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SCRA

HB

187

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HB

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HB

187

Ben Harding / Senate C&RA

House Judiciary  
February 23, 1977

The meeting was called to order at 7 p.m. by Chairman, Gardiner. Members present were Gardiner, Dankworth, Miles, Specking, Rudd and Brown. Mr. Elaison was absent.

HB 67 Uniform Land Sale Act

HB  
67

Mr. Dankworth mentioned that he had heard from the Anchorage realtors that they don't necessarily go along with the offered amendments #1 and #2. In protecting them, these amendments don't really change the bill. There was some discussion about this, after which the two amendments were adopted by the committee. (Amendments proposed by the Dept. of Commerce and Econ. Dev.)

Mr. Specking moved that the bill be moved out of committee. There was one objection, but the motion carried and the bill was moved out of committee

HB 187 Liens for towing and storage of motor vehicles

HB  
187

Larry Veneble, from the Alaska Carriers Association, was here to testify in favor of the bill. He suggested that the committee amend the bill to illiminate the fixed charge of \$1.50 per day. He also suggested that section 2 be deleted.

Following a brief discussion, Mrs. Rudd moved that sections 2 and 3 be deleted. The motion carried.

Mr. Brown moved that the bill be moved out of committee. The bill will be moved out after the committee substitute has been drafted.

HB 112 Appropriation for capital improvements within  
the court system

HB  
112

Mr. Brown suggested that the amount on line 14 be reduced to \$60,000. He felt that the Finance Committee would then reduce this figure even further. There was a motion made to this effect.

Mrs. Rudd requested that the bill include a committee report to explain that it is the committee's intent that the site selection committee's funds come out of the \$60,000.

Mr. Brown moved that the bill be moved out of committee. The motion did not carry. Mr. Dankworth was especially highly opposed to the bill. A somewhat heated discussion followed. The bill was tabled until further notice.

F: CSHB  
187

TO: Senator Orsini                      DATE: April 22, 1977  
FROM: Paul Conger                      RE: CSHB 187

Ben Benediktsson, Managing Director, Alaska Carriers Association, Anchorage, recently came into the office to discuss CSHB 187, "An Act relating to liens for towing and storage of motor vehicles". He stated that this bill is attempting to remove a conflict that currently exists in the law.

The conflict is as follows: Presently, AS 28.10.515(a) (Towing and Storing Lien) provides that a person who is in the business of towing and storing motor vehicles can charge no more than \$1.50 a day for the storage of a vehicle. In 42.10.310(a) (deals with ATC and adherence to tariffs) states that the "carrier cannot receive a greater or lesser rate for a service provided... than those specified in the tariff..." Currently the tariff that the ATC has deemed reasonable is \$3 a day.

So Title 42, in compliance with the tariff ok'd by the ATC, says they cannot charge a storage fee that is any more or less than \$3 a day. At the same time, Title 28 says they can charge no more than \$1.50 a day.

So what this bill is doing is removing the \$1.50 provision in Title 28 and making the storage fee subject to the tariff that is filed by the Carrier with the ATC. In other words, increasing the storage fee to \$3 a day, an amount that the ATC says is reasonable.

Also, Benedicksson, said he would be in Juneau next week, and would check with me upon arrival, in the event that you wanted to take up this bill next week.

PC/js

1-25-78

RE CSHB 187

Ben Benediktsson, Managing Director for the Alaska Trucking Association came by to discuss CSHB 187 this morning. He gave the following background:

Alaska statutes are currently contradictory on towing and storage charges and put the wrecking operator in a Catch 22 situation.

AS 28.10.515 (a) currently allows a storage charge of \$1.50 a day. This is insufficient. Washington State, for example, charges \$3.50. However, the Alaska tariff schedule calls for \$3.00 storage charge. When the wrecking operator attempts to sell impounded vehicles he must swear a statement out at the Division of Motor Vehicles that he followed state laws. Yet no matter which law he follows he has technically committed perjury. Benediktsson said that DMV told him the other day that they had 128 potential perjury cases on their hands.

DMV has never attempted to press perjury charges because they understand the problem, but the Alaska Trucking Association would like to clear up the ambiguity in the law by removing the reference to \$1.50 storage charges and allowing the \$3.50 tariff rate to stand.

According to Benediktsson, CSHB 187 is essentially a housekeeping measure to remove a potential source of vexation. (He noted in that regard that approximately 10,000 vehicles a year are towed and stored by wrecking operators in Alaska.)

He asked that when the bill comes up before the CRA committee that he be notified enough in advance to allow him to bring Jim Christopher of Alaska Towing and Wrecking in Anchorage to the committee meeting to testify as an expert witness.

Ben Harding

✓ 1. Joe  
2. F: CSHB 187

DMV COMMENTS REGARDING CSHB 187

I spoke to Vern Roberts, Director of the Division of Motor Vehicles, regarding CSHB 187. Roberts said that DMV supported CSHB 187 since the present statutory ceiling of \$1.50 per day for vehicle storage was unrealistic.

Roberts said that he had spoken with the Attorney General's Office and with the Alaska Trucking Association regarding the bill and they all supported the measure.

He pointed out that the \$1.50 a day storage charge worked a genuine hardship on wrecking operators who were forced to charge less than commercial rates for automobile parking.

The removal of the statutory ceiling would allow the tariff rate to determine the charge. Roberts believed that this would mean the rate would go to around \$3 a day.

He commented, however, that some objection might be raised by those who feared that large storage charges could possibly accumulate on vehicles whose owners were absent for long periods of time. As an example he cited a pipeline worker who left for a six-week assignment. Roberts believed though that such instances would constitute a very small percentage of the towing and storage operations.

Ben Harding

1-26-78

## SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

January 31, 1978

Present: Chairman Orsini, Senators Willis, Hackney and Sumner; Jim Christopher, Alaska Wreckers Assoc. and Alaska Towers Conference; Gerald Sharp, City Borough of Juneau; Bruce Aronson, Community and Regional Affairs; Steve A. Mizera, Republican Caucus.

Absent: Senator Ferguson

The meeting was called to order by Chairman Orsini at 3:00 P.M.

CSHB 187:

Chairman Orsini noted that CSHB 187 had been before the committee last year.

James Christopher, Chairman of the Alaska Towers Conference, President of the Alaska Wreckers Association, and co-owner of Alaska Towing and Wrecking in Anchorage, testified in support of CSHB 187. Mr. Christopher pointed out that currently wrecking operators had asked the State Attorney General's Office for an opinion as to which law should be complied with and were told that it would be preferable to have the statutes changed along the lines of CSHB 187. Mr. Christopher also noted that the \$1.50 daily storage fee was set in the late 1950's and was unrealistic in view of cost increases since that time. He said that current storage charges for vehicles in Seattle were \$5.00, in Portland \$4.50, and in Spokane \$4.00. Although no court cases have resulted so far from this situation, Mr. Christopher said that wrecking operators in Alaska were concerned that without the enactment of CSHB 187 they could be held in violation of either the statutory storage fee or the tariff set by the Alaska Transportation Commission.

Mr. Christopher asked whether language could be added to the bill that would include the contents as well as the vehicle itself as subject to liens. He stated that this was another area of legal ambiguity. Senator Hackney suggested that appropriate language to cover this situation could be added. To prevent delay, Chairman Orsini recommended that the bill be considered as written and that separate legislation be drawn up if necessary to deal with the other issues raised by Mr. Christopher. Senator Sumner commented that the hearings so far indicated to him that CSHB 187 was more properly a bill for the Commerce Committee to take up than Community and Regional Affairs. The other Committee members agreed.

Lee Sharp, representing the City and Borough of Juneau, spoke in support of CSHB 187 as drafted. He said that discussion so far had tended to confuse the statutory issue of the amount

a wrecking operator could recover on his lien with the regulatory question of the amount the public could be charged for the towing and storage of motor vehicles. CSHB 187 rightfully addressed the statutory issue and not the regulatory. He said the City and Borough of Juneau was concerned that wrecking operators were reluctant to tow and store abandoned vehicles, as requested by the municipality, because they could not statutorily recover more than \$1.50 a day in storage charges from their liens. Since this resulted in a loss of money to the wreckers, the municipality was encountering difficulties in having wrecked and abandoned vehicles removed from public view.

This completed public testimony. Chairman Orsini called for a vote. CSHB 187 received 1 Do Pass and 3 No Recommendations.

CSHB 134

Chairman Orsini asked for a motion to bring CSHB 134, which had been tabled by the Committee last year, back before the Committee members. In the absence of the bill's sponsor, Representative Charles Parr, to explain the provisions and purpose of the bill, no motion was forthcoming. CSHB 134 remained tabled.

1/31

F: CSNB  
187

CSNB 187

Ab. Christopher - Ak. Wreckers Assn (ATW in Arch)

(now pay 1.50/day)  
\$20K/mo 90c

\$1.50/day <sup>per</sup> estab in early 60's - state based land  
ATC sets rates for permitted carriers - set @ \$3/day  
Seattle \$5/day, Portland \$4/day

add "contents" - camp trailers in accident are junk - want to get  
personal articles to pay bill; same true of older cars  
(totaled out is easy). Current procedure is sale of  
car w/contents, but owner ~~can~~ could have legal claim

ques - is there any limit by carriers not under ATC

we are - can do a lot of legal towing, but cannot "draw  
line" between ~~the~~ two points

See Sharp problem w/ junkies, but this is a lien bill, not  
a tariff bill, → to muni

SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Senator Joe Orsini  
Chairman

↓  
CSHouse Bill No. 187

Judiciary-Hohman  
Prime Sponsor

Resolution No. \_\_\_\_\_

This Bill is currently in the Senate Community and Regional Affairs Committee for consideration. Your response, as prime sponsor, to the following questions will serve to hasten Committee action on this Bill.

1. What is the need for your proposed legislation; what is the goal you are trying to accomplish?
  
  
  
  
  
  
  
  
  
  
2. Are there any other viable ways of accomplishing this same goal?
  
  
  
  
  
  
  
  
  
  
3. Persons or groups you know of who are supporting the legislation.
  
  
  
  
  
  
  
  
  
  
4. Persons or groups you know of who are opposing the legislation.
  
  
  
  
  
  
  
  
  
  
5. Can you foresee any new problems that might be caused as a result of enactment of your bill?
  
  
  
  
  
  
  
  
  
  
6. What is the earliest time you would like the Senate Community and Regional Affairs Committee to consider your bill?

HB

1888

Sen. Orin;

Here are copies of the  
remarks by A.G. Bell  
and the memorandum  
for the Department of  
Justice. I don't know  
whether they will  
be of any use.

T. Gals



# Department of Justice

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STATEMENT

OF

THE HONORABLE GRIFFIN H. BELL  
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE HOUSE ADMINISTRATION COMMITTEE

ON

THE VOTER REGISTRATION ACT  
H.R. 5400

10:00 A.M.

WEDNESDAY, APRIL 6, 1977  
2318 RANKIN HOUSE OFFICE BUILDING  
WASHINGTON, D. C.

Mr. Chairman and Members of the Committee. Thank you for allowing me to appear before you today to discuss H.R. 5408, the Universal Voter Registration Act of 1977.

As you know, this piece of legislation has been introduced by the distinguished chairman of this committee and other members of the House. It is the cornerstone of the President's message to Congress on election reform which was presented on March 22nd.

The bill which is before you would provide that any person who is qualified to vote under the law of his home state could register to vote in federal general elections on election day at the polling place. The object of the legislation is to increase participation in the democratic process by making the opportunity to vote more available to all eligible citizens.

#### EXPANDED VOTING RIGHTS

In his message to the Congress, the President emphasized that the right to vote is the fundamental basis of our entire democratic system. He pointed out that, while our nation has greatly expanded the opportunity to vote to wider groups of Americans, we have also observed in recent years a disturbing trend toward lower levels of participation in national elections.

While voter apathy and alienation are certainly major causes of this decline, there is strong evidence that legal barriers to voter registration are also a significant source of the problem.

The restoration of citizen confidence in our system of government is a long-term task which all of us in public life have a responsibility to pursue. But removal of outmoded and unnecessary barriers to voter participation is one step we can take immediately.

I may say at this point that in my view, from the standpoint of the citizen, that is the governed against those who govern us, our greatest rights are the right to vote and the right to assemble and petition for our grievances. Today we are only addressing the right to vote.

The Department of Justice has had the responsibility of enforcing the Voting Rights Act for nearly twelve years. In that time, we have made substantial progress in extending the franchise more fairly to members of minority races, to non-English speaking Americans, to the young and to those who change their place of residence just prior to Presidential elections.

In my view, the voter registration proposal now before you is very much in the spirit of the Voting Rights Act. It is the logical next step in the historic trend toward greater democracy in America -- a trend which dates from the ratification of the 15th Amendment in 1870 and which continued with women's suffrage in 1920, the 24th Amendment on the poll tax in 1964, the original Voting Rights Act of 1965, its amendments in 1970 and 1975, the 26th Amendment in 1971 providing for the 18-year-old vote, and the Overseas Citizens Voting Rights Act of 1975.

