed with the removal of the voter from the rolls.

SEC.7. VOTER REGISTRATION AGENCIES

- * Each state shall designate agencies for the registration of voters in elections for Federal office
- * Voter Registration Agencies are all offices in the State that provide public assistance (narrowly defined in the Conference report as those agencies who administer programs in Medicaid, Aid to Families with Dependent Children [AFDC], Women, Infants and Children [WIC], and Food Stamps)
- * All offices that provide state-funded programs primarily engaged in providing services to persons with disabilities
- * Voter Registration Agencies may include: schools, public libraries, county clerks offices, unemployment compensation, federal and nongovernmental offices (with the agreement of such offices)
- * Voter Registration Agencies shall distribute mail voter registration applications
- * Voter Registration Agencies shall assist applicants in completing voter registration application forms unless applicant refuses assistance
- * Voter registration forms will be transmitted to Elections
- * If a Voter Registration Agency provides service to a person with disability in their home, the above assistance shall be provided
- * A person providing services and assisting in voter registration shall not
 - seek to influence an applicant's political preference or party allegiance
 - display political preference or party allegiance
 - make a statement/action to dissuade an applicant from registering to vote
- * Voter Registration Agencies shall distribute with each application for such service/assistance/recertification/renewal/change of address form a mail voter registration form specifying each eligibility requirement, containing an attestation that the applicant meets each requirement, and requiring the signature of the applicant under penalty of perjury
- * The form must include the question "If you are not registered to vote where you live now, would you like to apply to register to vote here today?"

- * If the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency"
- * Boxes for the applicant to check to indicate if the applicant would like to register or declines to register to vote (failure to check a box constitutes a declination to register) and a statement, "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME"
- * The statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to accept help is yours. You may fill out the application form in private" and
- * The statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with _____", (the blank to include the name, address, and telephone number of the appropriate official to whom such a complaint should be made)
- * Each applicant who does not decline to register to vote shall be provided the same degree of assistance with the voter registration form as with the agency forms
- * Declination information can not be used for anything except voter registration
- * Federal government and its agencies shall cooperate with the states
- * Each state and the Secretary of Defense shall work together to register voters at recruitment offices and recruitment offices shall be Voter Registration Agencies
- * Transmittal deadline for Voter Registration Agencies to transmit voter registration forms to the Division of Elections

SEC.8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION

IN GENERAL

- * In registration through DMV, if the valid voter registration form is submitted to the DMV not later than the lesser of 30 days or the period provided by state law, before the election or
- * By mail if valid voter registration form is postmarked not later than the lesser of 30 days or the period provided by state law, before the election
- * Through a voter registration agency if valid voter registration form is accepted at the agency not later than the lesser of 30 days, or the period provided by state law before the date of the election
- * In any other case, if the valid voter registration form is received in Elections not later than the lesser of 30 days or the period provided by state law, before the election
- * Elections must send notice to each applicant of the disposition of the application

- * Name of registrant may not be removed from the official list of registered voters except
 - at request of registrant
 - reason of criminal conviction or mental incapacity (in State law)
- * Conduct a general program to remove names of ineligible voters by reason of
 - death of registrant
 - change of residence of the registrant
- * Inform applicants of eligibility requirements, penalties for submitting false voter registration application
- * Ensure the identity of voter registration agency through which voter is registered is not disclosed to the public

CONFIRMATION OF VOTER REGISTRATION

- * Accurate and current voter rolls for elections for Federal office
 - shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S. C. 1973 et seq.)
 - shall not remove voters from the official list of voters by reason of the person's failure to vote

VOTER REMOVAL PROGRAMS

- * May use change of address information supplied by the Postal Service to identify registrants whose addresses may have changed
- * From above information, registrar changes the registration records and notifies the registrant of change by forwardable mail and postage prepaid pre-addressed return form so registrant may verify or correct address information
- * A state shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any voter removal program

REMOVAL OF NAMES FROM VOTING ROLLS

- * A state shall not remove the name of a registrant from the official list on the grounds that the registrant has changed residence unless the registrant
 - confirms in writing that the registrant has moved outside the registrar's jurisdiction
 - has failed to respond to a notice described below and
 - has not voted or appeared to vote in an election during the period beginning on the date of the notice and ending of the day after the second general election for Federal office
- * A notice is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address together with a notice to following effect

"If registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration. If the card is not returned, affirmation/confirmation of registrant's address may be required before voting is permitted from the time the notice is dated and ending the day after the second general election for Federal office occurring after the date of the notice, and if the registrant does not vote in an election during that period, the registrant's name will be removed from the list of eligible voters."

