

SB

9

<TARGET><BILL>SB 9</BILL><SUBJECT>SB
9</SUBJECT><COMM>HSTA29</COMM></TARGET>

Senator Peter A. Micciche

Alaska State Legislature

SESSION ADDRESS:

Alaska State Capitol, Rm. 514
Juneau, Alaska 99801-1182
Phone: (907) 465-2828
Fax: (907) 465-4779
Toll Free: (800) 964-5733



INTERIM ADDRESS:

145 Main Street Loop, Suit #226
Kenai, Alaska 99611-7771
Phone: (907) 283-7996
Fax: (907) 283-8127
Toll Free: (800) 964-5733

To: Representative Bob Lynn
Chair, House State Affairs Committee

From: Senator Peter Micciche

P.A.M.

Re: Hearing Request for SB 9

Date: January 21, 2016

I respectfully request a hearing for SB 9 - *An Act relating to the matching of identifying information a voter provides to the Division of Elections with the records of the Department of Administration and the Department of Revenue; relating to the release of certain confidential voter registration records; and repealing a requirement that certain material provided by a political party be included in the general election pamphlet.*

Staff contact: Chuck Kopp (907) 465-2828

Senator.Peter.Micciche@akleg.gov

HOUSE CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Introduced:
Referred:

A RESOLUTION

1 **Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State**
2 **Legislature, concerning Senate Bill No. 9, repealing the authority to include certain**
3 **material from a political party in the election pamphlet.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 That under Rule 54, Uniform Rules of the Alaska State Legislature, the provisions of
6 Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, regarding
7 changes to the title of a bill, are suspended in consideration of Senate Bill No. 9, repealing the
8 authority to include certain material from a political party in the election pamphlet.

HOUSE CS FOR SENATE BILL NO. 9(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS MICCICHE, Gardner, MacKinnon, Stedman, Egan, Bishop, Stevens, McGuire, Costello, Wielechowski, Ellis

REPRESENTATIVES Kawasaki, Lynn, Kreiss-Tomkins

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the matching of identifying information a voter provides to the**
2 **division of elections with the records of the Department of Administration and the**
3 **Department of Revenue; relating to the release of certain confidential voter registration**
4 **records; and repealing a requirement that certain material provided by a political party**
5 **be included in the general election pamphlet."**

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

7 *** Section 1.** AS 15.07.055(e) is amended to read:

8 (e) The director shall enter into an agreement with the Department of
9 Administration and the Department of Revenue to match identifying information
10 provided by a voter [WHO INITIALLY REGISTERS BY MAIL OR BY
11 FACSIMILE OR OTHER ELECTRONIC TRANSMISSION APPROVED BY THE
12 DIRECTOR UNDER AS 15.07.050] with existing identification records

13 (1) maintained by the administrative component of the Department of
14 Administration that administers motor vehicle and driver's license laws and by the

1 administrative component of the Department of Revenue that administers the
2 permanent fund dividend laws; and

3 (2) bearing the same identifying number, name, and date of birth
4 provided on the registration.

5 * **Sec. 2.** AS 15.07.195(c) is amended to read:

6 (c) Notwithstanding other provisions, and in compliance with federal law,
7 information made confidential by this section may be released by the division

8 (1) to a local, state, or federal government agency, including to the
9 child support services agency created in AS 25.27.010 or the child support
10 enforcement agency of another state; the agency receiving information under this
11 paragraph may use the information only for governmental purposes authorized under
12 law;

13 (2) in compliance with a court order;

14 (3) to a person holding a writ of execution against the person or
15 property of the voter; [OR]

16 (4) if the voter about whom information has been requested has
17 provided written consent to the release; or

18 (5) to another state or an organized group of states for the purpose
19 of ensuring the accuracy of the state's voter registration list prepared under
20 AS 15.07.125 and the eligibility of persons on the list to vote in state elections, if
21 the other state or organized group of states maintains the confidentiality of the
22 information using information security management policies and procedures that
23 comply with

24 (A) the information security standards of the International
25 Organization for Standardization; or

26 (B) a published information security standard used by the
27 state of Alaska and approved by the Department of Administration.

28 * **Sec. 3.** AS 28.15.151(f) is amended to read:

29 (f) Except as provided otherwise in this section and in AS 15.07.195,
30 information and records under this section are declared confidential and private.

31 * **Sec. 4.** AS 15.58.020(a)(8), 15.58.040, and 15.58.060(b) are repealed.