Studies by political scientists show that the more than 70 million non-voters in our nation include disproportionate numbers of those who are less educated, less affluent, more urban, and non-white. These surveys have found that difficulties in registration are the primary problem for 20% to 25% of this huge number of non-voters.\*

The most invidious result of the present voter registration system is that it imposes an extra, unnecessary obstacle which affects some segments of our population more adversely than others. We have eliminated many such obstacles in the past, and we have found that expanded opportunities for voting substantially increases the likelihood that the decisions of our leaders will be just and fair to all parts of our citizenry. The enactment of H.R. 5400 would be a major step toward removing the discrimination which still exists in our democratic system.

#### PROTECTION AGAINST FRAUD

Protecting the integrity of the electoral process is one the most important concerns addressed in the legislation proposed by the President and Chairman Thompson. The bill makes fraudulent registration on election day a federal felony.

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\* Peter D. Egan Research Associates, Inc., Committee for the Study of the American Electorate, Curtis B. Gans, Director

It parallels the Voting Rights Act in providing a penalty of five years imprisonment, a \$10,000 fine, or both, for such activity. It further provides that second and subsequent convictions are punishable by ten years imprisonment, a fine of \$25,000, or both.

I want to emphasize to the committee that it would be the policy of the Department of Justice to vigorously investigate and prosecute any cases of fraudulent registration arising under the Universal Voter Registration Act. However, the experience of several states has shown that voter fraud does not increase with election day registration. Minnesota, Wisconsin, Maine, Oregon, and North Dakota all permit voting without prior registration, and none have had any convictions or otherwise verified cases of fraud.

Under the legislation before you, state and local officials would continue to maintain voter registration records as they do now. They would be able to verify registrations following election day using the methods they already employ for registrations prior to election day. They could require every registrant to show proper identification, such as a drivers license, or to provide an affidavit of a person already registered, attesting to the registrant's identity and place of residence. And, they could require each person seeking to register to sign an affidavit himself, attesting to his qualifications under criminal penalty.

No system of voting which is truly open to full and equal participation can be completely foolproof against fraud. It occurs under the present system, and some would undoubtedly take place under this approach as well. It is not a crime which is always easy to detect or prosecute. But, the question we have to address is where to strike the balance between protecting the system on the one hand and making it open to equal participation on the other. The President's bill reflects the belief that declining voter participation is a very serious national problem which calls for immediate attention. H.R. 5400 contains strong safeguards, and the record in states which use its approach is very good. I believe we can safely take this positive step to extend equally to all Americans the right and opportunity to vote.

‡ ‡ ‡



THE DEPUTY ATTORNEY GENERAL  
WASHINGTON, D.C. 20530

May 5, 1977

Honorable Howard W. Cannon  
Chairman  
Senate Rules & Administration Committee  
United States Senate  
Washington, D. C. 20510

Dear Mr. Chairman:

During my testimony yesterday before your Committee on S. 1072, Senator Griffin requested a copy of an internal April 1 memorandum commenting on the proposed testimony of Attorney General Ball on the subject of the House bill on voter registration. I was unaware of the memorandum at the time of the hearing and requested an opportunity to read the memorandum and review it before making a decision on its release.

The memorandum has been reviewed and a copy is attached for you and the members of your Committee.

I want to emphasize the strong support of the Carter Administration, the Attorney General and myself for the Voter Registration Bill, S. 1072. The attached memorandum reflects the views of one staff attorney in the Criminal Division. We do not believe that the potential for fraud in the proposed legislation is any greater than under existing laws. I believe that the greater turnout that will be encouraged by the bill and the face-to-face registration safeguards built into the bill may actually reduce the amount of fraud in Federal General Elections.

The Attorney General and I strongly support the voter registration legislation and wish to emphasize the overwhelming importance of enfranchising minorities, the poor and others with more progressive voter registration procedures for Federal General Elections.

Very truly yours,

Peter F. Flaherty

Attachment

NAME	TERMINATION
OFFICIAL FILE	
DATE	TERMINATION
REASON	NOTICE
DATE	REASON
INITIALS	FILE NO.
DATE	SIGNATURE

REMARKS

Attached are the comments you requested on H.R. 5400. While Mr. Civilotti has not personally read the memorandum, he is aware that it emphasizes the need for the Attorney General to be aware that enactment of this legislation will probably create substantial enforcement problems for the Criminal Division. It may be that the Attorney General will consider it appropriate to make some recognition of these potential enforcement problems during the course of his testimony. Accordingly, it is suggested that a copy of the attached memorandum be made available to the staff of the Attorney General in connection with any revision of the Attorney General's proposed testimony.

Do NOT use this form as a RECORD of approvals, disapprovals, circumstances, and modifications.

FORM (When Office of Origin)  
 John J. Barry  
 Deputy Assistant Attorney General  
 Criminal Division

DATE: 6/11/77

112  
4010407

UNITED STATES GOVERNMENT

# Memorandum

TO : Raymond S. Calamara  
Acting Deputy Assistant Attorney General  
Office of Legislative Affairs

DATE: APR 1 1977

FROM : Benjamin R. Civiletti  
Assistant Attorney General  
Criminal Division

BRC:JCK:CD:maz

SUBJECT: Comments on H.R. 5400 Testimony by Attorney General

At your request, we have reviewed the testimony which the White House has apparently suggested that the Attorney General give before the House Administration Committee on April 6 during hearings on H.R. 5400. This bill is the Administration's proposal to do away with pre-election registration requirements which the vast majority of the 50 states presently impose as a prerequisite to the exercise of the federal franchise, and substitute in their place a system permitting otherwise locally-eligible electors to register at the polls on the day of an election.

## I. THE BILL

We emphasize at the outset that this Division has not had any input into this bill. We have not even seen a copy of the bill, and our comments thereon have never been sought.

The proposed legislation, from sources available to us, would appear to supercede state and local voter registration procedures with a uniform procedure applicable to all contests for Federal office. The Federal procedure under H.R. 5400 would permit an individual who is otherwise qualified to vote under the state law to register to vote at the polls on the day of an election. To prevent abuses of this relaxed registration procedure, H.R. 5400 would create a new Federal felony to punish those who wilfully or fraudulently cast ballots under its provisions, add a level of administrative sanctions to be enforced by the Federal Election Commission, and permit local poll officials to require electors seeking the franchise by virtue of these relaxed provisions either to produce some identification before being permitted to vote, or to execute affidavits attesting to the fact that they meet local voting

\* A copy of the bill was provided along with the proposed testimony.

RSK 4/17

requirements.

If these preconditions are met, H.R. 5400 would require local voting officials to extend the federal franchise notwithstanding an elector's failure to comply with state registration laws.

## II. THE PROPOSED TESTIMONY

The testimony which it is suggested the Attorney General give on this bill is highly commendatory of its purpose of facilitating the exercise of the franchise, critical of present state registration laws as "outmoded and unnecessary", and strongly in favor of H.R. 5400's enactment.

## III. DISCUSSION

Personally, based on our enforcement experience in the election law field, I do not share these observations and conclusions. I oppose the concept embodied in H.R. 5400 as a dangerous relaxation of what precious few safeguards presently exist against abuse of the franchise. Most certainly, I would not recommend that the Attorney General support this legislation in the proposed glowing terms without expressing some caveats based on enforcement experience.

### A. Function of Pre-registration

Voter registration statutes presently on the books of the vast majority of the states usually require that a prospective voter present himself at the appropriate registration office at least 30 days prior to the election in which he wishes to vote, and there provide pertinent data concerning himself and his residence in the election district. He is also customarily required to provide information about where he may have been registered to vote previously to enable the prior registration to be purged before the new one becomes effective, and to provide a sample of his signature which can be used at the polls during the election as a control to assure that the registrant and the person who seeks to vote in his name are the same person.

These requirements serve at least two critical functions in preserving the integrity of our elective system:

First, the fact that a prospective voter is required to appear in person and to provide pertinent information about his qualification to vote at least 30 days before an election provides local election officials with ample time to check the veracity of his claim to the franchise, to assure that previous registrations he may have had are voided before the election takes place. This in turn insures that a registrant is indeed qualified to vote in the place where he is seeking the franchise, and that he is permitted only to vote in that one place. Secondly, by providing for a "control" sample of the registrant's signature, registration laws enable many states to protect themselves against vote fraud by additionally requiring a voter to sign a roster at the polling station itself. The signature which the registrant executes on election day at the polls can easily be checked against the control on his permanent voter registration card, which in many places is the sole viable method of insuring that the person seeking to vote is indeed the same person whose registration the local election board has previously approved and accepted.

B. Effect of Repeal of Pre-registration Laws

Abolition of pre-election registration will, for all intents and purposes, prevent the states from protecting themselves against individuals who may seek to vote at several locations where they are known (a factor which becomes all the more critical with the continuing increase in the mobility of our population), as well as prevent them from assuring that a voter is indeed qualified to vote before he casts his ballot. At the same time, the elimination of the "control" signature which usually appears on a voter registration card will deprive precinct officials of an objective standard by which to judge the qualifications of persons presenting themselves to vote, while at the same time making proof of election fraud in a criminal case substantially more difficult.

In this latter regard, this Division has had substantial experience over the years in prosecuting election fraud cases under applicable Federal statutes presently on the books. This in turn has demonstrated to us graphically the importance of having a pre-registration and verified "control" signature against which to compare the signature of individuals presenting themselves to vote at the polls on election day. On the basis of such comparisons, 25 election officials have been indicted during the past few weeks in the Eastern District of Louisiana for forging the signatures of "no-shows" on the election day rosters which Louisiana law requires voters sign before they obtain a ballot. Similar comparisons between "controls" and the signatures appearing on election day rosters have long been used as the principal method of proving election fraud cases in Chicago, Illinois.

C. H.R. 5400's Alternative Safeguards

In the place of the protection which pre-election registration provides as a guard against election fraud, H.R. 5400 offers four purported safeguards. We feel that all are inadequate.

The requirement that persons seeking to vote without prior registration, produce some form of identification at the polls, or perhaps swear to the factual predicate for the franchise under local law, is essentially meaningless. Even with the pre-election registration which most states require today, election fraud is widespread in both State and Federal elections. With the stakes as high as the power of the elective offices in dispute, it would not be unreasonable that those bent on corrupting the system would be able to find false identification, and would be willing to lie on whatever affidavits they are asked to sign. Moreover, once possessed with what we suggest is easily obtained false identification, a person could successfully wander from precinct to precinct and cast as many ballots as he dares on election day, with election officials being powerless to stop him provided he was willing to execute the required affidavit. Even assuming that subsequent inquiry was able to establish that such an individual used the relaxed procedures accorded by H.R. 5400 to defraud his fellow citizens of an election fairly conducted on the "one man-one vote" principle,

the fraudulent votes would have already have been cast and the damage done, to the detriment of the precious balance on which our democratic elective system is based.

The addition of a new Federal felony which specifically provides for fairly serious penalties for those persons who would seek to abuse the lenient provisions of H.R. 5400 are of little foreseeable help. Federal law presently contains numerous statutes, most of which are felonies, directed at protecting the system against voter fraud. Under 18 U.S.C. 241, it is a ten year felony to conspire to stuff ballot boxes or to commit other varieties of election frauds directed at depriving the public of a fair and impartial election, U.S. v. Classic, 313 U.S. 299 (1941). This Section has recently been extended to include election frauds directed at corrupting only state or local elections, where the defendants involved are themselves election officials of some sort, U.S. v. Anderson, 481 F.2d 685 (4th Cir., 1974). Under 18 U.S.C. 242 it is a misdemeanor to deprive the electorate of a fairly-conducted election under color of official right; under 42 U.S.C. 1973(i)(c), it is a 5 year felony to provide certain types of false information concerning one's residence to a voter registrar for the purpose of qualifying to vote in an election where Federal candidates will be on the ballot; and under 42 U.S.C. 1973(i)(e), which was enacted last year, it is a 5 year felony to vote more than once in an election where there are Federal candidates on the ballot. This impressive stable of statutes has been the source of numerous prosecutions lately, especially in states like Illinois and Louisiana where State laws require voters not only to pre-register but also to sign rosters at the polls. At the present time, the Criminal Division has active investigations involving this sort of offense before grand juries in Tennessee, Illinois, Louisiana, and Virginia. Complaints involving isolated instances of fraudulent registrations and multiple votes have been so numerous since 42 U.S.C. 1973(i)(c) and 1973(i)(e) were enacted that the Division has had to routinely defer such matters to the States, all of which to our knowledge have their own extensive and intricate network of criminal statutes which seek to protect against election irregularities. Clearly, if all of these statutes, many of which carry substantial penalties, have been unsuccessful in deterring those bent on corrupting the elective system through vote fraud, one more such statute will

not help much. Quite the contrary, our not insubstantial experience in this area has demonstrated that the type of person who is most apt to commit election fraud feels that he is "above" the system, that he will not be caught or punished, and is thus not deterred in the slightest by the presence on the books of facially awesome criminal statutes.

