

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8779 HOUSE STATE AFFAIRS

HB

199

mand this cause to the circuit court of Cumberland County to allow defendant to file a new motion to withdraw his guilty plea and for a hearing on that motion in full compliance with Rule 604(d). If, upon completion of the proceedings on remand, defendant's motion to withdraw his guilty plea is denied, this court will address, at defendant's request, the correctness of that decision and the remaining issues raised herein. See *People v. Garrett* (1990), 139 Ill.2d 189, 195, 151 Ill.Dec. 329, 564 N.E.2d 784.

Circuit court reversed in part; cause remanded with directions.



155 Ill.2d 509

196 Ill.Dec. 629

PEOPLE, State of Illinois, Respondent.

v.

Johnny GILSON, Petitioner.

No. 76090.

Supreme Court of Illinois.

April 6, 1994.

Prior Report: 246 Ill.App.3d 564, 616 N.E.2d 647.

Petition for leave to appeal allowed.

In the exercise of this Court's supervisory authority, this cause is *REMANDED* to the Appellate Court, Third District. The appellate court is ordered to reconsider its judgment in case Nos. 3-92-0901, 3-92-0902 and 3-92-0903 in light of *People v. Jones* (1994), 158 Ill.2d 27, 196 Ill.Dec. 625, 630 N.E.2d 790.



2

158 Ill.2d 22

196 Ill.Dec. 629

The PEOPLE of the State of Illinois, Appellant,

v.

Caretha RUSSELL, Appellee.

The PEOPLE of the State of Illinois, Appellant,

v.

Timothy LUNSFORD, Appellee.

Nos. 73721, 74443.

Supreme Court of Illinois.

Jan. 20, 1994.

Defendants were charged, in separate prosecutions, with knowingly transmitting human immunodeficiency virus (HIV) to another person through intimate contact. The Circuit Court, St. Clair County, James Deane van, J., and the Circuit Court, Coles County, Ashton C. Waller, Jr., J., declared criminal statute prohibiting knowing transmission of HIV to another through intimate contact unconstitutional. State appealed and cases were consolidated. The Supreme Court, Heiple, J., held that: (1) statute violate state and federal constitutional protections for free speech; (2) statute violate state and federal constitutional protections for free association; and (3) was not unconstitutionally vague.

Reversed and remanded. *ri*

I. Constitutional Law § 90.10 Health and Environment; § 2

Criminal statute prohibiting transmission of human immunodeficiency virus (HIV) to another through intimate contact was not unconstitutionally vague with respect to protected speech. Other statute, *ri* two cases, *ri* applied, which involved defendant with engaging in consensual sexual course knowing that she was infected, telling her partner, and defendant with raping woman knowing infected, had any connection.

PEOPLE v. RUSSELL

Ill. 795

Cite as 630 N.E.2d 794 (Ill. 1994)

speech. S.H.A. 720 ILCS 5/12-16.2; S.H.A. Const. Art. 1, § 4; U.S.C.A. Const. Amend. 1.

2 Constitutional Law ⇨91

Health and Environment ⇨21

Criminal statute prohibiting knowing transmission of human immunodeficiency virus (HIV) to another through intimate contact did not violate defendants' federal or state constitutional rights of free association; statute did not implicate any alleged right of intimate association as one defendant was charged with engaging in consensual sexual intercourse knowing that she was infected without telling her partner and other defendant was charged with raping woman knowing that he was infected. S.H.A. 720 ILCS 5/12-16.2; S.H.A. Const. Art. 1, § 5; U.S.C.A. Const. Amend. 1.

1 Health and Environment ⇨21

Criminal statute prohibiting knowing transmission of human immunodeficiency virus (HIV) to another through intimate contact was not unconstitutionally vague; statute was sufficiently clear and explicit and provided sufficiently definite standards for law enforcement and triers of fact, and that statute might open innocent conduct of others to prosecution was matter of pure speculation given specific conduct of two defendants, one of whom was charged with engaging in consensual sexual intercourse knowing that she was infected without telling her partner and one of whom was charged with raping woman knowing that he was infected. S.H.A. 720 ILCS 5/12-16.2; S.H.A. Const. Art. 1, § 2; U.S.C.A. Const. Amend. 14.