*Heard
& Held
1/26/16*

*29-LS0244\W
Bullard
12/9/15
Keller moved
version W
removed objection*

HOUSE CS FOR SENATE BILL NO. 9()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS MICCICHE, Gardner, MacKinnon, Stedman, Egan, Bishop, Stevens, McGuire, Costello, Wielechowski, Ellis

REPRESENTATIVE Kawasaki

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the matching of identifying information a voter provides to the**
2 **Division of Elections with the records of the Department of Administration and the**
3 **Department of Revenue; relating to the release of certain confidential voter registration**
4 **records; and repealing a requirement that certain material provided by a political party**
5 **be included in the general election pamphlet."**

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

7 *** Section 1.** AS 15.07.055(e) is amended to read:

8 (e) The director shall enter into an agreement with the Department of
9 Administration and the Department of Revenue to match identifying information
10 provided by a voter [WHO INITIALLY REGISTERS BY MAIL OR BY
11 FACSIMILE OR OTHER ELECTRONIC TRANSMISSION APPROVED BY THE
12 DIRECTOR UNDER AS 15.07.050] with existing identification records

13 (1) maintained by the administrative component of the Department of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Administration that administers motor vehicle and driver's license laws and by the administrative component of the Department of Revenue that administers the permanent fund dividend laws; and

(2) bearing the same identifying number, name, and date of birth provided on the registration.

* Sec. 2. AS 15.07.195(c) is amended to read:

(c) Notwithstanding other provisions, and in compliance with federal law, information made confidential by this section may be released by the division

(1) to a local, state, or federal government agency, including to the child support services agency created in AS 25.27.010 or the child support enforcement agency of another state; the agency receiving information under this paragraph may use the information only for governmental purposes authorized under law;

(2) in compliance with a court order;

(3) to a person holding a writ of execution against the person or property of the voter; [OR]

(4) if the voter about whom information has been requested has provided written consent to the release; or

(5) to another state or an organized group of states for the purpose of ensuring the accuracy of the state's voter registration list prepared under AS 15.07.125 and the eligibility of persons on the list to vote in state elections, if the other state or organized group of states agrees to protect the confidentiality of the information.

* Sec. 3. AS 15.58.020(a)(8), 15.58.040, and 15.58.060(b) are repealed.

*1/26/10
Gruenberg
9/14
Issue with the
word "state"
1/26/10
Kelley
1/26/22*

*1/26 9:24 A
Gruenberg might want
to add Terr. Gov. Leo Torres
Such as Puerto Rico*

AMENDMENT

OFFERED IN THE HOUSE

TO: HCS SB 9(), Draft Version "W"

1 Page 2, following line 23:

2 Insert a new bill section to read:

3 **"* Sec. 3.** AS 28.15.151(f) is amended to read:

4 (f) Except as provided otherwise in this section **and in AS 15.07.195,**
5 information and records under this section are declared confidential and private."
6

7 Renumber the following bill section accordingly.

Not offered

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: HCS SB 9(), Draft Version "W"

1 Page 1, line 2, following "Act":

2 Insert "**relating to information that must be provided before the issuance of state**
3 **general obligation bonds is submitted to the voters for ratification;**"

4
5 Page 2, following line 23:

6 Insert new bill sections to read:

7 "* **Sec. 3.** AS 15.58.010 is amended to read:

8 **Sec. 15.58.010. Election pamphlet.** Before each state primary, general, and
9 special election, and before each state [PRIMARY, SPECIAL, OR] special runoff
10 election at which a bond question or ballot proposition is scheduled to appear on the
11 ballot, the lieutenant governor shall prepare, publish, and mail [AT LEAST] one
12 election pamphlet to each household identified from the official registration list. The
13 pamphlet shall be prepared on a regional basis as determined by the lieutenant
14 governor.

15 * **Sec. 4.** AS 15.58.020 is amended to read:

16 **Sec. 15.58.020. Contents of pamphlet.** (a) Each general election pamphlet
17 must contain

18 (1) photographs and campaign statements submitted by eligible
19 candidates for elective office in the region;

20 (2) information and recommendations filed under AS 15.58.050 on
21 judicial officers subject to a retention election in the region;

22 (3) a map of the house district or districts of the region;

23 (4) sample ballots for house districts of the region;

1 (5) an absentee ballot application;

2 (6) for each ballot proposition submitted to the voters by initiative or
3 referendum petition or by the legislature,

4 (A) the full text of the proposition specifying constitutional or
5 statutory provisions proposed to be affected;

6 (B) the ballot title and the summary of the proposition prepared
7 by the director or by the lieutenant governor;

8 (C) a statement of the costs to the state of implementing the law
9 proposed in an initiative, or of voter approval or rejection of the act that is the
10 subject of a referendum;

11 (D) a neutral summary of the proposition prepared by the
12 Legislative Affairs Agency;

13 (E) statements submitted that advocate voter approval or
14 rejection of the proposition not to exceed 500 words;

15 (7) for each bond question,

16 (A) a statement of the scope of each project **and its location** as
17 it appears in the bond authorization; **and**

18 **(B) the notice prepared under AS 37.15.015(a);**

19 (8) [A MAXIMUM OF TWO PAGES OF MATERIAL SUBMITTED
20 BY EACH POLITICAL PARTY;

21 (9)] additional information on voting procedures that the lieutenant
22 governor considers necessary;

23 **(9)** [(10)] for the question whether a constitutional convention shall be
24 called,

25 (A) a full statement of the question placed on the ballot;

26 (B) statements not to exceed 500 words that advocate voter
27 approval or rejection of the question;

28 **(10)** [(11)] under AS 37.13.170, the Alaska permanent fund annual
29 income statement and balance sheet for the two fiscal years preceding the publication
30 of the election pamphlet;

31 **(11)** [(12)] under AS 15.10.090, notice of

1 (A) the establishment or abolition of a precinct;

2 (B) the designation, abolition, or modification of precinct
3 boundaries; and

4 (C) a change in the location of a polling place.