IV. THE FEDERAL ELECTION COMMISSION DOES NOT BELONG IN THE ENFORCEMENT MACHINERY OF LEGISLATION UNDER H.R. 5400

I feel that anyone who seeks to corrupt our democratic system in this manner should be subject to anything short of criminal prosecution. Also, I have reservations as to whether the subject of ballot security and election fraud falls logically within the FEC's present mandate over the financial disclosure provisions of the Federal Election Campaign Act. Moreover, the FEC's small and underfinanced staff is singularly ill-equipped to take on the awesome responsibilities for the preservation of ballot security which H.R. 5400 contemplates for it. And finally, the parallel civil and criminal proceedings which are bound to arise from the efforts of FEC and this Division to simultaneously fulfill our respective enforcement mandates under the Act are bound to create conflicts which will prove detrimental to overall law enforcement in this critical area.

V. CONCLUSION

While we naturally support the fundamental objective of making it easier for citizens to exercise their federal franchise, we would have preferred that a method be devised which would minimize the opportunity for electoral fraud while at the same time maximizing the opportunity for citizen participation in the electoral process. If we had more opportunity for consideration of the general concept and, particularly H.R. 5400, presumably we could make some more constructive comments. Having received this package yesterday afternoon without even a copy of the bill, we have done our best to indicate some of our concerns. I assume that the Administration as a matter of policy is going to support the concept embodied in H.R. 5400. However, if the Attorney General testifies on this bill, he should, in my judgment, qualify his support thereof with the caveat that despite the favorable experience in several states, the experience of the Criminal Division in enforcing the federal election laws indicates that there is a tremendous potential for fraud in H.R. 5400.



State of Minnesota  
OFFICE OF THE SECRETARY OF STATE  
St. Paul 55155

JOAN ANDERSON GROWE  
Secretary of State

MARK WINKLER  
Deputy Secretary of State

April 12, 1977

180 STATE OFFICE BUILDING  
Corporation Division 612/296-2803  
UCC Division 612/296-2434  
Election Division 612/296-2805  
Office of the Secretary 612/296-3266  
Office of Deputy Secy. 612/296-2309

*Te/ny - FBI  
Maybe you could  
draft some response  
for LTR? KJW 4/17*

The Honorable Lowell Thomas, Jr.  
Lt. Governor  
State Capitol  
Juneau, Alaska 99802

Dear Secretary Thomas:

I recently received a letter from Secretary of State James Kirkpatrick of Missouri, in which he asked for information regarding Minnesota's experience with election day registration. Anticipating that you might find the facts I sent to Secretary Kirkpatrick useful in your consideration of the proposed federal election registration legislation, I am taking the liberty of sending you some information about our voter registration process.

The Minnesota system functions in the following way: There is a registration deadline of twenty days before each election, giving the registration office time to process the registration cards and to prepare the card files for delivery to the polling places. On election day, however, any eligible voter may register at the polling place by offering an authorized proof of residence.

In the Minnesota Statewide election of 1974, twenty percent of those who voted registered on election day. Last November Minnesota ranked first in the nation with over seventy-four percent voter turnout. Of those 1,978,590 voters, twenty-three percent registered on election day.

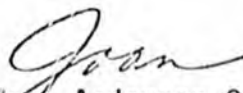
Our philosophy in Minnesota is that voting is a right, and that the government should assist the voter to guarantee that right. The present voter registration system in Minnesota has been working since it was enacted in 1973. I believe that it can and will work at the federal level.

Secretary of State .  
Page Two

I am enclosing information about our voter registration system. Also enclosed are a copy of the Minnesota Voter Registration Manual 1976, a copy of the Rules of the Secretary of State for Voter Registration, and a voter registration card.

My office will be happy to answer any questions you might have and to work with you on the federal registration proposal.

Sincerely yours,

  
Joan Anderson Growe  
Secretary Of State

JAG:pak

1. What proofs of residence are authorized on election day?

1. Minnesota Driver's License
2. Minnesota State-Issued Identification card, which we call a Nonqualification Certificate which is issued to people who don't drive
3. A form we call Notice of Incomplete Registration which is mailed from the registration office
4. A registration in the same precinct, but at a different address, for the same person
5. And by having another registered voter in the same precinct vouch for the voter who is registering

2. What happens during the 20 days between the postcard-registration cutoff and election day?

The mandatory cutoff is 20 days prior to the election. During the time between the cutoff date and election day, new applications are checked and card files brought up to date in preparation for their delivery to the polling places. Applicants who attempt to register in person are informed of the location of their polling place and told they may register there on election day. The law does not specify that practice, but my office recommends it. The Rules of the Secretary of State deal with applicants who attempt to register by mail during that time. The registration office is to mail the applicant a notice of ineffective registration explaining that the deadline prevented the registration from being accepted, giving the location of the applicant's polling place and election day registration procedures, and instructing the voter that the notice of ineffective registration serves as a means of identification for registering on election day (Sec Stat 505).

3. How is election day registration handled by election judges?

Minnesota has approximately 4,000 precincts. State law has long required a minimum of three election judges per precinct.

In the 1974 state-wide elections, extra judges were used in many precincts throughout Minnesota. The State of Minnesota reimbursed local election jurisdictions for the expenses incurred to implement the 1973 voter registration law, which included provision for reimbursement of the cost of additional judges. Before that date, many counties had no system of permanent registration; Almost half of Minnesota's voters in effect registered on election day by stating their names and addresses to the election judges at the polling place.

By 1976, there was no longer a provision for reimbursement, but many jurisdictions continued to use one or two supplementary judges to facilitate the election day registration process. Minnesota Law provides that the judge who registers a voter on election day shall not also hand to or receive from, that voter his or her ballot. According to election law, judges may rotate in performance of the required tasks during their hours of service (M.S. 201.061 subdivision 4)

4. Have there been instances of duplicate registrations or fraudulent voting?

Of the nearly 2,000,000 voters who cast their ballots on election day, only one or two instances of duplicate registration have been called to our attention, and they are currently under investigation.

No cases of fraudulent registration have been proven since the enactment of the 1973 Minnesota Voter Registration Act.

**Municipality  
of  
Anchorage**



POUCH 6-650  
ANCHORAGE, ALASKA 99502  
(907) 274-2525

OFFICE OF THE CLERK

April 29, 1977

Senator Joseph L. Orsini  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Orsini:

You asked for comment on HB 84, Polling Place Hours and on CSCSHB188, Pertaining to Voter Registration and Procedures, and I offer those comments here.

HB 84, Polling Place Hours

I am in support of this bill, as is the Alaska Association of Municipal Clerks, although past experience says that it will not cure the voter apathy problem in Alaska. Polling place hours are not the reason for the apathy. The bill provides for local option on closure of the polls but what will happen, as a matter of fact, is that the majority of municipalities in the State will keep the same poll hours as the State. To do otherwise, particularly in State election years, would be total confusion for the voter. The local option should remain in the bill, however, because there are municipalities in the State which are very, very small and can make good use of the shorter polling hours.

If you are interested, past performance of voters and surveys conducted indicate that the heaviest voting hours are from 5:00 p. m. to 7:00 p. m. on election day. Voting is extremely light throughout the morning and even into the noon hour. It begins to increase in the late afternoon, peaking from 5 to 7. The vast majority of voters go to the polls on their way home from work. Once home and having eaten dinner, they generally do not go out to vote. The comment received from the voters is that they try to take care of all business type of errands (which includes voting) prior to going home for the evening. Working husbands with non-working wives will generally go home, pick up the family, go to the polls and then return home for supper and bedding down of the children.

Neither AAMC nor myself have any real problem with this bill; but we definitely feel that it is a false attempt to increase voter turnout. If the bill passes, you can be assured that we will once again start charting voter turnout and questioning voters so that we may have more information for you at a later date.

CSCSHB 188, Voter Registration and Procedures

I would first like to address some of the smaller issues, or housekeeping amendments of the bill:

AS 15.05.020(10) - (page 1, beginning on line 24) "Upon furnishing evidence of change of address . . ."

The voter should be able to change his address by telephone; after all, you can change your utilities, subscriptions, etc. by phone. The problem arises with a prankster calling in to the State office and changing the address of someone other than himself - perhaps a potential candidate. That puts the candidate, when he goes to file for office and is unaware of the prank, in a very questionable (and angry?) position. It also puts those of us who must administer elections in a very untenable position. I have had occasion in the past, as have almost all election administrators, to question the residence of a candidate. With nothing in writing, no signature by the person involved under any kind of oath, there is no evidence for a case by the administrator and it leaves things rather nebulous for the candidate. If I had my druthers, I would allow change of address by telephone, but for protection of all involved, public and administrators, I would require that that change be backed up in writing - either a change of address form, or a letter - both of which are now accepted by the State.

Sec. 10, AS 15.07.090(d) - (page 3, beginning on line 22) "Before counting the ballot the Lt. Gov. or his representative . . ."

I am speaking to this sentence, but to (2) "has resided in the election district for 30 days" in particular. This ties into the question of election day registration somewhat. There is no way that this can be ascertained by any election official without delaying the canvass and certification of an election for a long period of time. The only way to prove that a voter has lived in his election district for 30 days when you allow voter registration and voting at the polls is by pulling utility records for the address given or requiring rent receipts for the previous 30 days to be presented at the polls. How many voters will bring rent receipts, cancelled house payment checks to the polls? With pre-registration 30 days before an election there is some assurance that the voter is indeed living at that address and will continue to do so for 30 days. And where there is doubt, there is enough time prior to the election for the election official to request rent receipts or have utility records pulled. No so with election day registration and voting.

Section 11, AS 15.07.100 (page 4, beginning on line 6) "The Lt. Gov. shall grant requests . . ."

My comment would be, and you'll have to pardon it, that this is ridiculous. If each party is entitled to 5 registrars and a precinct has 300 voters, the appointment of 10 registrars for that precinct would be one registrar for every 30 voters. They would be tripping all over themselves and the State would be receiving double and triple registrations on the same people - all the while paying the registrars 50¢ for each of these unnecessary registrations. The State now has double and triple registrations in precincts where there are only 2 or 3 registrars, much less 10.

A secondary problem in this section is the mandatory "Lt. Governor shall". This should be permissive and should be changed to "may". From a municipal standpoint, we watch registrars come and go. They get involved in party disputes in the precinct and register everything in sight, including the telephone polls. It does nothing for cleanness of the rolls. I have seen incompetent registrars who do not complete registration forms correctly, mail them in too late to get on the rolls for the election even though they were registered in plenty of time, etc. This is where the Lt. Governor

should have discretion not to appoint. The people who are registering voters should be able to do the job and do it correctly - the same as anyone else who works at anything. If they are not doing to job, they should not be appointed or their appointment should be revoked because the damage they do is not to the voter registration system or to us who administer elections - but to the individual voter - the guy that is interested in going to the polls and voting but because of an incompetent finds that his vote is not counted or finds he must vote a challenge ballot even though he signed his voter registration form six months previously. Give the Lt. Governor the discretion not to appoint and raise the precinct voter level, if you insist on keeping this provision in, to a minimum of 500 voters. If you will read the existing 15.07.100 I think you will find this is more than adequate as it permits the Lt. Governor to appoint as many registrars as there are voters in a precinct.

Now, relative to the major question of registration and voting at the polls on election day, may I offer the following:

- 1.) If passed, registration and voting on election day will increase the number of questioned ballots in an election. This, in turn will mean a longer time for canvass of the election and certification of those elected.
- 2.) Expenses will increase for the greater number of materials that will have to be provided for each precinct.
- 3.) Voting will slow down as there will be more persons, presumably, that will have to fill out the questioned ballot. During heavy voting hours you are talking about a definite clog in the precinct and angry voters.
- 4.) Election day registration means no incentive for registration at any other time of the year. If one is allowed to register and vote at the polls and have his vote counted, there is no reason for him to take any time or effort during any other part of the year to register ahead of time.
- 5.) By allowing someone to register and vote on election day in a precinct or district other than his own (page 3, beginning on line 26) you are providing no incentive for anyone to vote in his correct precinct. If I get off work at 5:00 p. m. and want to do some shopping downtown or go to a show; rather than going all the way out to my correct precinct and casting my ballot, I will trot right outside my office door and vote a challenged ballot in the precinct that uses this building as its polling place. My areawide candidates and propositions will be counted, unless I am unduly concerned about by own area candidates, what the hell?

This, however, does not remain true for municipal elections. Our elections are much more sectionalized - with service areas, Assembly candidates, sectional issues - much more so than the State. In some instances, we would not be able to count the ballot of the voter who votes in other than his correct precinct. We would not be able to count any part of that ballot because in order to do so we would have to identify the voter, look at his particular ballots to decide what he was entitled to vote on and then separate those from the ones he was not entitled to. That's voter identification and

ballot identification and that's not legal.