James D. Holzhauer, Timothy S. Bishop and Jesse A. Witten, of Mayer, Brown & Platt, Chicago, for amici curiae American Public Health Ass'n et al.

Susan J. Curry, and Mark E. Wojcik, Chicago, for amicus curiae AIDS Legal Council of Chicago.

Gregg W. Bonelli, of Mattoon, and Michael L. Closen, Chicago, for appellee in No. 7443.

Justice HEIPLE delivered the opinion of the court:

In 1989, the Illinois General Assembly made it a crime for a knowing carrier of the HIV virus to transmit this virus to another person through intimate contact. The stated offense is designated as a Class 2 felony which, though subject to probation, carries a possible sentence of imprisonment from three to seven years. (Ill. Rev. Stat. 1989, ch. 38, par. 12-16.2(a)(1) (now 720 ILCS 5/12-16.2(a)(1) (West 1992).) We take judicial notice of the fact that the HIV virus is a precursor to AIDS, a progressive and inevitably fatal disease syndrome. We further take judicial notice of the fact that intimate sexual contact whereby blood or semen of an infected person is transferred to an uninfected person is a primary method of spreading the infection.

The statute is now before us for consideration because two Illinois trial judges in separate criminal proceedings have declared the statute to be unconstitutional, ostensibly on the basis of vagueness. For purposes of appeal, these cases are here consolidated. We reverse and remand.

Neither of the court orders below indicates whether the statute is violative of either the State or Federal Constitutions. No article, section or clause of either constitution is alluded to. It could be the Constitution of the United States. It could be that of Illinois. It could be both. We are left to surmise which constitution or which portion thereof the trial judges may have had in mind.

From the defendants/appellees' briefs, however, we are informed that both the Federal and State Constitutions are allegedly

Roland W. Burris, Atty. Gen., Springfield, Haida, State's Atty., Belleville, and C. Ferguson, State's Atty., Charleston Robert J. Goetten, Stephen E. Norris and R. Arnold, Office of the State's Attys. State Prosecutor, Mt. Vernon, of counsel for the People. Marie J. Hightman, Stuart I. Graff and M. Feller, of Schiff, Hardin & Waite, John R. Hammell, Harvey Grossman, K. Connell, Mathew S. Nosanchuk and Penn, Chicago, for appellee in No.

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JAMES EARL RAY
CHICAGO, ILL.

violated by the statute for reasons of free speech and association (U.S. Const., amend. I; Ill. Const. 1970, art. I, §§ 4, 5); and that the statute is so vague as to deny the defendants due process of law. (U.S. Const., amend. V; Ill. Const. 1970, art. I, § 2.) These arguments are without merit.

In one of the cases before us, the criminal complaint charges that the defendant Caretha Russell knew that she was infected with the HIV virus when she engaged in consensual sexual intercourse with Daren Smith without telling Smith of her infection. In the other case, defendant Timothy Lunsford is charged with raping a woman at a time when he knew he was infected with the HIV virus.

[1] Neither the statute nor the cases before us have even the slightest connection with free speech. Consequently, pursuant to constitutional interpretations of the United States Supreme Court, defendants' overbreadth argument and their argument of facial vagueness are inapplicable. *Bates v. State Bar* (1977), 433 U.S. 350, 380, 97 S.Ct. 2691, 2707, 53 L.Ed.2d 810, 833; *Smith v. Goguen* (1974), 415 U.S. 566, 94 S.Ct. 1242, 39 L.Ed.2d 605; *Broadrick v. Oklahoma* (1973), 413 U.S. 601, 611-17, 93 S.Ct. 2908, 2915-18, 37 L.Ed.2d 830, 839-43; *Grayned v. City of Rockford* (1972), 408 U.S. 104, 92 S.Ct. 2294, 33 L.Ed.2d 222; *People v. Garrison* (1980), 82 Ill.2d 444, 45 Ill.Dec. 132, 412 N.E.2d 483.