5 (b) Each primary, special, or special runoff election pamphlet shall contain
6 only the information specified in (a)(6) **of this section for each ballot proposition,**
7 **the information specified in (a)(7) of this section for a bond question, and any**
8 **additional information considered necessary by the lieutenant governor under**
9 **(a)(8) [AND (a)(9)] of this section [FOR EACH BALLOT MEASURE SCHEDULED**
10 **TO APPEAR ON THE PRIMARY, SPECIAL, OR SPECIAL RUNOFF ELECTION**
11 **BALLOT].**

12 * **Sec. 5.** AS 37.13.170 is amended to read:

13 **Sec. 37.13.170. Reports and publications.** By September 30 of each year,
14 the board shall publish a report of the fund for distribution to the governor and the
15 public. The board shall notify the legislature that the report is available. The report
16 shall be written in easily understandable language. The report must include financial
17 statements audited by independent outside auditors, a statement of the amount of
18 money received by the fund from each investment during the period covered, a
19 statement of investments of the fund including an appraisal at market value, a
20 description of fund investment activity during the period covered by the report, a
21 comparison of the fund performance with the intended goals contained in
22 AS 37.13.020, an examination of the effect of the investment criteria of this chapter on
23 the fund portfolio with recommendations of any needed changes, and any other
24 information the board believes would be of interest to the governor, the legislature,
25 and the public. The annual income statement and balance sheet of the fund shall be
26 published in at least one newspaper in each judicial district. The income statement and
27 balance sheet for the two fiscal years preceding the publication of the **general** election
28 pamphlet under AS 15.58 shall be included in that pamphlet.

29 * **Sec. 6.** AS 37.15.015(a) is amended to read:

30 (a) Before **an** [A GENERAL OR SPECIAL] election in which a bond issue is
31 offered for ratification, the state bond committee shall **prepare a notice for inclusion**

1 **in the election pamphlet and** publish a notice [OF EXISTING STATE BONDED
2 INDEBTEDNESS] at least once a week for three consecutive weeks in a newspaper of
3 general circulation in each of the four judicial districts of the state. The first notice
4 shall be published at least 20 days before the date of the election. **The notice shall**
5 **also be included on the state Internet website as soon as it is prepared by the state**
6 **bond committee.** A notice **prepared under this subsection** must contain

7 (1) the current **general obligation** [TOTAL] bonded indebtedness of
8 the state **and the effect of the proposed bonding on that indebtedness;**

9 (2) the **average** cost of the **annual** debt service on the current **general**
10 **obligation bonded** indebtedness **and the effect of the proposed bonding on the**
11 **average cost of the annual debt service;**

12 (3) the [PROJECTED] amount of state general obligation debt
13 principal that could be issued and paid for from the Alaska debt retirement fund
14 **(AS 37.15.011);**

15 (4) the estimated debt service requirements for the bond issue offered
16 for ratification; and

17 (5) whether the bond issue offered for ratification will be repaid with
18 amounts from the Alaska debt retirement fund **(AS 37.15.011).**"

19
20 Renumber the following bill section accordingly.

21
22 Page 2, line 24:

23 Delete "AS 15.58.020(a)(8), 15.58.040,"

24 Insert "AS 15.58.040"

AMENDMENT #1
Via Keller

passed

OFFERED IN THE HOUSE

TO: HCS SB 9(), Draft Version "W"

1 Page 2, following line 23:

2 Insert a new bill section to read:

3 **** Sec. 3.** AS 28.15.151(f) is amended to read:

4 (f) Except as provided otherwise in this section and in AS 15.07.195,
5 information and records under this section are declared confidential and private."
6

7 Renumber the following bill section accordingly.

Order a
New CS
that includes this
Amendment

Libby B
Dept of Law
explained
Amendment

29-LS0244\H
Bullard
1/26/16

HOUSE CS FOR SENATE BILL NO. 9(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS MICCICHE, Gardner, MacKinnon, Stedman, Egan, Bishop, Stevens, McGuire,
Costello, Wielechowski, Ellis

REPRESENTATIVES Kawasaki, Lynn

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the matching of identifying information a voter provides to the**
2 **Division of Elections with the records of the Department of Administration and the**
3 **Department of Revenue; relating to the release of certain confidential voter registration**
4 **records; and repealing a requirement that certain material provided by a political party**
5 **be included in the general election pamphlet."**

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

7 * **Section 1.** AS 15.07.055(e) is amended to read:

8 (e) The director shall enter into an agreement with the Department of
9 Administration and the Department of Revenue to match identifying information
10 provided by a voter [WHO INITIALLY REGISTERS BY MAIL OR BY
11 FACSIMILE OR OTHER ELECTRONIC TRANSMISSION APPROVED BY THE
12 DIRECTOR UNDER AS 15.07.050] with existing identification records

13 (1) maintained by the administrative component of the Department of
14 Administration that administers motor vehicle and driver's license laws and by the

1 administrative component of the Department of Revenue that administers the
2 permanent fund dividend laws; and

3 (2) bearing the same identifying number, name, and date of birth
4 provided on the registration.