- 6.) Voter fraud would be much easier. I could vote in my own precinct under my own name, unquestioned. Then I can drive to any other precinct in town, register under a slightly different name and vote a questioned ballot. The State will never catch me because between the time of the election and canvass of the election it will be impossible for them to determine if Mary R. Swank does live at that second address - unless they pull utility records and they don't have the time to do that. The same holds true for me voting at least once in Anchorage and then driving to Palmer or any other election district and casting another ballot. All of my ballots will be counted because there is no way for the election office to determine that I do not live wherever I say I live.
- 7.) Not only is #6 above possible, what's to stop me from this situation? I am registered in my own precinct. But I know that the candidate I favor, in a municipal or state election, is going to win by a landslide, so I'm not really concerned about the race. But I am very much concerned about the Assembly or State House race in another district - it's much more hotly contested and much closer. I support one of those candidates. Since I can register and vote on election day, I choose not to vote in my own precinct, but I again trot across town and register (saying, if necessary (and it's not necessary), that I have moved and haven't filed a change of address. I register, vote for the candidate I'm concerned about and my ballot is counted. If I'm really smart, I get a whole group of friends to do the same thing. My candidate wins or at least picks up enough votes to get him through the primary. No way will I be caught.
- 8.) In order to avoid #6 and #7 above, you are talking about requiring rent receipts. A driver's license is not sufficient. Most people do not change their address on their driver's license when they move. They change only those things which immediately affect them, i.e. mail. I, at least, in administering municipal elections and because of the sectionalized nature of my ballot issues, would require something other than a driver's license. And I would have one hell of a lot of mad voters on my neck - but it would be the only way I could protect the integrity of my election. And it would be the only way that I could ever certify that that election was valid. To require no proof or just a driver's license would most certainly mean that I could not and would not certify that election as valid.
- 9.) The purpose of the bill, as I see it, is to increase voter participation and make it as easy as possible to vote. This I see nothing wrong with. I think the method, however, is incorrect. If you look at some of the states which have this voter registration system you will find that Wisconsin voter participation increased only 3%. Maine increased only 4%. And when you talk about the increase in voter turnout, keep in mind that with that 3 or 4% increase you are also talking about increased costs - of materials, of women to canvass, of staff time.
- 10.) I have spoken with officials (municipal) in Wisconsin and Minnesota. They have experienced voter fraud. They have experienced attempted voter fraud. In smaller communities, it is much easier to catch because everyone knows everyone else. In large communities it is

much harder to catch and even more difficult to document with the allowance of registration and voting on election day.

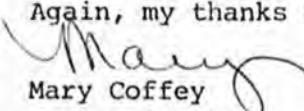
- 11.) Most of the small communities in Alaska, from discussions at Municipal League meetings, would probably not favor this legislation. They still want 3 year residency requirements for their candidates - and in some cases, even though its unconstitutional, they have maintained that residency requirement. At least 3 communities do not want to let 18 year olds run for municipal office - they want an age limit of 20 or 21. Sound impossible? Maybe so, but it's true. From discussions on subjects like these, I really doubt if this bill has much support from the smaller areas.

As you can see, I am not in support of the concept of voter registration and voting on election day. I see a multitude of problems. Neither, however, do I wish to be classed as an obstructionist. In thinking this bill over, what appeals to me most is a trial run if the bill is indeed going to be passed. If Anchorage could be used as a test for this procedure we (the Legislature, public and election officials) would at least have some idea of how it would work, what the impact would be, what the cost would be. I would be willing to volunteer Anchorage as a test for our fall election, but have a question as to the legality of Anchorage, for only that time, having different registration and voter requirements than the rest of the State. If the idea appeals to you, however, perhaps you could inquire about it of the Attorney General. That at least would give us some idea of what we are dealing with.

In closing I can only add one comment, and I mean no slight: You (the Legislature) only see elections from the point of the candidate and the public official - getting as many constituents and supporters out to vote as possible. Those of us dealing with elections on a daily basis know what goes into an election; what takes place between the legislative body placing an issue on the ballot and certification of that election - and what takes place is a myriad of detailed and arduous work, all of which must conform to the law. You, or the public, are the people who sue us, the election officials. We are the people who must deal with those suits. We must bring the democratic election process to fruition and we must be absolutely sure, in every detail, that we are complying with the law. It is not nearly as easy as it sounds - most people who go to work in any kind of an office which administers election are amazed at the process and their general comment is that they had not idea, before, how the ballots got from the legislative body to the polling place - they had just taken it for granted that God, or someone, sent them down on election day. Please take the mechanics into consideration.

I apologize for the length of this letter - but it's a subject near and dear to my heart. I do appreciate the opportunity to comment and, even more, appreciate the request for comment from a member of the Legislature instead of me providing the unsolicited comment. If I can be of help in answering questions, on policy or procedure as concerns this bill, or in clarifying any of my comments, please let me know. I would be most happy to do so. I do not, nor would not, intend to answer those questions in an adversary manner - but simply to provide information from someone who has some expertise in the election process and knows the ins and outs of the mechanics of the system.

Again, my thanks for your concern.

  
Mary Coffey  
Municipal Clerk

# MEMORANDUM

OFFICE OF THE LIEUTENANT GOVERNOR

TO: Senator Joe Orsini  
Chairman  
Community and Regional Affairs  
Committee

DATE : May 2, 1977

FROM: Lowell Thomas, Jr.  
Lieutenant Governor

SUBJECT: Bill Analysis of SCS CSHB 188  
(C & RA)

As you requested the following is a section by section analysis of Senate CS for CS for House Bill No. 188 (C&RA):

Sec. 1 AS 15.05.015 The U.S. Congress provided that overseas voters may register and vote in their last state of residence prior to their departure for overseas. The overseas citizen must meet all statutory requirements to register to vote. This section is added to bring Alaska into compliance with the Federal law. (Senate Rules version has this)

#### General Comment

Sec. 2-5 The reason for the changes in these sections is to allow persons to register at any time throughout the year. Currently registration is closed thirty days prior to the election. The voter will not be able to vote unless 30 days have passed after registering though he will be able to register within the 30 day period just before the election.

Sec. 2 AS 15.15.020(10)--Specific Comment: This section permits a person who is already a registered voter and has a card with his signature on file to change his address over the phone. Elections personnel can authenticate if the caller is the person requesting the change by obtaining the caller's voter number, birth date, time of residence in the State, etc. Any person who could not provide satisfactory information would not have their voter registration records changed through the phone call. If there was any doubt, a signed card would have to be submitted. (Senate Rules version has this)

Sec. 3 AS 15.07.030--Specific Comment: This section adds the words "subsequent" for "succeeding" and includes "special" elections. (Also in Senate Rules version with language permitting registration and voting on election day)

Sec. 4 AS 15.07.040 --Specific Comment: This language maintains that a voter can not vote until 30 days after registering. (Senate Rules provides for registering and voting on election day)

Sec. 5 AS 15.07.070(d)--Specific Comment: Allows registration throughout the year. (Senate Rules version would allow registration and voting on election day)

Sec. 6 AS 15.07.100 This proposed language provides for appointment of additional registration officials for precincts. It also provides that the number of officials be related to the number of registered voters. (Senate Rules version provides slightly different approach)

Sec. 7 AS 15.07.115 This new section provides for the appointment of temporary registrars beginning 150 days prior to a general election. These registrars will be compensated at the same pay rate as other registration officials. (Senate Rules version has this)

Sec. 8 AS 15.07.130(b) This section changes the length of time from four to two years for retaining a voter on the master voter list if he has not voted. If a person does not vote once every two years, elections personnel notifies him/her of their intent to remove his/her name from the list of registered voters. If the notification is not returned by the voter within 90 days, his/her voter registration is cancelled. This procedure works well as voters do respond to the notification they receive. This would also assist in keeping voter lists up to date. (The change from a 4 to a 2 year purge is not in Senate Rules bill)

Sec. 9 AS 15.07.140 This section contains housekeeping revision as it adds the words "special election" and clarifies who makes a request to the lieutenant governor for lists of registered voters in a municipality.

Sec. 10 AS 15.13.060(c) This section extends the time of filing a campaign treasurer's name and address. It requires that the name and address of the campaign treasurer be filed with the lieutenant governor by candidates for state elective office within 15 days after the date for filing a declaration of candidacy or nominating petition. In 1976 problems occurred with three candidates whose campaign treasurers' names and addresses were not received as required by law. This conforms with the proposal to allow extra time for candidates to file conflict of interest statements. Legal action followed in all three cases.

Some municipal clerks believe that problems may arise with allowing 7 days for the treasurer's name to be filed by candidates for municipal elections. (Senate Rules version contains this also)

Sec. 11 AS 15.13.100 This provision permits candidates to receive and expend contributions prior to filing for nomination and requires that such expenditures be included in the first report required. (Requested by Executive Director of APOC. Not in Senate Rules version)

Sec. 13 AS 15.15.260 The changes in this section allow for either the voter or the election judge to deposit the ballot in the ballot box after removal of the numbered stub. (Senate Rules version has different approach)

Sec. 14 AS 15.15.330 This section is revised to allow for an early count of the punch card ballots. In particular, we hope to use this procedure in the Anchorage area (Election Districts 7 - 12) for the 1978 election. Unless this section is changed, we would be unable to allow the early pick up and counting of the ballots. This change is requested as a result of the experiences of the 1976 general election. There was a large turn-out of registered voters on election day and voters had several ballot cards to punch. Ballot pick-up after 2:00 PM would allow a portion of the ballots to be counted prior to the closing of the polls. At that time the remaining ballots would be brought into the computer centers and counted. Language is included so that those voters in line when the polls close would not learn election results. (Senate Rules version has indetical language)

Secs. 15 & 16 AS 15.20.140 & 150 These sections have been rewritten in SB 207 in order to differentiate between marking an absentee ballot and returning the ballot. Under current law (15.20.150) a technical problem exists in that a person who requests and receives an absentee ballot by personal representative or by mail has to return it by personal representative or by mail. This language (originally from SB 207) allows the absentee voter to return the ballot in person. Under current law this option does not exist if the ballot is received by mail or personal representative. Problems have occurred relating to postmarks on ballots. Many places--pipeline camps, isolated villages logging camps, etc.--do not have post offices, therefore, voters are unable to postmark their ballots on election day. With this change in the law, an affidavit can be provided so that a voter will not have to have the envelope postmarked. A provision is also included that any ballot that is received before 4:00 PM of the eighth day following the election must be counted. Any received after that time will not be counted as the Absentee Canvass Boards complete their work on the eight day following the election.

The language in 140 & 150 conforms to changes already made in Chapter 16 SLA 1977 allowing for a single attesting witness. (Senate Rules version utilizes slightly different approach)

Sec. 17 AS 15.20.620(c) This change is requested due to problems which occurred during the 1976 general election. The AJIS system which is run off the computer that is used for vote counting in Anchorage cannot be completely shut down because of Federal requirements. As AJIS is federally funded, there

is a possibility that by pulling the computer off completely for the vote counting process the Federal funds would be cut. Our amended language requires that a portion of the computer be designated for the vote counting system. (Senate Rules version has this)

Sec. 18 AS 15.20.620(d) This section retains the manual count for the different candidates and allows flexibility in accomplishing this necessary task. (Senate Rules version has this)

Sec. 19 AS 15.20.650 Delivery of the ballots to the computer counting center is revised to allow for the early pick up of ballots from the polling places. (Sec. 14) The teams would consist of two persons, one from each major political party or a licensed security guard. In some instances, it is more convenient for a security guard rather than the pick up team to bring the ballots to the computer center. (Senate Rules version has this)

Sec. 20 AS 15.25.040(a) and (b) This section changes the filing deadline for candidates representing a political party for the primary election. The deadline is changed from June 1 to the third Tuesday in May. This change is requested as problems have occurred with the deadline near the Memorial Day weekend. Telegraph offices are closed on Memorial Day so no telegrams are delivered nor are persons able to send telegrams. Post Offices are closed so prospective candidates are unable to have declarations postmarked. In addition, as the filing deadline occurs after a long weekend, mail service is slow and we have encountered difficulties in receiving the declarations. This section also reduces the amount of information required of a person sending telegram notification of filing to the lieutenant governor. Previously, the person had to include in the telegram a copy of almost everything in the declaration. With the new language the telegram would include only the very pertinent information. (Senate Rules version has this)

Secs. 21 & 22 AS 15.25.056(a) & 15.25.150 These sections are house-keeping changes to bring this section into conformance with AS 15.25.040(a) and (b) change the filing date.

The change from certified to registered mail will insure that the candidate has a receipt for sending material and that the lieutenant governor's office has evidence that material was received. (Senate Rules version has this)

Sec. 23--36 AS 15.45.020--AS 15.45.410 These sections cover the initiative and referendum procedures. The Department of Law would be required to assist the members of an initiative committee in drafting a proposed bill to be enacted by initiative if the initiative committee requests this assistance. This would obviate any post-election challenges to the form of an initiative measure. Also, the ballot title and impartial summary of an initiative or referendum measure would be drafted earlier in the initiative or referendum process and submitted

to the sponsoring committee. The committee could register their concurrence with or objection to the proposed wording and provide an alternative prior to the preparation of the petition booklets. The same ballot title and impartial summary as printed in the petition booklets would appear on the election ballot and in the official election pamphlet. Other revisions are housekeeping. (Senate Rules version has this)

Sec. 37 AS 15.57.011--AS 15.57.180 This section covers the official election pamphlet. The revisions to and expansion of the initial legislation are designed to make procedures more explicit and resolve objections made to the publication in the past. Information relating to propositions and bond questions is specified, costs to candidates and parties for space is outlined, and the procedure for preparation and selection of arguments advocating approval and rejection of measures and rebuttals is detailed. (Senate Rules version has this)

Sec. 38 AS 39.50.020 Section (a) deals with the filing of conflict of interest statements by candidates for state and municipal elective offices. It is revised to resolve the problems which occurred with the 1976 filings. After filing as a candidate, state candidates have fifteen days and municipal candidates have a seven-day grace period for submitting their conflict of interest statements. Candidates with current conflict of interest statements on file are not required to submit another one.