[2, 3] Additionally, the defendants' cases do not infringe on any supposed right of intimate association as claimed. In fact, we know of no such right. The facts are that in the first of the two cases, the victim did not know that his sexual partner had HIV. In the second of the two cases, the HIV transmission charge is appendant to a charge of forcible rape. It is preposterous to argue that the statute constitutes a violation of either of the defendants' supposed right to intimate association in these situations. Finally, the vagueness argument is in error both facially and factually. Reference to the specific language of the statute makes this clear.

The subject statute provides in pertinent part:

"Criminal Transmission of HIV. A person commits criminal transmission of HIV when he or she, knowing that she is infected with HIV:

(1) engages in intimate contact with another:

(b) For purposes of this Section:

'Intimate contact with another' means the exposure of the body of one person bodily fluid of another person in a manner that could result in the transmission of HIV." 720 ILCS 5/12-16.2 (West 19

Vagueness, like beauty, may be in the eye of the beholder. We, however, read the statute as being sufficiently clear and explicit that a person of ordinary intelligence need not have to guess at its meaning or application. Also, it provides sufficiently definite standards for law enforcement officers and triers of fact so that its application need not depend merely on their private conceptions. *Smith v. Goguen* (1974), 415 U.S. 566, 94 S.Ct. 1242, 39 L.Ed.2d 605; *Grayned v. City of Rockford* (1972), 408 U.S. 104, 92 S.Ct. 2294, 33 L.Ed.2d 222; *Interstate Circuit v. City of Dallas* (1968), 390 U.S. 696, 88 S.Ct. 1298, 20 L.Ed.2d 225.

That the statute might open the door to the conduct of others to possible prosecution is a matter of pure speculation and conjecture which is not before us in these consolidated cases. We are here concerned only with the specific conduct of these defendants and the application of the statute to them. *Garrison* (1980), 82 Ill.2d 444, 45 Ill.Dec. 132, 412 N.E.2d 483.

For the foregoing reasons, we reverse the statute in question is not void either the Illinois or the United States Constitution. Accordingly, we reverse the judgments of the courts below and remand the causes for further proceedings.

Reversed and remanded.





Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

3/7

State Capitol
Juneau, AK 99801-1182

Representative Scott Ogan

House District 27

MEMORANDUM

To: House State Affairs Committee

From: Representative Scott Ogan *SO*

Date: February 28, 1995

Re: Request for Hearing on HB 199, "An Act creating the crime of criminal transmission of HIV."

Attn: Representative James, Chair

Please schedule the above referenced Bill for a hearing at your earliest convenience. Thank you for your attention to this matter.

Alaska State Legislature

Resources, Vice Chair
State Affairs, Vice Chair
House Special Committee on Oil & Gas, Vice Chair
House Special Committee on Fisheries



State Capitol
Room 409
Juneau, Alaska 99801-1182

Representative Scott Ogan *SO*
House District 27

Sponsor statement HB 199
Criminal transmission of HIV

This bill is simple. A person who knowingly has HIV and commits an act that is known to transmit HIV to others, is guilty of a class A felony.

Acts that will be illegal will include sexual contact, deliberately exposing someone to bodily fluids, donating organs or blood, and using nonsterile devices and needles.

The reality of this issue is that if a person is unknowingly exposed to this virus, it is likely to be a death sentence. People infected with HIV have a grave responsibility to the people they interact. There are many people with high risk behaviors infected with HIV. These people continue to engage in this behavior which is sentencing unknowing victims to death. Reckless disregard for another person's life is a crime in any other case. To deliberately infect someone with HIV should be a crime in Alaska. To know one's self is infected, and continue to engage in high risk behaviors should be legally considered a deliberate act of attempted murder.

This law would provide some recourse for people involuntarily exposed to HIV, as well as provide some protection to unsuspecting people with high risk behaviors. The largest single group of people acquiring this disease is young people. Often they are impulsive and reckless. Once the word gets around that HIV transmission is a crime, this reckless behavior should dramatically decline.



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

To: House Committees of Referral for HB 199

From: Representative Scott Ogan *SO*

Re: Sectional Analysis of HB 199

Date: March 3, 1995

The following is a sectional analysis of HB 199, "An Act creating the crime of criminal transmission of HIV."