5 * **Sec. 2.** AS 15.07.195(c) is amended to read:

6 (c) Notwithstanding other provisions, and in compliance with federal law,
7 information made confidential by this section may be released by the division

8 (1) to a local, state, or federal government agency, including to the
9 child support services agency created in AS 25.27.010 or the child support
10 enforcement agency of another state; the agency receiving information under this
11 paragraph may use the information only for governmental purposes authorized under
12 law;

13 (2) in compliance with a court order;

14 (3) to a person holding a writ of execution against the person or
15 property of the voter; [OR]

16 (4) if the voter about whom information has been requested has
17 provided written consent to the release; or

18 **(5) to another state or an organized group of states for the purpose**
19 **of ensuring the accuracy of the state's voter registration list prepared under**
20 **AS 15.07.125 and the eligibility of persons on the list to vote in state elections, if**
21 **the other state or organized group of states agrees to protect the confidentiality of**
22 **the information.**

23 * **Sec. 3.** AS 28.15.151(f) is amended to read:

24 (f) Except as provided otherwise in this section **and in AS 15.07.195,**
25 information and records under this section are declared confidential and private.

26 * **Sec. 4.** AS 15.58.020(a)(8), 15.58.040, and 15.58.060(b) are repealed.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 9
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB009-OOG-DOE-1-26-2016
Title: ELECTION PAMPHLETS
Sponsor: MICCICHE
Requester: House State Affairs

Department: Office of the Governor
Appropriation: Elections
Allocation: Elections
OMB Component Number: 21

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2017 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
---------------------------	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version:

Not applicable, initial version

Prepared By: <u>Josephine Bahnke, Director</u>	Phone: <u>(907)465-2644</u>
Division: <u>Division of Elections</u>	Date: <u>01/25/2016 02:39 PM</u>
Approved By: <u>Guy Bell, Administrative Director</u>	Date: <u>01/25/16</u>
Agency: <u>Office of the Governor</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. SB 9

Analysis

The bill repeals state law allowing political parties to purchase up to two pages in the Official Elections Pamphlet. This has no fiscal impact on the division.

Mead Treadwell

Treadwell Development
meadwell@alaska.net | (907) 258-7764
528 N Street, Anchorage, AK 99501

January 25, 2016

The Honorable Bob Lynn, Chairman
House State Affairs Committee
120 4th Street, RM 3
Juneau, AK 99801

Dear Chairman Lynn,

I'm writing today in favor of amendments to Senate Bill 9, which would enable the state Division of Elections to greatly improve the accuracy of Alaska's voter registration list and help prevent voter fraud. The amendments would enable the Division of Elections to identify voters who have moved to another address in Alaska, voters who have moved to other states, voters who have died, and voters with duplicate registrations within our own state database.

In addition, individuals in Alaska who are not yet registered to vote could be identified and receive information on how to register.

As a former Lieutenant Governor I'm keenly aware of how badly Alaska needs a more accurate voter registration list. We have all witnessed the Division processing and counting tens of thousands of questioned ballots after Election Day, our most obvious sign that our system can't keep up with the mobility of Alaska voters. An accurate voter list is the bedrock of a smooth election. Accurate voter rolls result in fewer problems at the polls for both voters and elections officials, lines at the polls that are as short as possible, and a reduction in provisional and questioned ballots. Accurate rolls also help shield our state from possible voter fraud, such as double voting.

The amendments in Senate Bill 9 would enable the state Division of Elections to join a multi-state cooperative called the Electronic Registration Information Center (ERIC). Alaska's neighboring states of Washington and Oregon are two of the 16 current members of ERIC and other states are scheduled to join soon. One of the benefits of ERIC is that it is owned and controlled by the member states, not the federal government. The states control all operations, policies and budget setting. Alaska, like the other member states, would have a seat on ERIC's Board of Directors.


Member states of ERIC benefit by matching their voter registration and motor vehicle licensing data against the data from other member states. In addition, all member states' data is matched against the Social Security Administration Death Index and National Change of Address data from the U.S. Postal Service. The matching is accomplished in a state-of-the-art

and secure environment that utilizes proper procedures and technological safeguards, such as the anonymization of personal data before it ever leaves a state's control.

The identification of voters whose registrations are out of date would enable the Division of Elections to reach out to voters and encourage them to update their registrations, clean "dead wood" off the list, and save money for the state and for political campaigns, which for decades have needlessly wasted money by sending mail or trying to contact voters who no longer live at the address listed with the state.