Changes in subsection (b) allow an option for candidates for state office to submit their conflict of interest statements to the lieutenant governor's office for filing with APOC. This practice has been used and is of assistance to candidates. (Senate Rules Committee has same language as in SB 207)

Sec. 39 AS 15.20.260--AS 15.20.420 Repeals unnecessary provisions dealing with voting machines which are no longer used. If these machines were needed, existing law provides authorization for their use.

15.57.010--15.57.060 Repeals existing provision for Election Pamphlet to allow rewriting of pamphlet provisions.

15.07.070(c) Repeals language requiring that applications for registration must be postmarked 30 days prior to election. This is no longer necessary as we are allowing persons to register throughout the year.

cc: Patty Ann Polley

TO: Senator Orsini  
FROM: Paul Conger

DATE: April 28, 1977  
RE: SCS CSHB 188

The following amendments are suggested by the Administration regarding SCS CSHB 188. Initially they seek to remove the provisions that pertain to allowing the voter the option of registering on election day. This is found in Secs. 1, 4, 6, 7, 10(d) and portions of 5 and 9.

A. Page 4, Line 24:

This suggested revision provides that if a person hasn't voted for 2 consecutive years, his resignation will be cancelled. The law currently allows for four years before an individual's registration is cancelled. Administration feels this will assist in maintaining an accurate Master Voter List of qualified voters.

B. Sec, 16 - AS 15.15.260 Page 6, Line 1:

In the bill this provision states that after the voter has voted the election official could then, if not already done, remove the numerical stub from the bill and then the ballot must be handed back to the voter and the voter deposit it in the ballot box. What the Administration's revision would do is allow the election official to deposit the ballot. According to the Administration, "in general the voter is agreeable to having his ballot placed in the ballot box by the Election Judge".

C. Sec. 18 - AS 15.20.140 (Chapter 20 deals w/absentee voting)

Currently, the law only speaks to the situation where an absentee ballot can be returned by mail or through personal representation and does not state that the absentee voter can return it in person. The Administration leans toward the provision addressing this issue in SB 307 (affixed as Attachment 1). They prefer the language found in SB 307 because it delineates the procedure for marking the ballot as well as provisions for returning the ballot.

Sec. 42 - AS 29.50.020 Report of Financial and Business Interest

This section deals with public disclosure. SCS CSHB 188 says that all candidates, except for those who have a financial statement on file, no later than 15 days after:

- 1) filing a declaration of candidacy (instead of AT THE TIME OF)
- 2) the filing of any nominating petition (instead of within 30 days of)
- 3) becoming a candidate by any other means (instead of within 30 days of).

*must furnish a financial disclosure statement.*

Also, this allows that the financial statement can be submitted to the Lt. Governor's office for filing with Alaska Public Offices Commissions. This statement has to be filed in compliance with the above time schedule.

The Administration however feels that the financial provisions expressed in HB 400 are more lucid and feel that SCS CSHB 188 should conform to the language in this bill.

In essence what this bill <sup>(HB 400)</sup> states is as follows:

Judicial officers and those that work in the Administration who have to disclose, would have to disclose their finances and business interest within 30 days after he takes office.

Candidates for state elective office would have to provide a financial statement in the same manner as described above in SCS CSHB 188. A similar allowance is provided in HB 400 permitting those individuals who already have a current statement on file not to have to reapply.

In respect to municipally elected officials candidates would have to file a financial statement within 7 days after filing a nomination petition, declaration of candidacy or other required filing for the elective municipal office (instead of AT THE TIME OF). Also, if the municipal officer has a current financial statement on file he does not have to reapply. HB 400 is affixed as Attachment II.



*Copy to the Hon. and  
To Sam Osborn*

JACKSON COUNTY  
BOARD OF ELECTION COMMISSIONERS



April 11, 1977

JAMES F. WOLFE, SECRETARY  
AMY T. JONES, MEMBER  
SANDRA L. ROLF, MEMBER

INDEPENDENCE SQUARE COURTHOUSE  
INDEPENDENCE, MISSOURI 64050  
Phone: (816) 881-4600

RESOLUTION BY THE JACKSON COUNTY (MISSOURI)  
BOARD OF ELECTION COMMISSIONERS

WHEREAS, this board has become aware of legislation entitled "Universal Voter Registration Act of 1977," and

WHEREAS, this legislation has many dangers which far outweigh any merits, to-wit:

(1) It would be conducive to fraud, since there would be no opportunity to check on the residence or eligibility of voter applicants;

(2) It would be confusing, since there would be little opportunity to assign voter names to the proper precincts and political subdivisions, such as cities, wards, school districts, fire districts, and others; and many persons would not show up at the proper precinct on election day;

(3) It would allow felons, ghosts, and aliens (both those in the U.S. legally and those in the U.S. illegally) to vote, since it would be easy for them to obtain the identification required by the act;

(4) It would be expensive, since it would become difficult to predict the number of polling officials and the number of voting machines and the amount of supplies to be sent


Resolution by the Jackson County (Missouri)  
Board of Election Commissioners Continued

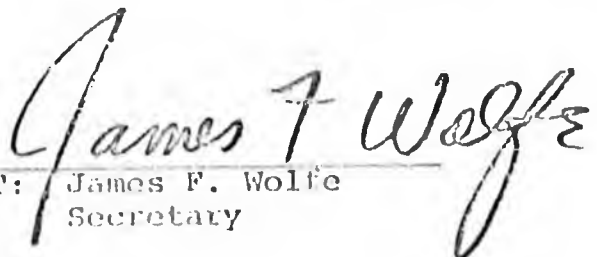
to the various polls:

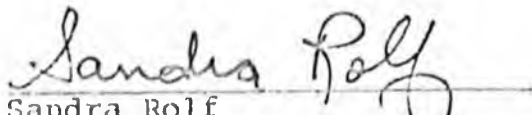
AND WHEREAS, in summary, the legislation would in effect repeal and cancel voter registration, preserving only the appearance and the expense,

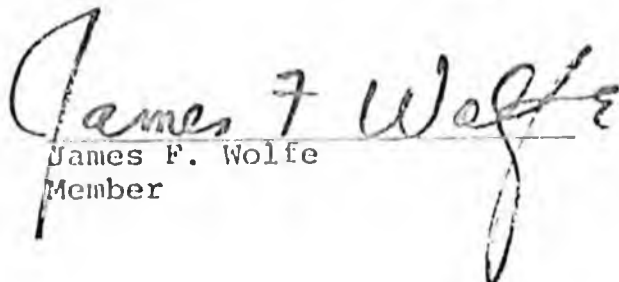
AND WHEREAS, as the bipartisan officials charged with conducting honest elections in the county where Harry S. Truman was a registered voter and where his brother, Vivian Truman, was one of our predecessor commissioners, this Board of Election Commissioners has a duty to call attention to this insidious legislation,

THEREFORE, BE IT RESOLVED, that the Jackson County Board of Election Commissioners does urge the Congress of the United States to reject the so-called "Universal Voter Registration Act of 1977."

  
Amy Jones  
Member

  
ATTEST: James F. Wolfe  
Secretary

  
Sandra Rolf  
Member

  
James F. Wolfe  
Member

## MEMORANDUM

RECEIVED

MAY 1977

TO: Lowell Thomas, Jr.  
Lieutenant Governor  
Office of the Lt. Governor

DATE : May 2, 1977

FROM: *PAP*  
Patty Ann Polley  
Director  
Division of Elections

SUBJECT: House Bill No. 84

Alaska's voter registration system is a statewide on-going program. In only three or four other states is voter registration set up on a statewide basis (Kentucky and Delaware). Alaska's system with registrars in every precinct throughout the State provides easy access to voter registration. In addition, registration drives are conducted in supermarkets, fairs, high schools, etc. The system is an out-reach program in that the registrars go to where the people are. In many states prospective voters must go to a registrar's office located in the county seat.

In 1976 82.9% of eligible persons were registered to vote and 64.1% of those registered voted in the 1976 general election. Based on these percentages, Alaska has one of the best records for people registering to vote and going to the polls to vote.

Based on the above information, we do not feel that voter registration on election day is necessary. We know that many people will procrastinate until election day. This occurs prior to the close of voter registration before every election. Voter registration drives are planned prior to the close of registration, however, drives which are held two to three weeks prior to the close do not bring out nearly as many people to register. Confusion will reign on election day as unregistered voters hunt the polling place for their residence. Even though maps would have to be provided in the newspaper, people will still go to the wrong polling place and will have to be sent on to the correct polling place. Additional ballots and envelopes will have to be provided to each precinct as there will be no way to determine how many people will show up at the polls. The people coming to the polls on election day will not have received the election pamphlet on bond issues, ballot propositions, etc.

The following additional expenses will occur as a result of registration on election day:

1. Additional people at the polls. One person per precinct - 450 precincts x 12 hours x \$4.50 per hour = \$24,300 for each election.
2. Printing of additional ballots and other supplies - \$3,000.
3. Hiring of additional people to spot verify election day registrations - \$3,000.

If voter registration on election day should become a requirement as a result of the proposed federal law, may I suggest that the proposed HB 84 be amended to make the bill effective of the passage of federal law. The following language is suggested; page 3, line 20; add a new section to read: "This Act takes effect upon the effective date of a version of the federal "Universal Voter Registration Act of 1977," S. 1072, currently pending in the 1st Session of the 95th United State Congress."

HR 540d

Consideration should probably be given to allowing municipalities to determine if they wish to have registration on election day.

This proposed bill has removed all reference to any sort of a closure for 30 days prior to an election. As this bill is currently written, registration will not be closed at all. This presents real problems in trying to prepare lists of registered voters for the election.

The section by section analysis of the proposed HB 84 follows:

Section 1. Page 1, line 8. This section amends the voter qualifications to allow for voter registration at the polls on election day. There is one possible problem in that a person registering to vote on election day may very well be registered in another state.

Section 2. Page 1, line 12. The changes in this section allow for a person to register and vote on election day.

Section 3. Page 1, line 18. This section sets out those persons who may register to vote - those who have the qualifications and those who will have the qualifications by election day. There is a possible conflict between Sections 2 and 3 in that Section 2 (Page 1, line 16) refers to "election district" and Section 3 (Page 1, line 22) refers to "precinct". Perhaps the term "precinct" should be used.

Section 4. Page 1, line 24. This section provides that the prospective voter must go to the polling place for his or her precinct of residence in order to vote. The voter must provide all necessary information plus prove his or her residence. If the language on page 2, lines 3 and 4 is left in the bill, the 30 day closure is left along with the registration on election day provision.

Section 5. Page 2, line 5. This section sets out the information which can be required to prove residence. The driver's license or other document approved by the lieutenant governor may be required. The discretion for other pieces of identification is left to the lieutenant governor.

Section 6. Page 2, line 11. This provides for the registration of voters by a registration official or election judge. To provide for the closure of registration 30 days prior to the election, the language on page 2, lines 14 and 15 should be left in.

Section 7. Page 2 line 21. This section sets out that any voter coming to the polls on election day to vote must vote a questioned ballot. I believe language as follows should be added at the end of page 3, line 2: "the election district in which he resides but who is unable to cast a ballot in that district may cast a ballot in another election district;"

# MEMORANDUM

## State of Alaska

DEPT Office of Lt. Governor  
DIV. \_\_\_\_\_  
SEC. \_\_\_\_\_

TO:  Senator Orsini  
Chairman, Senate Community and  
Regional Affairs Committee

DATE : 5/3/76

FROM: Terry Dale

SUBJECT: Proposed amendments to  
Senate Rules version (4/21/77)  
of SCSCSHB 188

I am preparing amendments as suggested to the Rules substitute which will use the following sections of the CRA substitute.

p. 2 sec 6; p. 3 sec. 8; p. 4 sec. 11; p. 5 sec. 12;  
p. 5 sec. 15; p. 6 sec. 16; ps. 20-22 sec. 38

MEMORANDUM  
LEAGUE OF WOMEN VOTERS OF ALASKA

DATE: May 2, 1977

TO: Sen. J. Orsini and Members of  
Senate Community and Regional Affairs  
FROM: Marjorie Gorsuch, Lobbyist  
SUBJECT: SCS CSHB84

In testimony delivered on Thursday, April 28, 1977, I.W.V. was asked for some clarifying information by the Committee pertaining to the quoted percentage of increases in voters participating in elections in the states which have election day registration. The League indicated the effectiveness of the procedure by which one may register and vote on election day with the following statistics:

Minnesota's voter turnout rate rose from 68% in 1972 to 75% in 1976.  
Wisconsin adopted election-day registration for 1976 and had an increase from 62% in 1972 to 65% in 1976.  
Maine's turnout increased from 61% in 1972 to 65% in 1976 after election day registration.

We were able to determine from a call to the League's Washington, D.C. office that in fact, Wisconsin did not purge their registration lists until AFTER the '76 election. The office did not have purging dates for the other states.