- * If the registrant has moved out of the registrar's jurisdiction where the registrant is registered, information on how the registrant can continue to be eligible to vote.
- * A registrar shall correct an official list of eligible voters with change of residence information obtained in the manner described above

PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD

- * If registrant moves within a precinct, but fails to notify the registrar of the change of address prior to the election, they will be permitted to vote at that polling place upon oral/written confirmation of that change at the polling place
- * A registrant who has moved to another precinct and the same congressional district and who has failed to notify the registrar of the change of address prior to the election shall be permitted to correct voting records and vote at the former polling place, a central location, or at the appropriate polling place for the current address, if permitted by state law, upon oral/written affirmation of new address to an election official at the polling place

CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION

- * With change of address within a registrar's jurisdiction, the correction shall be made on the list and the registrant's name can not be removed by reason of change of address

CONVICTION IN FEDERAL COURT

- * US attorney shall give written notice of a person convicted of a felony in a district court to Elections
- * The notice shall include
 - name of offender
 - offender's age and residence address
 - date of entry of judgement
 - description of offenses by offender
 - sentence imposed by court

- * If conviction is overturned, the US attorney will give notice of the vacation of the judgement

REDUCED POSTAL RATES

- * While the Act assures that there will be reduced postage rates available we were notified by the Federal Elections Commission (FEC) that a subsequent bill in Congress repealed this section of the Act

PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES

- * Each state shall maintain for at least 2 years (and make available for inspection and copying at a reasonable cost) all records concerning the registration lists/activities except those records relating to a declination to register or the identity of a voter registration agency
- * Lists shall include names and addresses of all persons receiving notices and whether a response resulted

SEC.9. FEDERAL COORDINATION AND REGULATIONS

IN GENERAL

- * FEC shall consult with elections officials of the states to develop necessary regulations
- * FEC shall develop mail voter registration application form
- * FEC, not later than June 30 of each odd-numbered year, shall submit to Congress a report of the impact of the Act on elections for Federal office during the preceding 2-year period
- * FEC shall provide information regarding state's responsibilities under this Act

CONTENTS OF MAIL VOTER REGISTRATION FORM

- * May require only such identifying information to assess the eligibility of the applicant and administer voter registration
- * Shall include a statement that specifies each eligibility requirement; contains an attestation that the applicant meets such requirements; requires the signature of the applicant, under penalty of perjury; and may not include any requirement for notarization or other formal authentication
- * Shall include in print the same as the attestation, above information and that a declination to register will remain confidential, and the office at which the applicant submits a registration application will also remain confidential, except for voter registration purposes

SEC.10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

- * Each state shall designate a state officer as the Chief Election Official to be responsible for coordination of State responsibilities under this Act.

SEC.11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

- * Attorney General may bring civil action for declaratory or injunctive relief as necessary to carry out this Act
- * A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official
- * If the violation is not corrected within 90 days of receipt of notice or within 20 days after receipt of notice if violation occurred within 120 days before an election for Federal office, the aggrieved person may bring a civil action in district court for declaratory or injunctive relief
- * If violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice before bringing civil action
- * In civil action, the court may allow the prevailing party reasonable attorney fees/litigation expenses/costs
- * The rights and remedies of this Act shall not supersede, restrict or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC.12. CRIMINAL PENALTIES

- * A person, including an election official, who in any election for Federal office knowingly/willfully intimidate/threatens or coerces (or attempts) any person for
 - registering to vote, voting, or attempting to register
 - urging or aiding any person to register to vote or attempting
 - exercising any right under this act
 - deprives/defrauds (or attempts) a fair/impartial election process by procuring false voter registration applications that are know to be false, or casting or tabulating ballots that are known to be false shall be fined or imprisoned not more than 5 years, or both.

SEC.15. EFFECTIVE DATE

- * The Act will take effect January 1, 1995 unless there is a provision within a state's constitution which precludes compliance with this Act