This improvement to our election process in Alaska is long overdue. We finally have an opportunity to make our voter registration list as accurate as possible. Please join me in supporting these amendments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mead Treadwell".

Mead Treadwell
Alaska Lt. Governor, 2010-2014

CC: Sen. Peter Micciche

SENATOR PETER A. MICCICHE

Alaska State Legislature

SESSION ADDRESS:

Alaska State Capitol, Rm. 514
Juneau, Alaska 99801-1182
Phone: (907) 465-2828
Fax: (907) 465-4779
Toll Free: (800) 964-5733

INTERIM ADDRESS:

145 Main Street Loop, Suite #226
Kenai, Alaska 99611-7771
Phone: (907) 283-7996
Fax: (907) 283-8127
Toll Free: (800) 964-5733



Amended January 21, 2016

SB 9 SPONSOR STATEMENT

An Act relating to the matching of identifying information a voter provides to the Division of Elections with the records of the Department of Administration and the Department of Revenue; relating to the release of certain confidential voter registration records; and repealing a requirement that certain material provided by a political party be included in the general election pamphlet

DISTRICT

Bear Creek

Senate Bill 9 amends AS 15.07.055(e) to clarify that the Director of the Division of Elections will enter into agreements with the Departments of Administration and Revenue to verify that information provided by *all* voters matches existing identification records maintained by the Division of Motor Vehicles and the Permanent Fund Division, and allows the Elections Division to securely share voter registration information to another state or group of states through a non-profit entity governed by a board of directors made up of member-states for the purpose of ensuring accuracy of the state's voter registration list and the eligibility of voters on the list to participate in state elections, providing the state or group of states agrees to protect the confidentiality of the information.

Cooper Landing

Crown Point

Funny River

Hope

Kalifornsky

Kenai

Such information sharing will improve the integrity of Alaska's voter registration data and our electoral process by enabling the Division of Elections to identify voters who are ineligible to vote, deceased, have changed residence addresses within Alaska, moved out of state, or have moved to Alaska from another state but have not registered to vote here.

Lowell Point

Mackey Lake

Moose Pass

Senate Bill 9 further amends Title 15 *Elections* regulating the content of election pamphlets, and repeals the authority to include advertising from a political party in the publicly funded election pamphlet. The election pamphlet produced by the Division of Elections is intended to provide information about candidates, initiatives and judges to help voters be knowledgeable about matters that will be on their election ballot.

Nikiski

Primrose

Ridgeway

Salamatof

The Division of Elections reports that the revenue generated by political party submissions was \$2,400 in the last election pamphlet, less than 1% of the cost of producing and mailing the document. Every election cycle voters are bombarded with political mailings, flyers, and radio and television advertisements. The publicly funded election pamphlet should not be a platform for political advertising, but a source of free, unbiased, in-depth information about current officials, candidates, issues, and legislation.

Seward

Soldotna

Sterling

Senate Bill 9 improves the integrity of our voter registration lists, and will help keep election pamphlets as informative as possible and free of political advertisement.

Staff contact: Chuck Kopp (907)465-2828

LEGISLATIVE RESEARCH SERVICES

29th Alaska Legislature
LRS Report 16.107
December 17, 2015



(907) 465-3991 phone
(907) 465-3908 fax
research@akleg.gov

Interagency Information Sharing Agreements with the Division of Elections

Chuck Burnham, Legislative Analyst

You asked for an account of agencies and entities of the State of Alaska that have formalized information sharing agreements with the State's Division of Elections. You also wished to know the form through which those agreements are made (statute, memorandum of understanding, etc.).

Division of Elections Director Josephine Bahnke identified the following information sharing agreements between her agency and another governmental unit within Alaska:¹

- Departments of Administration and Revenue—Pursuant to AS 15.07.055(e), the Division of Elections enters into an agreement to match the identity of voters who initially register to vote by mail or by fax or other electronic transmission with existing identification records.
- Division of Motor Vehicles (DMV) – a Memorandum of Understanding (or agreement) implements provisions of the federal 2002 Help America Vote Act (HAVA, P.L. 107-252) wherein Elections utilizes the DMV's Alaska License and Vehicle Information Network (ALVIN) database to access Social Security Administration records to verify voter identification.
- Permanent Fund Division (PFD)—a Memorandum of Understanding (or agreement) allows the division to annually provide PFD with a list of dividend applicants who are shown in Elections databases to have moved out of state.
- Municipalities – Under the auspices of Confidentiality Agreements, Elections provides view-only access to the Division's Voter Registration and Elections Management System (VREMS) for municipal clerks who request it.
- Pursuant to AS 15.07.195(c), the division may release information that is otherwise confidential under that section to a local, state or federal government agency, including the child support services agency created under AS 25.27.010 or child support enforcement agency of another state for governmental authorized under law; in compliance with a court order; to a person holding a writ of execution against the person or property of the voter; or if the voter about whom information has been requested has provided written consent to the release.

We hope this is helpful. If you have questions or need additional information, please let us know.