In answer to some other questions posed by opponents of this bill, the League offers the following:

\*How could election-day registrations be verified as to qualifications?

A follow-up, nonforwardable postcard could be sent to election-day registrants at the address given, as is done in Wisconsin. In Madison, Wisconsin, out of 12,416 cards sent in Sept. and Nov., 1976, only 1.2% were returned as non-deliverable.

\*Would this bill dissuade people from registering before election day under the usual practice?

The Universal Registration Act of 1977 (HR 5400, S 1072) now before the U.S. Congress would encourage a variety of registration outreach programs to voters to get them registered before election day. States that develop an approved plan for encouraging early registration will be eligible for the Section 7 (b) (1) (B) money. Part of such an outreach plan could be mail registration.

\*Wouldn't this bill let people<sup>vote</sup> who are not involved in the process, who are not informed or interested enough to register beforehand? Wouldn't these people be open to manipulation by last-minute emotional appeals?

Citizen interest in an election increases as election day draws near, particularly in the last 30 days. That, after all, is the purpose of campaigns--to interest voters and stimulate

## MEMORANDUM

OFFICE OF THE LIEUTENANT GOVERNOR

OK  
3

TO: Senator Robert Ziegler  
 Senator Clem Tillion  
 Senator Mike Colletta  
 Senator John Rader

DATE : April 26, 1977

FROM: Lowell Thomas, Jr.  
 Lieutenant Governor  
 by: Terry Dale T.D.  
 Research Analyst

SUBJECT: Amendments to SCS CSHB 188

The following amendments are offered to SCS CSHB 188 after review of the bill. Also, I have attached my reasons for objecting to the inclusion of registration and voting on election day in sections 1,4,5,6,7,9 and 10(d) of this legislation.

The amendments are:

A. Sec. 13. AS 15.07.130(b) page 4 line 24

change one in (FOUR) consecutive calendar to two

A biennial purge of voters who failed to vote in the prior 2 years will assist in maintaining an accurate Master Voter List of qualified Alaskan voters.

B. Sec. 16. AS 15.15.260 page 6

I prefer the language in SB 207 Sec. 10 which is permissive. In general the voter is agreeable to having his ballot placed in the ballot box by the Election Judge.

C. Sec. 18. page 6 and 7

AS 15.20.140 and 150 in SB 207 are revised to rectify an unintended technical flaw. If a person receives an absentee ballot either by personal representative or by mail, it appears in AS 15.20.150 that the voter is prevented from returning the ballot in person. In these two sections, SB 207 differentiates between marking the ballot and returning the ballot. Therefore, I recommend the use of AS 15.20.140 and 150 as contained in SB 206 as it will allow the voter to return the ballot in the manner most convenient to him.

D. Sec. 42 39.50.020(a) page 21 and 22

I support the changes proposed in HB 400 with the exception of amendments in lines 14 and 15. These two revisions are separate items from those proposed in SB 207. The language in HB 400 is clear and accomplishes the purpose of my legislation. (Sec. 1 HB 400)

E. Secs. 1,4,5,6,7,9,10(d) pages 1-3

With due respect to the sponsors, I ask that you delete secs. 1,4,6,7,10(d) and the portions of 5 and 9 concerning regis-

## MEMORANDUM

TO:  Senators Ziegler, Tillion  
Colletta, Rader

DATE : April 26, 1977  
Page 2

FROM: Terry Dale  
Research Analyst

SUBJECT:

tration and voting on election day. My reasons which are stated below are similar to those outlined by Governor Hammond in his veto of HCS SB 206 am H in 1976.

1. it will increase the cost of administering elections to both the state and municipalities and cause inconvenience to the voter as it will be difficult to assure adequate numbers of ballots, voting facilities, and personnel at the polls on election day. The estimated additional costs for each state sponsored election is around \$4.0:
  - a. extra registrars to handle load in larger precincts:  
200 precincts x 1 person x \$4.50/hr = .9
  - b. extra personnel to assist district canvass boards in counting unknown numbers of questioned ballots.  
12 persons x 10 hrs x \$4.50/hr = .7
  - c. election supervisors and staff overtime  
11 full time--5 part time x 10 hrs x \$12/hr average = 2.0
  - d. cost of providing additional ballots (very difficult to estimate with any accuracy).
2. it may result in voter confusion and may increase the opportunity and probability of fraud;
3. it will delay the results of elections because of new and complicated questioned ballot procedures; a large number of questioned ballots could leave an election undecided for many days;
4. arguably, it is contrary to policy articulated in court decisions upholding durational residency requirements for the purposes of preparing and providing adequate and up-to-date voter registration lists for election purposes;
5. it will be easy for persons to cast ballots in two states; when a person registers to vote in Alaska, a cancellation of previous registration is returned to the new registrant's former state of residence. No cancellation opportunity exists without preregistration;
6. in a state with an exceedingly high mobility rate and large influx of new residents, it is questionable public policy to facilitate voting by persons who have no familiarity with Alaskan conditions and no intention of

STATE  
of ALASKA

## MEMORANDUM

TO: [ Senators Ziegler, Tillion  
Colletta, RaderDATE : April 26, 1977  
Page 3FROM: Terry Dale  
Research Analyst

SUBJECT:

permanent residency within the state;

7. the people of Alaska adopted the current preregistration law by initiative in 1968. Without extensive public review I am reluctant to change the law adopted by that process, as I do not feel that circumstances have changed in such a way as to justify diluting preregistration requirements.

8. before each general election, the lieutenant Governor's Office sends to each registered voter a pamphlet containing information on the candidates, election districts and the ballot issues. Under this bill, persons who registered to vote on election day would not have received this pamphlet at their residence address.

cc: Fran Ulmer  
Tom Koester

MEMORANDUM  
LEAGUE OF WOMEN VOTERS OF ALASKA

OK (3)

TO: Members of the Senate

DATE: April 26, 1977

FROM: Marjorie Gorsuch & Janice Gates, Lobbyists

SUBJECT: SCS CS HB 188 "Act relating to Amendments to Alaska Election Code"

The League of Women Voters of Alaska believes that every person's right to vote should be protected and that a voter registration system should encourage maximum interest and participation in the electoral process and be simple and efficient to administer. The League finds that the provisions for registration and voting at the polls, as contained in SCS CSHB188 meet these objectives.

We believe the election system should operate as simply as possible with the least possible bureaucratic "hassle" for the voter. We know that voter interest increases as elections draw near. We strongly endorse the concept of election day registration as a way of putting the government on record that it wants citizens to vote and will take measures to facilitate that basic democratic act.

Election day registration and voting is not an untried procedure and it has already proven effective. The system of election day registration has worked in Minnesota since 1974. Minnesota's voter turnout rate rose from 68% in 1972 to 75% in 1976 after the state adopted election day and mail registration. Of 1,978,590 Minnesota voters in 1976, 23% or 454,147 of them registered at the polls on election day. Wisconsin adopted election-day registration for 1976 and had an increase from 62% in 1972 to 65% in 1976. In Wisconsin, 216,000 voters registered on election day, persons who would otherwise presumably not have been able to vote. Maine's turnout increased from 61% in 1972 to 65% in 1976 after election day registration.

Those opposed to this bill levy the criticism that fraud will increase and in fact be encouraged by the election-day registration method. The League of Women Voters rejects this claim.

Again, the record speaks for itself. No fraud was documented in Wisconsin, Maine, Minnesota or North Dakota (which has never required registration), according to a recent report to the New York Times (April 1, 1977). State election officials in Wisconsin are quoted as saying charges of fraud were investigated and not substantiated. Problems did occur but they were the result of confusion and heavy turnout. The Minnesota League reports that as of April 4, 1977, according to the Secretary of State's office in Minnesota, only one or two instances of duplicate registration in the 1976 election have been referred to that office. Further, the Secretary of State knows of no persons reported as voting in more than one precinct.

As a deterrent to fraud, SCS CSHb188 requires that those who register on election day shall cast a "questioned ballot". Before counting the ballot the Lt. Gov. or his representative shall determine that the voter is, in fact, a qualified voter. (AS 15.07.090 (d)) Also, those who make a false statement while registering are guilty of a misdemeanor punishable by \$1000 fine or one year imprisonment.

There are other provisions of the bill we also commend. Of special interest to the League are the amendments proposed by the Lt. Governor's office dealing with the election pamphlet. These provisions contain many important house-keeping amendments as well as substantive improvements in the procedures for preparation of the arguments for approval and rejection of propositions.

In short, the League of Women Voters of Alaska believes the law proposed in SCS CSHB188 is workable and will facilitate voting. We urge your support.

CRA Hearing 4/28

CBJ - oppose registration on election day  
additional cost in regis & ballots  
confusion involved with >1 function @ same time

vote challenge / ques ballot, then investigate prior  
to counting ballot (delay election)

prior regis allows some organization, protocols, etc

Ground - LUV - no objection to separating issues  
support Lt Gov's amendments  
Support ~~of~~ Comm publishing names of non-compliance  
candidates

Time of polls - support some time for closing of all polls  
neutral on issue of extra hour open

Support same day regis - protect persons right to vote  
Other states going to same-day regis should have increase

Ques ballot provides separation - add language  
to oath of time voting & ~~more~~ voting penalties  
Fed bill has state subsidy (but not much)

currently have regis @ polls

concede "other" factors - nearly, come of age  
partic elec. year; prior regis period requirements  
elec pamph. would be helpful

1/2 hour  
prior regis  
protection  
and a Fed  
bill

Ann Marun(?) Patti Ann Polley - HB 188

cleaner list -- reduced costs for pamphlets; candidates are main beneficiaries of "clean" list

Regis

\$24,000 extra cost for people @ polls per election  
verifying ques. ballots would also raise costs

HB 84

Oppose regis on elec day - will cause people to put off regis until then - problem w/ detem correct pct @ last minute

regis to vote to get Ab res card - 3m files did who were not even citizens (took 3-4 weeks)

Several people in last few years have noted 2x (e.g. Howard Weaver); turn up ~100/yr w/dual regis; very few actually seem to vote 2x (3-4) that have been found

Hours of polls - oppose extra open hours - no benefits, extra costs of ~ $\frac{1}{2}$  110K / election

~~poll~~ election boards strongly oppose extra hour

<sup>In</sup> ~~Other~~ many other states, only place to register is to vote - this is inconvenient

# 3

A M E N D M E N T

Offered in the SENATE

By Orsini

TO: SENATE CS FOR CS FOR HOUSE BILL NO. 188

Page 4, lines 6 - 12:

Delete all of subsection (b) and insert the following in its place:

*P. 2*

(b) The lieutenant governor shall appoint additional registration officials upon the request of a major political party. The number of appointments made under this subsection shall be

*defeated*

(1) three for a precinct containing 250 - 499 registered voters;

(2) four for a precinct containing 500 - 999 registered voters; or

(3) five for a precinct containing 1,000 or more registered voters.

Page 4, line 24:

*passed P. 3*

After "in" delete "four" and insert "two [FOUR]".

Page 5, after line 28:

Add the following new sections and renumber the existing sections:

*passed*

\* Sec. 16. AS 15.13.100 is amended to read:

Sec. 15.13.100. CONTRIBUTIONS, EXPENDITURES BEFORE FILING. Political [NO POLITICAL] campaign contributions or

expenditures, or obligations for those expenditures, may be received or accepted and [EXPENDITURE MAY BE] made or incurred by a person in an election or by a person or group with his knowledge and on his behalf before the date upon which he or she files for nomination for the office which the person seeks. However, these contributions or [, EXCEPT FOR PERSONAL TRAVEL EXPENSES OR FOR OPINION SURVEYS OR POLLS. THESE] expenditures [SHALL BE CHARGED AGAINST THE SPENDING LIMITATION THAT APPLIES TO THE OFFICE FOR WHICH HE SUBSEQUENTLY FILES, AND] shall be included in the first report required under this chapter [AFTER FILING FOR OFFICE].

\* Sec. 17. AS 15.13.110(a)(4) is amended to read:

(4) December 31 [OF EACH YEAR] for expenditures made and contributions received after the report required in (3) of this section and in a non-election year those expenditures made and contributions received which which were not reported that year.

Page 6, line 22 to page 7, line 8:

Delete all of sec. 18 and insert the following new material in its place:

\* Sec. 18. AS 15.20.140 is repealed and re-enacted to read:

Sec. 15.20.140. MARKING ABSENTEE BALLOT. Upon receipt of an absentee ballot, the voter, whether in or outside the state, in the presence of an attesting witness, who is at least 18 years of age, may proceed to mark the ballot in secret, to place the ballot in the small blank envelope, to place the small envelope in the larger envelope,

and to sign the voter's certificate on the back of the larger envelope in the presence of the witness who shall sign as an attesting witness.

\* Sec. 19. AS 15.20.150 is repealed and re-enacted to read:

Sec. 15.20.150. RETURN OF ABSENTEE BALLOT. (a) Upon marking an absentee ballot as provided in sec. 140 of this chapter, a voter may

(1) return the ballot properly enclosed in the envelopes, in person or by personal representative, to the election official who provided the ballot no later than 8:00 p.m. on the day of the election; or

(2) return the ballot properly enclosed in the envelopes by the most expeditious mail service available, postmarked not later than the day of the election, to the election supervisor in the voter's district.