Section 1. (This is a single section bill)

Section one creates a new "Article 6" to AS 11.41, Crimes Against the Person. This Article contains a single new crime, Criminal Transmission of HIV.

Criminal Transmission of HIV will penalize behaviors by persons who know they are infected with HIV that create a risk of transmission of HIV, whether or not transmission actually occurs. This includes high-risk sexual activities, transfer of potentially infected syringes, and other actions that would expose infected body fluid or tissue to another.

The bill contains a number of exceptions, including a limited spousal exception, an exception for receiving medical treatment, and an exception where the exposed individual already was infected with HIV.

Criminal transmission of HIV would be a Class A felony.

Facts about HB 199: Criminal Transmission of HIV 50

I. What are the elements of the offense?

- (1) A person who is infected with HIV,
- (2) and knows that he or she is infected
- (3) does one of the following:
 - (a) engages in the type of sexual relations that can transmit HIV;
 - (b) exposes someone else's body to the infected person's body fluids;
 - (c) transfers or donates blood, organs, semen, or any other infected tissue or body fluid; or
 - (d) transfers non-sterile (used) needles to someone.

II. Does the non-infected party have to catch the virus in order to successfully prosecute the offender?

No. The bill would penalize intentional behavior likely to transfer the virus, whether or not the virus is actually transmitted to someone by the conduct.

III. Why does Alaska need this law?

The answer is simple; during the 4 year period from December 31, 1990 to December 31, 1994, the number of living people carrying the HIV virus in this state has increased by 9 times. Statistics on the spread of this fatal disease do not show any downward trend, but continue to grow rapidly. (Source: *State of Alaska Epidemiology Bulletin*, no. 3, Jan. 31, 1995.)

III. Will this bill create a disincentive to testing?

No. A person can't avoid prosecution simply by refusing to have an HIV test. The bill states that prosecutors and juries should look at all of the surrounding circumstances and evidence concerning whether the person knew he or she was infected, rather than focussing solely on the results of one test. Of course, no one could be convicted unless the defendant's knowledge of his or her infection were proven beyond a reasonable doubt.

IV. The Exceptions:

- (1) If you expose someone who was already infected with HIV, you're not guilty of the crime.

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(2) Sexual relations with your spouse are not unlawful, as long as your spouse understands the risk before consenting, and reasonable prophylactic measures are used to minimize the danger that this disease will take your spouse's life. The requirement that prophylactic measures be used is not intended to be an intrusion into the bedroom; it is simply a recognition of the well-settled principle of law that a person cannot exonerate a killer by "consenting" to his or her own murder.

(3) Obviously, if you receive medical treatment you may be exposing your body fluids to the health care providers. This is not unlawful as long as the exposure really does consist of the medical treatment itself, as opposed to a malicious attempt to infect a health care worker. Also, the law will require that you tell your health care providers you are infected if you are able to tell them.

V. **The Penalty:**

Criminal Transmission of HIV is a Class A Felony. A Class A felony is punishable by a maximum sentence of 20 years, and a presumptive sentence of 5 years. This is comparable to other Crimes against the Person, or Attempted Crimes against the Person, of similar magnitude. For example:

- (a) Both Murder and Attempted Murder in the first degree are unclassified felonies.
- (b) Attempted Murder in the second degree is a class A felony.
- (c) Manslaughter is a class A felony.
- (d) Attempted Kidnapping is a class A felony.
- (e) Attempted Sexual Assault in the first degree is a class A felony.

The Washington Post

SPORTS

Olympic Diving Star

Louganis Says He Has AIDS

He Was HIV Positive in '88 Games

By Athelia Knight
Washington Post Staff Writer

Olympic gold medalist Greg Louganis has AIDS and knew he was HIV positive during the 1988 Olympics in Seoul, where he won two gold medals, according to a transcript of an ABC interview released last night.

In an interview with ABC's Barbara Walters, Louganis talked of his fears after injuring himself during a preliminary dive in the springboard competition in Seoul. Louganis hit his head on the board and fell into the water, bleeding. After receiving five stitches, he came back to win two gold medals and became the first male diver to gain double gold medals in consecutive Olympic Games.