¹ Ms. Bahnke can be reached at 907-465-4611.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

December 9, 2015

SUBJECT: Changes to your requested language
(Work Order No. 29-LS0244\W)

TO: Senator Peter Micciche
Attn: Chuck Kopp

FROM: Alpheus Bullard *LAB*
Legislative Counsel

This memorandum accompanies the bill draft you requested. As I discussed with Mr. Kopp on December 7, your request has been prepared as a sponsor blank House Committee Substitute for SB 9.¹ I made a number of changes to the draft amendment that you provided to initiate your request. These changes are described in my comments below.

AS 15.07.195(c)

You asked that a new paragraph be added to AS 15.07.195(c) that would allow the division of elections (division) to release certain confidential information² to another state or "organized group of states. The language of your draft provided that this information could be released "to another state or group of states for the legitimate purpose of supervising the registration of voters and administering voter registration under [AS 15.07], provided that such state or group of states have entered into an agreement to protect the confidentiality of such information or data."

I removed the phrase "legitimate purpose" because it is unnecessary to clarify that the statute's purpose is legitimate. I also changed the purpose to "ensuring the accuracy of the state's voter registration list . . . and the eligibility of persons on the list to vote in state elections . . ." because I assume that the purpose of this legislation is to clarify that the division may lawfully check its voter registration list against those of other states in an effort to address possible voter fraud. I use the term "clarify," because the state may

¹ Please note that this version of the bill requires a title change resolution. The appropriate resolution accompanies this memorandum and the new bill draft.

² The confidential information that the division may release under AS 15.07.195(c) is described under AS 15.07.195(a) and (b). It includes a voter's age or date of birth, social security number, or any part of that number, driver's license number, voter identification number, place of birth, signature, and residential address.

Senator Peter Micciche
December 9, 2015
Page 2

already be participating in at least one such arrangement. According to a January 26, 2013, presentation for the National Association of State Election Directors (by Brad Bryant, State Election Director, Kansas Secretary of State's Office), Alaska was participating in the "Interstate Voter Registration Crosscheck Program," administered by the Kansas Secretary of State, in 2013.³ I also made some less significant changes.

AS 28.15.151(g) / AS 15.07.055(e)

Your draft included amendments to AS 28.15.151. This statute relates to certain records that must be maintained by the Department of Administration (department). Given the nature of your request, I do not believe that amending this statute is consistent with your objectives. Instead, the bill amends AS 15.07.055(e) to permit the division to match identifying information (held by the division) for any voter -- against information for that same person that is held by the department or Department of Revenue.⁴ Please advise if this change is not consistent with your intent.

Additional note

I advise that you have the division review this bill. If the division was participating in the Interstate Voter Registration Program in 2013, the division may interpret AS 15.07.195(c)(1) to already provide it sufficient authority to check the state's voter list against those of other states and this legislation may not be necessary. Conversely, if this legislation is necessary, because the bill explicitly permits the division to release confidential information about state voters, including the voters' social security numbers to another state or group of states that may be outside the reach of Alaska law, it may be helpful to the division if the bill provides clearer direction as to exactly who this information may be released to, and what protective measures a recipient must take.

If you have questions, please do not hesitate to contact me.

ALB:lem
15-446.lem

Attachment

³ The presentation is available at:
http://www.nased.org/NASED_Winter_2013_PP_Presentations/KANSAS.pdf.

⁴ The bill amends AS 15,07.055 to expand the division's authority to match identifying information with these departments for voters who "initially register[] by mail or by facsimile or other electronic transmission approved by the director . . ." to all voters, no matter how they may have initially registered.



Frequently Asked Questions

Which states are members of ERIC?

As of October 2015 Alabama, Colorado, Connecticut, Delaware, Louisiana, Maryland, Minnesota, Nevada, Oregon, Rhode Island, Utah, Virginia, and Washington. The District of Columbia is also a member. (13 states plus DC)

Who controls ERIC?

The states. Each state has a vote and the first 20 states to join are members of the Board of Directors. The chief elections official from each member state designates a representative to the ERIC Board.

What data does ERIC collect from member states?

Each member submits at a minimum its voter registration and motor vehicle licensee data. The data includes names, addresses, date-of-birth, last four digits of the social security number. Private data such as date of birth and the last four digits of the Social Security number are anonymized and then transmitted to ERIC. An explanation of how the anonymization process works, how it is used in the ERIC data matching process, and how privacy is protected is in the [Technology and Security Overview](#).

What reports do states receive from ERIC?

Each member state receives reports that show voters who have moved within their state, voters who have moved out of state, voters who have died, duplicate registrations in the same state and individuals who are potentially eligible to vote but are not yet registered.

Who pays for ERIC operations?

The member states. Each state pays annual dues, which are determined by a formula approved by the ERIC Board of Directors. The formula includes voting age population as a factor. Large states pay a bit more than small states. The annual budget as of 2015 is approximately \$600,000.

Does ERIC help members save money?