*passed*

(b) If the ballot cannot be delivered to the election official who provided the ballot by 8:00 p.m. on the day of the election due to events beyond the control of the voter or the personal representative, or cannot be postmarked on or before the day of the election due to the absence of a post office, an affidavit signed and dated by the attesting witness described in sec. 140 of this chapter verifying that the ballot was voted on or before the date of the election is sufficient. An absentee ballot not actually delivered to the election official who provided the ballot or the election supervisor in the voter's district by 4:00 p.m. of the eighth day following the election will not be counted.

Page 21, line 2 to page 22, line 16:

Delete all of sec. 020 and add the following in its place:

Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS

96  
INTERESTS. (a) A judicial officer, commissioner, chairman or member of a state commission or board specified in sec. 200(9) of this chapter, person hired or appointed as head or deputy head of, or director of a division within, a department in the executive branch, person appointed as assistant to the governor, and a municipal officer, shall file a statement giving his income sources and business interests, under oath and on penalty of perjury, within 30 days after he takes office as a public official. Candidates for state elective office shall file such a statement within 15 days after [AT THE TIME OF] filing a declaration of candidacy or within 15 [30] days of the filing of any nominating petition, or within 15 [30] days of becoming a candidate by any other means, except that if the candidate has a current statement on file with the commission this requirement does not apply. Candidates for elective municipal office shall file such a statement within seven days after [AT THE TIME OF] filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office, except that if the candidate has a current statement on file with the municipality this requirement does not apply.

passed  
Refusal or failure to file within the time prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or that his previously accepted filing

fee be returned and his name removed from the filing records. A statement shall also be filed by public officials no later than April 15 [OR 15 DAYS AFTER THE PERSON FILES HIS FEDERAL INCOME TAX RETURN] in each following year [, WHICHEVER SHALL COME <sup>later</sup> FIRST]. PERSONS WHO, ON OR AFTER DECEMBER 11, 1974, WERE MEMBERS OF BOARDS OR COMMISSIONS NOT NAMED IN SEC. 200(9) OF THIS CHAPTER ARE NOT REQUIRED TO FILE FINANCIAL STATEMENTS].

(b) The governor, lieutenant governor, members of the legislature, [AND CANDIDATES FOR THESE OFFICES,] judicial officers, each commissioner, head or deputy head of, or director of a division within, a department in the executive branch, assistant to the governor or chairman or member of a commission or board required to report under this chapter, shall file the statement with the Alaska Public Offices Commission. Municipal officers, and candidates for elective municipal office, shall file with the municipal clerk or other municipal official designated to receive their filing for office. All statements required to be filed under this chapter are public records.

*p 6*

(c) Candidates for state elective office may submit the statement to the lieutenant governor for filing with the commission. A statement is filed or submitted as required by this subsection by actual physical delivery no later than 5:00 p.m. on the day specified in (a) of this section, or by actual physical delivery by registered mail which is post-marked no later than the day specified in (a) of this section and received not more than 15 days after that time.

STATE  
of ALASKA

# MEMORANDUM

OFFICE OF THE LIEUTENANT GOVERNOR

TO: [ Senator Joe Orsini  
Chairman  
Community and Regional Affairs  
Committee

DATE : May 4, 1977

FROM: Lowell Thomas, Jr. *L.T.*  
Lieutenant Governor

SUBJECT: Amendments to SCS CSHB 188  
(Rules)

The attached amendments with comments should resolve differences between the Senate Community and Regional Affairs Committee version and Senate Rules Committee (offered 4/21/77) version of SCS CSHB 188.

Amendment to page 4 lines 6-12 of Senate Rules version (4/21/77)  
to read:

(b) The lieutenant governor shall appoint additional registration officials upon the request of a major political party. The number of appointments made under this subsection shall be

- (1) three for a precinct containing 250 - 499 registered voters;
- (2) four for a precinct containing 500 - 999 registered voters; or
- (3) five for a precinct containing 1,000 or more registered voters.

Explanation:

This proposed language provides for appointment of additional registration officials for precincts. It also provides that the number of officials be related to the number of registered voters. This language is similar to Rules version but allows for smaller number of officials for small precincts.

Amendment to page 4 line 23 of Senate Rules version (4/21/77)  
to read:

(b) When a registered voter has not voted in either a primary, special or general election at least once in two (FOUR) consecutive calendar years, the voter shall be advised by mail sent to his last known address that his registration will be cancelled unless he indicates within 90 days on forms furnished by the lieutenant governor his desire to remain registered.

Explanation:

This section changes the length of time from four to two years for retaining a voter on the master voter list if he has not voted. If a person does not vote once every two years, elections personnel notifies him/her of their intent to remove his/her name from the list of registered voters. If the notification is not returned by the voter within 90 days, his/her voter registration is cancelled. This procedure works well as voters do respond to the notification they receive. This would also assist in keeping voter lists up to date.

Amendment to page 5 line 28 of Senate Rules version (4/21/77).

AS 15.13.100 is amended to read:

Sec. 15.13.100. CONTRIBUTIONS, EXPENDITURES BEFORE FILING. Political (NO POLITICAL) campaign contributions or expenditures, or obligations for those expenditures, may be received or accepted and (EXPENDITURE MAY BE) made or incurred by a person in an election or by a person or group with his knowledge and on his behalf before the date upon which he or she files for nomination for the office which the person seeks. However, these contributions or (, EXCEPT FOR PERSONAL TRAVEL EXPENSES OR FOR OPINION SURVEYS OR POLLS. THESE) expenditures (SHALL BE CHARGED AGAINST THE SPENDING LIMITATION THAT APPLIES TO THE OFFICE FOR WHICH HE SUBSEQUENTLY FILES, AND) shall be included in the first report required under this chapter (AFTER FILING FOR OFFICE).

AS 15.13.110(a)(4) is amended to read:

(4) December 31 (OF EACH YEAR) for expenditures made and contributions received after the report required in (3) of this section and in a non-election year those expenditures made and contributions received which were not reported that year.

Explanation:

This will be provided by Senator Orsini. These amendments offered at his request.

Amendment to page 6 line 22 of Sena's Rules version (4/21/77).

AS 15.20.140 & 150 are repealed and re-enacted to read:

Sec. 15.20.140. MARKING ABSENTEE BALLOT. Upon receipt of an absentee ballot, the voter, whether in or outside the state, in the presence of an attesting witness, who is at least 18 years of age, may proceed to mark the ballot in secret, to place the ballot in the small blank envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the back of the larger envelope in the presence of the witness who shall sign as an attesting witness.

Sec. 15.20.150. RETURN OF ABSENTEE BALLOT. (a) Upon marking an absentee ballot as provided in sec. 140 of this chapter, a voter may

(1) return the ballot properly enclosed in the envelopes, in person or by personal representative, to the election official who provided the ballot no later than 8:00 PM on the day of the election; or

(2) return the ballot properly enclosed in the envelopes by the most expeditious mail service available, postmarked not later than the day of the election, to the election supervisor in the voter's district.

(b) If the ballot cannot be delivered to the election official who provided the ballot by 8:00 PM on the day of the election due to events beyond the control of the voter or the personal representative, or cannot be postmarked on or before the day of the election due to the absence of a post office, an affidavit signed and dated by the attesting witness described in sec. 140 of this chapter verifying that the ballot was voted on or before the date of the election is sufficient. An absentee ballot not actually delivered to the election official who provided the ballot or the election supervisor in the voter's district by 4:00 PM of the eighth day following the election will not be counted.

Explanation:

The purpose in rewriting secs. 15.20.140 and 150 in SB 207 was to correct a technical flaw under current law. That problem, as identified by the Department of Law, occurs when a voter gets an absentee ballot by mail or personal representative. It appears that the voter is not allowed to return the ballot in person.

In our view there is no reason to prevent the voter from returning an absentee ballot in person. Therefore, the sections have been rewritten to differentiate between marking the absentee ballot and returning it. Also this amendment reflects the changes made by Chapter 16, SLA 1977 to 15.20.150.

Attached amendment to page 21 line 1 of Senate Rules version of SCS CSHB 188.

Explanation:

CRA subsection (a) contains basically the same language as Rules version with regard to extra time for filing statements. The deletions in the last two sentences are offered by APOC in HB 400.

CRA subsection (b) is changed to make clear that candidates for state office have option of submitting Conflict of Interest statements to lieutenant governor for filing with APOC. This will clarify in the law what has been past practice.

Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS

INTERESTS. (a) A judicial officer, commissioner, chairman or member of a state commission or board specified in sec. 200(9) of this chapter, person hired or appointed as head or deputy head of, or director of a division within, a department in the executive branch, person appointed as assistant to the governor, and a municipal officer, shall file a statement giving his income sources and business interests, under oath and on penalty of perjury, within 30 days after he takes office as a public official. Candidates for state elective office shall file such a statement within 15 days after [AT THE TIME OF] filing a declaration of candidacy or within 15 [30] days of the filing of any nominating petition, or within 15 [30] days of becoming a candidate by any other means, except that if the candidate has a current statement on file with the commission this requirement does not apply. Candidates for elective municipal office shall file such a statement within seven days after [AT THE TIME OF] filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office, except that if the candidate has a current statement on file with the municipality this requirement does not apply.

Refusal or failure to file within the time prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or that his previously accepted filing fee be returned and his name removed from the filing records. A statement shall also be filed by public officials no later

than April 15 [OR 15 DAYS AFTER THE PERSON FILES HIS FEDERAL INCOME TAX RETURN] in each following year [, WHICHEVER SHALL COME FIRST. PERSONS WHO, ON OR AFTER DECEMBER 11, 1974, WERE MEMBERS OF BOARDS OR COMMISSIONS NOT NAMED IN SEC. 200(9) OF THIS CHAPTER ARE NOT REQUIRED TO FILE FINANCIAL STATEMENTS].

(b) The governor, lieutenant governor, members of the legislature, [AND CANDIDATES FOR THESE OFFICES,] judicial officers, each commissioner, head or deputy head of, or director of a division within, a department in the executive branch, assistant to the governor or chairman or member of a commission or board required to report under this chapter, shall file the statement with the Alaska Public Offices Commission. Municipal officers, and candidates for elective municipal office, shall file with the municipal clerk or other municipal official designated to receive their filing for office. All statements required to be filed under this chapter are public records.

(c) Candidates for state elective office may submit the statement to the lieutenant governor for filing with the commission. A statement is filed or submitted as required by this subsection by actual physical delivery no later than 5:00 p.m. on the day specified in (a) of this section, or by actual physical delivery by registered mail which is post-marked no later than the day specified in (a) of this section and received not more than 15 days after that time.

STATE  
of ALASKA

# MEMORANDUM

OFFICE OF THE LIEUTENANT GOVERNOR

TO: [ Senator Joe Orsini  
Chairman  
Community and Regional Affairs  
Committee

DATE : May 4, 1977

FROM: Lowell Thomas, Jr. *L.T.*  
Lieutenant Governor

SUBJECT: Registration on Election Day

Generally the concept of increasing voter participation is a noble one. As you are aware, the federal government is even considering legislation which would establish registration and voting on election day in the national election.

There are some practical problems with this idea, as noted below. I have also included several comments from the Director of Elections that are pertinent to this legislation.

(1) it will increase the cost of administering elections to both the state and municipalities and cause inconvenience to the voter as there will be no way to assure adequate numbers of ballots, voting facilities, and personnel at the polls on election day;

(2) it may result in voter confusion and may increase the opportunity and probability of fraud;

(3) it will delay the result of elections because of new and complicated questioned ballot procedures; a large number of questioned ballots could leave an election in doubt for many days;

(4) arguably, it is contrary to policy articulated in court decisions upholding durational residency requirements for the purposes of preparing and providing adequate and up-to-date voter registration lists for election purposes;

(5) it will be easy for persons to cast ballots in two states; when a person registers to vote in Alaska, a cancellation of previous registration is returned to the new registrant's former state of residence. No cancellation opportunity exists without preregistration;

(6) in a state with an exceedingly high mobility rate and large influx of new residents, it is questionable public policy to facilitate voting by persons who have no familiarity with Alaskan conditions and no intention of permanent residency within the state:

Senator Orsini  
Page 2  
May 4, 1977

(7) before each general election, the lieutenant governor's office sends to each registered voter a pamphlet containing information on the candidates, election districts and the ballot issues. Under this bill, persons who registered to vote on election day would not have received this pamphlet at their residence address.

Comments by the Director of Elections:

(1) Alaska's voter registration system is a statewide on-going program. In only three or four other states is voter registration set up on a statewide basis (Kentucky and Delaware). Alaska's system with registrars in every precinct throughout the State provides easy access to voter registration. In addition, registration drives are conducted in supermarkets, fairs, high schools, etc. The system is an out-reach program in that the registrars go to where the people are. In many states prospective voters must go to a registrar's office located in the county seat.

(2) In 1976 82.9% of eligible persons were registered to vote and 64.1% of those registered voted in the 1976 general election. Based on these percentages, Alaska has one of the better records for people registering to vote and going to the polls to vote.