Although transmission of the AIDS virus outside of sexual contact, needle sharing or blood transfusion is extremely rare, Louganis said he

worried about the safety of other divers. But in the interview, to be aired Friday on ABC's "20/20," Louganis said he didn't report his condition to the doctor who treated him—without wearing protective gloves—or to the U.S. Olympic Committee. He said he "didn't tell anyone" because he "was encouraged not to" by his coach, Ron O'Brien and a "small team of people."

Louganis, 35, publicly acknowledged at last summer's Gay Games in New York that he is a homosexual. His autobiography, "Breaking the Surface," is expected to be released by Random House on Monday. Other athletes who have announced they have the AIDS virus include former Los Angeles Lakers star Magic Johnson, the late tennis great Arthur Ashe and Washington Redskins tight end Jerry Smith, who died in 1986.

See LOUGANIS, D3, Col. 1



ASSOCIATED PRESS

Greg Louganis won four Olympic gold medals, two of them in 1988 Summer Games in Seoul, where he suffered five-stitch cut to his head when he hit board.

Diving Star Has AIDS

LOUGANIS, From D1

Louganis's revelations shocked the Olympic Committee.

"The United States Olympic Committee is saddened by the news that Greg Louganis is battling this deadly illness, and our prayers are with him in the fight," said USOC President LeRoy T. Walker.

Walker said Louganis, who retired after the '88 Games and became an actor, "has been one of the greatest competitors in Olympic history. . . . It is our hope that his struggles and his courage will both inspire youth and alert them to the dangers and precautions related to HIV and AIDS."

Wendy Williams, a teammate of Louganis's at the 1988 Olympics who trained with him at a swim club in Mission Viejo, Calif., said in a telephone interview from Hawaii, "Louganis was the best diver there ever was. He was a private man and shy, but gentle and kind."

Williams remembered when she was a young diver fearful of diving from a platform.

"He sat with me for two hours, talking about fear," Williams said. "He was so nice and thoughtful. I eventually did the dive."

"I'll never forget his last dive in Seoul. It was all on the line and he did a perfect dive. When he came out of the water, he was crying—he knew he had won."

During the "20/20" interview, Louganis talked of his unhappy childhood, including an abusive stepfather, teen-age depression, three suicide attempts, and dyslexia, which was not diagnosed until college. And he spoke of his sexuality. According to the transcript, six months before the 1988 Olympics, Louganis learned that a former companion was dying of AIDS. Louganis was tested by his personal physician, who told him that he was HIV positive.

Louganis began taking the drug AZT immediately, and continued taking it during the Olympics in Seoul.

Louganis said in the interview with Walters that, on a preliminary dive in the three-meter springboard competition, that "on my reverse two-and-a-half pike, I knew as soon as I was coming off the board that I was gonna be close . . . so I came out wide so that the board would go by and I wouldn't hit. I started coming out of the dive and then I heard this big hollow thud, and then I found myself in the water. I just held my head in hopes to—I didn't know if I was cut or not. But I just wanted to hold the blood in, or just not anybody touch it."

Walters: You hit your head, and there may have been blood in the water. Why were you terrified?

Louganis: Because Ron O'Brien [his coach] and myself were [two of] the few people . . . that knew that I was HIV positive. . . . Dealing with HIV was really difficult for me because I felt like, God, the U.S. Olympic Committee needs to know this. . . . U.S. Diving needs to know it, because what if I get sick at the Olympic Games, and am unable to compete? I didn't anticipate hitting my head on the board. I didn't anticipate, you know, blood. That's something that I didn't think about at the time."

According to the ABC transcript, O'Brien said he didn't have those fears. "Because there's very little chance," O'Brien said. "If [it] were in a sport like boxing or wrestling, football, where there's a lot of contact, personal contact, I would have been very concerned. But our sport is such that you don't ever come close to anybody."

O'Brien could not be reached for comment.

Louganis told Walters that he didn't tell



BY JOEL RICHARDSON—THE WASHINGTON POST

USOC President LeRoy T. Walker said diver Greg Louganis "has been one of the greatest competitors in Olympic history."

OLYMPIC MEDALS

- 1976: Montreal—silver medal, platform.
- 1984: Los Angeles—gold medal, platform; gold medal, springboard.
- 1988: Seoul—gold medal, platform; gold medal, springboard.

the doctor who stitched up the cut without wearing protective gloves.