Yes. Efficient and effective data matching and cleaner voter rolls will result in such efficiencies as less returned mail, fewer provisional ballots on election day, shorter lines at polling places, etc. In addition, ERIC uses resources such as the Social Security death index and data from the US Post Office that states now buy on their own. ERIC states share these purchases when they pay their annual dues.

Electronic Registration Information Center (ERIC)

How will upgrading voter registration impact costs?

The traditional system is not cost-effective given its reliance on paper records, inaccurate information, and manual processing. Each state contributes to start-up costs associated with implementing the upgraded system and configuring statewide voter registration systems to make use of the improved data. Those costs will be recouped over time as invalid registrations are removed, more registration management is done electronically, less data processing is done by hand and mailing and printing costs are reduced. States that have already begun modernizing their systems have recovered costs within two to four years and continued to build up additional savings in subsequent years.

Pew has made a significant investment toward building the data-matching exchange, and participating states will be responsible for funding the system's maintenance beginning in 2013. States with remaining Help America Vote Act (HAVA) funds will be able to use some of those funds to pay for any necessary capital expenditures and ongoing expenses associated with improving the administration of elections.

How will the data-matching exchange minimize privacy risks?

Privacy has been built into the design from the beginning to reduce any potential risks for security. Pew engaged leading privacy and technology groups to apply proven safeguards that have been used successfully in the private sector and other areas of government. For instance, the data-matching exchange:

- Reviews and contains information that is only directly relevant and necessary for voter registration.
- Anonymizes, before the data leaves state control, any private or confidential data (such as drivers' license numbers or the last four digits of Social Security numbers) by converting information into an indecipherable string of characters so it is unreadable and unusable to potential hackers.
- Maintains tamper-proof audit logs that track every activity conducted in the system—including access, data entry and reports—and will conduct regular independent audits to monitor security as a whole.
- Requires states to adhere to agreements establishing the highest standards of security and restricting use of the data for election administration purposes only.

- Receives regular guidance from an advisory board of privacy experts to ensure robust privacy protocols at all times.

Won't this result in states giving up their control over voter registration and voter records?

No. The interstate data exchange is not an official record, and states continue to maintain control over their voter lists and records. The data-matching exchange is a tool to help states crosscheck information and keep more accurate voter rolls—not build a national database. Indeed, since states have access to more accurate data about the voters on their rolls, their ability to maintain and control their own voter lists will be enhanced.

Will the exchange automatically update or add voter records to each state's list when it finds new information?

No. The exchange gives each state reports identifying questionable, duplicate or inaccurate voter records, but each state will maintain control over its own voter list and make decisions on how to update records based on the information it is provided. No action will be taken to modify or create a voter's record without an affirmative confirmation from the voter.

Will participating states still be required to comply with the National Voter Registration Act?

Yes. While the system helps states better achieve the goals of the National Voter Registration Act, it does not exempt states from the law's requirements.

Will this system add a flood of unchecked individuals onto the voter rolls?

No, the system does not automatically add registrants to states' voter lists, but it allows states to add eligible citizens to their lists more efficiently. Through the wealth of information crosschecked in the exchange, states can identify unregistered citizens who are potentially eligible to vote. Each state implements their own procedures for reaching out to these individuals and allowing them to register. In no case are voters registered without some affirmative act on their part indicating they desire to be registered and meet the necessary eligibility criteria.

Will this system improperly purge voters from the rolls?

No, the system does not automatically purge states' voter lists, but it allows states to eliminate inaccurate or invalid records more efficiently. The exchange provides better data to inform each state's decisions on how to update and maintain their voter list, consistent with the National Voter Registration Act and other law. As a result, states may see a reduction in the size of their lists—not because of improper purging, but because their lists will reflect a greater degree of accuracy in capturing eligible, active voters.

Electronic Registration Information Center (ERIC)

The Electronic Registration Information Center (ERIC) is a non-profit organization with the sole mission of assisting states to improve the accuracy of America's voter rolls and increase access to voter registration for all eligible citizens. ERIC is governed and managed by states who choose to join, and was formed in 2012 with assistance from The Pew Charitable Trusts.

View the ERIC [Bylaws and Membership Agreement](#)

The seven states that pioneered the formation of ERIC in 2012 are: Colorado, Delaware, Maryland, Nevada, Utah, Virginia, and Washington. Washington D.C., Oregon, Connecticut, Louisiana, and Minnesota joined in 2014, Alabama and Rhode Island in 2015, and more states are expected to join in 2016 and beyond.

The Inspiration

The states were inspired to create ERIC due to the challenges in maintaining the accuracy of voter registration records. While most private industry, and many government agencies, have updated their systems to take advantage of modern technology, voter registration systems remain largely based on 19th century tools, such as handwriting on paper forms and postal mail. The inherent inefficiencies in the system result in unnecessarily high costs, and make it difficult to keep voter rolls clean throughout the country. For example, 1 in 8 voter registration records in America contain a serious error. In addition, more than 51 million citizens, or 25 percent, remain unregistered to vote.

Who We Are

ERIC is a non-profit corporation governed by a board of directors made up of member-states.