(3) The following additional expenses will occur as a result of registration on election day:

1. Additional people at the polls. One person per precinct - 450 precincts x 12 hours x \$4.50 per hour = \$24,300 for each election.
2. Printing of additional ballots and other supplies - \$3,000.
3. Hiring of additional people to spot verify election day registrations - \$3,000.

(4) If voter registration on election day should become a requirement of the proposed federal law an alternative is to tie the application of this concept in Alaska to the effective date of the federal law.

proposed language:

Sections 1, 4, 5, 6, 7, 9, 10(d) of this Act take effect upon the effective date of a version of the Federal Universal Voter Registration Act of 1977, S 1072, or HR 5400, currently pending in 1st Session of the 95th United States Congress.

TO: MEMBERS OF AAMC

LEGISLATIVE REPORT

April 20, 1977

Compiled below are brief summaries of several bills now pending in the Legislature and, also, the AAMC's position worked out by the Clerks attending the Clerks Education program in Juneau, March 28-April 1. All members are encouraged and requested to read the various bills, review the AAMC's position, and write your own legislators of your & AAMC's position.

HOUSE BILL 24 - Compensation of Election Officers (referrals: House Finance)

Description - Increases pay of Judges from \$4.50 to \$5 and Canvass Board from \$5 to \$5.50

AAMC's Position - Oppose. Board members received a raise last year which increased our election costs as much as 25% for the boards, which is the largest cost in any election. Part of the reason they serve is a sense of civic duty and volunteer effort. They are not serving in this capacity to make a living wage at it - there aren't enough elections each year to do so. The idea behind payment is compensation for expenses like gas, transportation, babysitting, etc.

HOUSE BILL 131 (CSHB 131 Judiciary) - Freedom of Information (referral: Senate Judiciary - has passed House)

Description - provides State Policy for privacy and public information, makes certain exceptions of records to be open to inspection, provides procedure for requests for records, establishes enforcement procedures, covers mishandling of records and obstruction of access to records and lists definitions.

AAMC's Position - Oppose in its present form. Amend to include local option - that would satisfy us. 1. Bill is tailored for State records. Municipalities have different types of records from State and from each other. 2. Bill leaves determination of definitions of what's confidential and what isn't to the Clerk since she is the custodian of the records. Interpretation differs from Clerk to Clerk. 3. Definitions are vague - it would appear that complainants in perhaps a health violation would have to be disclosed. It is also unclear whether the complainants to the Ombudsman would have to be disclosed. Cost to small municipalities would increase. They do not have staff attorneys and would need to retain or at least check with an attorney fairly frequently for verification of their decision on confidentiality. Six municipalities have a public information ordinance adopted or in progress.

HOUSE BILL 188 (CSHB 188) - Voter Registration (referral: Senate Rules)

Description - increases number of registrars per precinct

AAMC's Position - Amend "shall appoint" to "may appoint" and raise precinct size criteria to 500 (this bill may have been amended to satisfy the Election Supervisor since 4/1)

HOUSE BILL 218 (CSHB 218) - Voter Registration (referral: House Judiciary)

Description - Amends Title 15 (State Election Code) to provide that a voter may register at the time of voting, changes provision that voter may vote in precinct in which he is registered to "election district", provides a voter may register before an election judge at any time throughout the year including election day, provides same procedure for re-registering, rewords procedure on manner questioned ballots may be counted and adds State special election to those elections which will determine purging.

AAMC's Position - Opposed. If it passes, voters could vote on election day and not by questioned ballot. If this is the idea, then do away with State registration entirely as Municipalities would have to institute their own systems for voter registration if this becomes law (and they were allowed by State law to do so.) State's position on this bill is that Legislature should wait and see what happens with the Federal registration bill - if that's passed, then there is little at the local (State) level that can be done.

HOUSE BILL 243 - Public Meetings (referral: House State Affairs)

Description - 2/3rds vote required for executive session, added reasons for executive session, covers chance or social meetings and what can and cannot be done; lists requirements for public notice of meetings, written records of all meetings; time period for suits to contest action of public body, etc.

HB

190

SECTION 3; Delete after the end of the second sentence the phrase,

"and shall itself take such corrective action within ninety days."

This phrase has no meaning, since it is the obligation of the state to carry out the provisions of the federally approved State Implementation Plan as it applies within a local program jurisdiction. If a local program fails to carry out its responsibilities, then the department will automatically take whatever remedial actions are necessary to keep the plan from being disapproved and potential sanctions applied by the federal government.

The last sentence in Section 3 is inconsistent with the earlier stated intent to get any defined deficiencies corrected within 180 days. To correct this inconsistency we suggest the last sentence in Section 3 be modified as follows:

"The department shall, during the 180 days specified, work actively with the municipality or district furnishing financial, technical and manpower resources to assist in correcting any deficiencies identified through Section 220(b)."

SECTION 6: As written, approval of the State Implementation Plan by the federal Environmental Protection Agency would be jeopardized by allowing a local program to carry out the permitting function for large new emission sources, unless the state has some recourse to reviewing and enforcing those permits which are delegated. To remove this doubt, and to insure that a local permit program consistently meets the requirements of the federal Clean Air Act Amendments of 1977, we suggest that

1. After the words "if the municipality or district has established"  
add:

"and the department has approved," regulations and procedures...."

2. After the end of Section 6 add the following:

"Prior to the issuance of a permit for a source which would require the same issuance of a permit under 18 AAC 50 if a local program were not approved, the district or municipality shall forward its proposed permit together with all supporting documentation. If, within 30 days of receipt of the proposed permits and supporting material the department objects to the issuance of the permit on the ground that granting the permit is likely to result in a violation of ambient air or emission standards, the district or municipality may not issue the permit. The district or municipality may not issue a permit within the review period provided by this section."

"Nothing in this section, or in any approval of a district or municipal program may be construed as diminishing the department's authority with regard to any violation of any ambient air or emission standard established by the department by any source within a district or municipality with an approved program. A violation of an ambient air or emission standard established by the department by a source within a district or municipality with a program approved under this section remains a violation of this chapter notwithstanding department approval, and a violation of a permit issued by a district or municipality with an approved program shall be deemed a violation of a permit issued by the department for purposed of this chapter."

3  
3  
AMENDMENT #

OFFERED IN THE SENATE: BY: ORSINI  
To: \_\_\_\_\_ SENATE BILL No. CS HB 622 (Finance)  
HOUSE BILL No. \_\_\_\_\_  
PAGE: 1 LINE: 12 through 24 Delete

Add the following:

\*Section 1. The sum of \$9,700,000 is appropriated to the Department of Transportation and Public Facilities for the purpose of constructing a North/South runway at the Anchorage International Airport. The sources of this appropriation are as follows:

International Airport Revenue Fund	\$	700,000
Federal receipts		9,000,000

\*Section 2. In the event that legal action precludes the use of Federal funds for the project then the sum of \$5,000,000 is appropriated from the Alaska International Airports Revenue Fund to the Department of Transportation and Public Facilities for the purpose of continuing construction of the North-South runway at the Anchorage International Airport.

*shall be reimbursed*  
\*Section 3. The allocation of funds under sec. 2 of this Act is subject to reimbursement to the Alaska International Airports Revenue Fund by the Department of Transportation and Public Facilities upon receipt of funds designated for this project from the Federal Aviation Administration.

\*Section 4. The unexpended and unobligated portion of the appropriation made by sec. 2 of this Act lapses December 31, 1978 into the Alaska International Airports Revenue Fund.

\*Section 5. This act takes effect immediately in accordance with AS 01.10.070(c).

FISHB. RD

2<sup>nd</sup> REV. 2-24-77

CIARUTD

1<sup>st</sup> REVISION

DAVIS

Original sponsor: Malone

Offered: 3/18/77  
Referred: Rules

IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS  
COMMITTEE

CS FOR HOUSE BILL NO. 190  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to municipal air control programs; and providing for an effective date."

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

\*Section 1. AS 46.03.220(a) is amended to read:

(a) If a municipality or district authorized to establish or participate in an air pollution control program under secs. 210(a) or (d) of this chapter fails to establish a program within the time specified, or if the department has reason to believe that an air pollution control program in force under that section is inadequate to prevent and control air pollution in the jurisdiction to which the program applies, or that the program is being administered in a manner inconsistent with the requirements of this chapter, the department shall, within 45 days after giving written [FOLLOWING 45 DAYS]

notice setting out its reasons, conduct a hearing on the matter.

\*Section 2. AS 46.03.220(b) is repealed and reenacted to read:

(b) If, after the hearing, the department determines that any of the deficiencies enumerated in (a) of this section exist, it shall provide the municipality or district a written statement setting out the nature of the deficiencies and describing the necessary action to be taken. The determination of the department shall be provided to the municipality or district within 45 days of the hearing, and the municipality or district shall have a reasonable period of time to initiate corrective action. Once initiated, corrective action must be completed within 180 days.

\*Section 3. AS 46.03.220(c) is amended to read:

(c) If the municipality or the district set up under sec. 210(a) or (d) of this chapter remedies the deficiencies described in the statement provided by the department under (b) of this section, the department shall immediately approve the program or partially approve such program to the extent such deficiencies have been remedied. If the municipality or the district fails to initiate [TAKE] the necessary corrective action within the time specified the department shall administer in the municipality or district all of the

regulatory provisions of this chapter and shall itself take such corrective action within ninety days. The department shall work directly with the municipality or district furnishing financial, technical, and manpower resources until such time the deficiencies described in the statement have been corrected and the department approves the pollution control program of such municipality or district." [THE DEPARTMENT'S AIR POLLUTION CONTROL PROGRAM SHALL THEN SUPERSEDE MUNICIPAL AIR POLLUTION ORDINANCES, REGULATIONS, AND REQUIREMENTS IN THE AFFECTED JURISDICTION.]

\*Section 4. AS 46.03.220 is amended by adding new subsections to read:

(g) The provisions of (a) - (c) and (h) of this section are applicable to an application for program approval submitted by a municipality or district under section 210(a)(4) of this chapter.

(h) If action by the department is unlawfully withheld or unreasonably withheld under this section, the superior court may compel the department to initiate action.

\*Section 5. The department shall review applications for approval of an air pollution control program submitted by a municipality or district and pending on the effective date of this Act. It shall, within 45 days of the receipt of application for approval, provide written notice to the

municipality or district of the deficiencies in the application submitted or grant approval to the program. The provisions of AS 46.03.220 as hereby amended, are applicable to review of applications submitted and subject to review by the department under this section.

\*Section 6. AS 46.03.160 shall be amended by adding a new subsection (6) to read as follows:

(6) Notwithstanding other provisions of sections 140-170 of this chapter, no air contaminant source shall be required to obtain a permit to operate from both the department and a municipality or district established under section 210(a) if the municipality or district has established regulations equal to or more stringent than the department applicable to such air contaminant source, in which case such source shall be required to obtain a permit to operate from only the municipality or district.

\*Section 7. This Act takes effect immediately in accordance with AS 01.10.070(c).

2<sup>nd</sup> revision CIARUM  
2-24-78 Deely

Original sponsor: Malone

Offered: 3/18/77  
Referred: Rules

file - HB-190

IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS  
COMMITTEE

CS FOR HOUSE BILL NO. 190

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

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notice setting out its reasons, conduct a hearing on the matter.

\*Section 2. AS 46.03.220(b) is repealed and reenacted to read:

(b) If, after the hearing, the department determines that any of the deficiencies enumerated in (a) of this section exist, it shall provide the municipality or district a written statement setting out the nature of the deficiencies and describing the necessary action to be taken. The determination of the department shall be provided to the municipality or district within 45 days of the hearing, and the municipality or district shall have a reasonable period of time to initiate corrective action. Once initiated, corrective action must be completed within 180 days.

\*Section 3. AS 46.03.220(c) is amended to read:

(c) If the municipality or the district set up under sec. 210(a) or (d) of this chapter remedies the deficiencies described in the statement provided by the department under (b) of this section, the department shall immediately approve the program or partially approve such program to the extent such deficiencies have been remedied. If the municipality or the district fails to initiate [TAKE] the necessary corrective action within the time specified the department shall administer in the municipality or district all of the

regulatory provisions of this chapter and shall itself take such corrective action within ninety days. The department shall work directly with the municipality or district furnishing financial, technical, and manpower resources until such time the deficiencies described in the statement have been corrected and the department approves the pollution control program of such municipality or district." [THE DEPARTMENT'S AIR POLLUTION CONTROL PROGRAM SHALL THEN SUPERSEDE MUNICIPAL AIR POLLUTION ORDINANCES, REGULATIONS, AND REQUIREMENTS IN THE AFFECTED JURISDICTION.]

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(g) The provisions of (a) - (c) and (h) of this section are applicable to an application for program approval submitted by a municipality or district under section 210(a)(4) of this chapter.

(h) If action by the department is unlawfully withheld or unreasonably withheld under this section, the superior court may compel the department to initiate action.

\*Section 5. The department shall review applications for approval of an air pollution control program submitted by a municipality or district and pending on the effective date of this Act. It shall, within 45 days of the receipt of application for approval, provide written notice to the