"I was so stunned," he said in the interview. "I mean, what was going on in my mind at the time was, what's my responsibility, do I say something . . . this has been an incredibly guarded secret. You could throw the entire competition into a state of alarm."

Louganis said he hugged O'Brien after he won the last medal and cried. "I said that nobody will ever know what we've just been through," Louganis told Walters.

- HIV Laws in
Other States -

KNOWING EXPOSURE/TRANSMISSION
5/25/93

CRIMINAL PENALTIES FOR KNOWINGLY TRANSMITTING/EXPOSING
ANOTHER TO HIV INFECTION

Alabama, HB 338, Act 87-574 (87) - misdemeanor - "risks transmitting or conducts himself in a manner likely to transmit the disease)

Arkansas, HB 1496, Act 814 (89) - felony - "sexual intercourse" (without 1st informing others)

California, SB 1002, Chapter 1154 (88) - felony, blood donation

Colorado, HB 1255 (90) - class 5 felony for knowingly performing, offering or agreeing to perform certain sexual acts with persons other than their spouses in exchange for money or any other thing of value. Persons who are knowingly infected with HIV who patronize prostitutes are guilty of a class 6 felony

Delaware, HB 637, Chapter 335 (88) - felony, blood donation

Florida, HB 1313, Chapter 88-220 (88) - misdemeanor "sexual intercourse"; (88) - misdemeanor (if person has been informed of modes of transmission); HB 1519 (88) - felony of the third degree, blood/body fluids donation;

Georgia, HB 1261, Act 1440 (88) - felony (after obtaining knowledge of infection) knowing intercourse, donation, sharing syringes

Idaho, HB 653, Chapter 70 (88) - prohibits knowing or willful exposure; HB 433 (88) - felony (provides affirmative defense if sexual activity occurred between consenting adults); - felony, knowing transmission or transmit with the intent of infection

Illinois, HB 1871 (89) - class 2 felony for criminal transmission = intimate contact; blood, semen, tissue or organ donation; sell, exchange, etc. non-sterile IV drug paraphernalia. Provides an affirmative defense if the person exposed knew that the infected persons was infected with HIV, knew that the action could result in HIV infected and consented to the action with that knowledge.

Indiana, SB 9, Public Law 88-123 (88) - Class C felony, blood donation

Kansas, HB 2841 (92) - Class A misdemeanor for individuals with a life threatening communicable disease to knowingly engage in sexual intercourse or sodomy, sell or donate blood, semen, tissue or other body fluids, or share hypodermic needles with intent to expose another to the disease.

Kentucky, HB 50 (88) - Class C felony, blood donation (also any health facility, physician or health care worker who knowingly transfuses untested blood when there is not an emergency situation is guilty of Class C felony .

HB 425 (90) - felony for donating organs, skin or other human tissues; class A misdemeanor for persons who commits prostitution; class D felony for committing prostitution or who procures another to commit prostitution by engaging in sexual activity in a manner likely to transmit HIV infection.

Source: AIDS Policy Center, Intergovernmental Health Policy Project, The George Washington University, June 1993.

202-872-1445

KNOWING EXPOSURE/TRANSMISSION

PAGE 2

SB 244 (92) - Makes it a felony for any person to commit, offer, or agree to commit prostitution by engaging in sexual activity when he or she knew or had been informed that he or she could possibly transmit the virus through sexual activity.

Louisiana, HB 1728, Act 663 (87) - fine of not more than \$5,000, imprisonment with or without hard labor for not more than 10 years "sexual contact" without knowing consent of other person

Maryland, SB 719, Chapter 789 (87) - misdemeanor (may not knowingly transfer or attempt to transfer)

Michigan, HB 5026, Public Act 190 (88) - felony, sexual penetration (if they do not inform other person of the presence of disease)

Mississippi, HB 515, chapter 557 (88) - knowingly and willfully violating health department orders

Missouri, HB 1151 and 1044 (88) - Class D felony, donation of blood, organ, sperm, tissue; sexual contact