Member States

Alabama	Nevada
Colorado	Oregon
Connecticut	Rhode Island
Delaware	Utah
Louisiana	Virginia
Maryland	Washington
Minnesota	Washington D.C.

Senate Bill 9 - Repealed Statutory Language

An Act repealing the authority to include certain material from a political party in the election pamphlet

AS 15.58.020. Contents of Pamphlet.

- (a) Each general election pamphlet must contain
- (1) photographs and campaign statements submitted by eligible candidates for elective office in the region;
 - (2) information and recommendations filed under AS 15.58.050 on judicial officers subject to a retention election in the region;
 - (3) a map of the house district or districts of the region;
 - (4) sample ballots for house districts of the region;
 - (5) an absentee ballot application;
 - (6) for each ballot proposition submitted to the voters by initiative or referendum petition or by the legislature,
 - (A) the full text of the proposition specifying constitutional or statutory provisions proposed to be affected;
 - (B) the ballot title and the summary of the proposition prepared by the director or by the lieutenant governor;
 - (C) a statement of the costs to the state of implementing the law proposed in an initiative, or of voter approval or rejection of the act that is the subject of a referendum;
 - (D) a neutral summary of the proposition prepared by the Legislative Affairs Agency;
 - (E) statements submitted that advocate voter approval or rejection of the proposition not to exceed 500 words;
 - (7) for each bond question, a statement of the scope of each project as it appears in the bond authorization;
 - ~~(8) a maximum of two pages of material submitted by each political party;~~
 - (9) additional information on voting procedures that the lieutenant governor considers necessary;
 - (10) for the question whether a constitutional convention shall be called,
 - (A) a full statement of the question placed on the ballot;
 - (B) statements not to exceed 500 words that advocate voter approval or rejection of the question;
 - (11) under AS 37.13.170 , the Alaska permanent fund annual income statement and balance sheet for the two fiscal years preceding the publication of the election pamphlet.
 - (12) under AS 15.10.090 , notice of
 - (A) the establishment or abolition of a precinct;
 - (B) the designation, abolition, or modification of precinct boundaries; and
 - (C) a change in the location of a polling place.
- (b) Each primary election pamphlet shall contain only the information specified in (a)(6) and (a)(9) of this section for each ballot measure scheduled to appear on the primary election ballot.

AS 15.58.040. Material to Be Filed By Political Parties.

~~(a)~~ No later than July 15 of a year in which a state general election will be held, a political party may file with the lieutenant governor a maximum of two pages of material.

~~(b)~~ Each page purchased must be clearly identified with the words "paid for by" followed by the name of the political party, the name of the state chairperson of the party, and the name of the party treasurer.

AS 15.58.060. Charges For Space in Pamphlet.

(a) Each general election candidate shall pay to the lieutenant governor at the time of filing material under this chapter the following:

(1) President or Vice-President of the United States, United States senator, United States representative, governor, lieutenant governor, supreme court justice, and court of appeals judge, \$300 each;

(2) superior court judge and district court judge, \$150 each;

(3) state senator and state representative, \$100 each.

~~(b)~~ The state chair or executive committee of a political party shall pay to the lieutenant governor at the time of filing material under this chapter \$600 for each page purchased.

(c) There is no charge for statements and recommendations submitted by the judicial council or for statements advocating approval or rejection of a proposition submitted to the voters for approval.

Chuck Kopp

From: Fenumiai, Gail M (GOV) <gail.fenumiai@alaska.gov>
Sent: Friday, February 06, 2015 9:19 AM
To: Chuck Kopp
Subject: RE: Senate Bill 9 Inquiry

The division received \$2400 for the four party political party pages that were printed in the 2014 Official Election Pamphlet.

The total cost of the 2014 Official Election Pamphlet was \$256,090 (printing \$ 194,479; \$48,403 postage; \$4,135 travel; \$9,073 temp staff assistant).

Gail Fenumiai

Director, Division of Elections
PO Box 110017
Juneau AK 99811-0017
907-465-4611

From: Elections, Division of (GOV sponsored)
Sent: Friday, February 06, 2015 9:08 AM
To: Fenumiai, Gail M (GOV)
Subject: FW: Senate Bill 9 Inquiry

Good Morning,

Please see below.

Thank you,

Heather Kestel

Elections Assistant
State of Alaska, Division of Elections
907-465-4611

From: Chuck Kopp [<mailto:Chuck.Kopp@akleg.gov>]
Sent: Friday, February 06, 2015 9:04 AM
To: Elections, Division of (GOV sponsored)
Cc: Sen. Peter Micciche
Subject: Senate Bill 9 Inquiry

Good morning!

I was not sure who to direct this inquiry to, I hope I am OK contacting you all. Sen. Micciche has filed SB 9 which repeals the authority to include certain material (political advertising) from a political party in the election pamphlet. We heard from the previous Director of Elections that the revenue generated by political party submissions was \$2,400 in the last election pamphlet which was less than 1% of the cost of producing and making the document. Can you verify this for us? Thank you very much.

Chuck