Nevada, AB 550, Chapter 762 (87) - Provides that any person who practices prostitution after testing positive for HIV is guilty of a felony and will be imprisoned in the state prison for not less than 1 year, not more than 20 years and/or fined up to \$10,000. An owner of a house of prostitution who continues to employ HIV+ prostitutes is liable for any damages caused by HIV exposure as a result of the employment; SB 73 (89) - subject to confinement by court order as well as other penalties (which are not specified)

Ohio, HB 571 (88) - felony of the 3rd. degree, sell or donate blood plasma, blood product

Oklahoma, HB 1798 (88) - felony (with intent to infect); HB 1012 (91) - felony punishable by a maximum of 5 years of imprisonment for knowingly engaging with intent to infect in conduct reasonably likely to result in transfer of blood or bodily fluids into the bloodstream or through the skin or other membranes of a person except during in utero transmission.

South Carolina, HB 2807, Ramification 547 (88) - sale, donation, exchange of blood products; "exposing another person to HIV without first informing"; SB 1165 (90) - felony (upon conviction must be fined not more than \$5,000 or imprisoned for not more than 10 years) for engaging with or without consent in sexual intercourse (vaginal, anal or oral) without first informing in prostitution, selling or donating blood or other body fluids or sharing needles

Tennessee, HB 481, Chapter 261 (91) - class C felony for committing prostitution when a person knows that he or she is HIV+

Texas, SB 59 (89) - felony for "engaging in conduct likely to transfer"

Utah, HB 24 (93) - Mandates HIV testing for persons convicted of prostitution or patronizing or sexually soliciting a prostitute. Provides enhanced penalties (3rd. degree felony) if these individuals test positive for HIV, know their test results and have received written personal notice of their positive test results from a law enforcement agency.

Virginia, HB 1974 (89) - class B felony, donating or selling blood, body fluids, organs or tissues

Washington; SB 6221, Chapter 206 (88) - assault in the second degree for a person who has exposed or transmitted HIV to another person with intent to inflict bodily harm

TOTAL = 26 STATES

ALASKA CIVIL LIBERTIES UNION

An Affiliate of the American Civil Liberties Union
P. O. Box 201844 Anchorage, AK 99520-1844
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March 13, 1995

The Honorable Jeannette James
Chair -- House State Affairs Committee
Alaska House of Representatives
State Capitol Building, Room 102
Juneau, AK 99801-1182

Re: House Bill 199/SB 91

Dear Representative James:

I am writing to you on behalf of the Board of Directors and members of the Alaska Civil Liberties Union (AkCLU) to express serious concerns regarding House Bill 199 and SB 91, both of which relate to "an act creating the crime of criminal transmission of HIV."

The emergence of the Acquired Immune Deficiency Syndrome (AIDS) as a major threat to public health has serious implications for civil liberties such as control over one's body, freedom of association and the right of privacy of one's medical records. The outbreak of HIV/AIDS has caused great public fear and concern. It is especially important at such times that a public health policy which is rational, effective and has the minimal intrusion possible on civil liberties be implemented. This bill accomplishes none of those goals.

These proposed bills are so fraught with problems that the best approach would be to abandon them altogether. Among the problems are: these bills would actually discourage responsible testing and preventative measures designed to prevent the control and spread of HIV/AIDS; it would be impossible to prosecute these cases even with grave invasions of personal privacy; the bills discriminate on the basis of marital status; and the bills are unnecessary. Each of these concerns will be addressed individually.

1. Transmission of AIDS may already be prosecuted under existing criminal statutes.

The first point that needs to be made is that the bills are absolutely unnecessary. Existing criminal statutes can already be used to prosecute the knowing transmission of HIV/AIDS. According to Assistant Attorney General Dean Guanelli a person with known HIV

infection could be prosecuted under existing statutes for: (a) attempted first degree murder, if s/he intended to kill another through infecting them with HIV; (b) attempted assault, if s/he intended serious injury, not death; or (c) reckless endangerment, if s/he engaged in behavior that could transmit the virus, but where transmission of the virus was not intentional or knowing. Of course, SB 91 and HB 199 would create new classes of felonies, Class B and Class A felonies respectively, which is unnecessary given the laws which already exist.

2. These bills discourage Alaskans from becoming informed of their HIV/AIDS status.

These bills are likely to discourage people from becoming informed of their HIV/AIDS status. There is a strong public health incentive to encourage people to participate in voluntary testing programs in order to be informed of their HIV/AIDS status and therefore, hopefully, to practice behaviors which reduce the risk of transmission of AIDS. By making it a crime to "knowingly" engage in behavior which is likely to transmit HIV/AIDS, the legislature is encouraging people to remain ignorant about their HIV/AIDS status. Ironically, this bill will have the paradoxical effect of discouraging people from being informed of their status, which is the exact opposite result from what the legislature is trying to accomplish.

3. It will be difficult, if not impossible, to prosecute these cases.

It will be nearly, if not completely, impossible for the state to establish that someone knowingly engaged in intimate contact which could result in transmission of HIV/AIDS. To establish that the person acted with knowledge, the state would be required to obtain confidential medical records from the defendant, or would be required to investigate intimate details of that person's life to determine whether "the totality of the evidence concerning the existence of the knowledge" [see Section 11.41.600(3)(c) of HB 199] regarding that person's life indicated that s/he knew of the likelihood of his or her status. To prove that a person "knew" about his or her status, without actual test results to establish this fact, would require the prosecution to investigate very intimate details about a person's life including his or her sexual life, possible drug usage, and medical history, areas which are constitutionally protected.

4. These bills violate rights to privacy and equal protection.

The entire statute is likely to violate constitutional rights

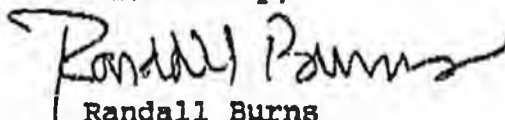
of privacy articulated by the United States Supreme Court in a series of decisions including Griswold v. State of Connecticut, 381 U.S. 479 (1965) Eisenstadt v. Baird, 405 U.S. 438 (1972) and Roe v. Wade, 410 U.S. 113 (1973). These cases have been interpreted to give individuals a right of privacy in decisions such as birth control, sexual conduct and abortion. This line of cases would likely apply to criminal transmission of AIDS because of the degree of state intrusiveness necessary to prosecute these cases.

It is further problematic to allow an affirmative defense to married couples [see Section 11.41.600(b)(1) of HB 199] and not to unmarried couples. Besides the privacy concerns addressed above, this section will also pose an equal protection problem. The case of Eisenstadt v. Baird (1972), specifically forbade on equal protection grounds discrimination based on marital status. Allowing an affirmative defense to married couples, but not to unmarried couples, will pose equal protection problems if this bill becomes law.

Also, we are concerned for proposed Sections 11.56.160(2) of SB 91 and 11.41.600(a)(3) of HB 199, which could be interpreted to apply to the perinatal transmission of HIV from an infected pregnant woman to a fetus or to the newborn during delivery or after birth through breast feeding. These bills should clearly exclude perinatal transmission or it will discourage pregnant women from getting tested and also discourage prenatal and obstretical care.

In short, the AkCLU is very much opposed to these bills and believes they are unconstitutional, misguided and wrong. While the concern for the spread of AIDS is a valid legislative concern, the time, money, and effort involved in passing these bills into law would be much better spent on a broad-based public education campaign informing Alaskans about the risks of HIV/AIDS. For those persons who do knowingly chose to engage in dangerous and risky behavior, current criminal statutes permit prosecution of these cases.

Sincerely,



Randall Burns
Executive Director

RCK:RPB

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 199

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act creating the crime of criminal transmiss BRU: Statewide programs
 of HIV _____ Component inmate health
 Sponsor: Rep. Ogan
 Requester: Rep. Ogan COMPONENT SERIAL NO. 705

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The crime defined in this bill would carry a presumptive five year sentence. The Department of Corrections has no data to determine the number of people who may be convicted under this bill. It is believed that the number would be very small; perhaps zero in many years. However, in addition to the \$39.0 annual cost of maintaining an inmate in a prison facility, the exposure to medical cost liability must be considered.

In FY 95 alone nearly \$600.0 has been spent on one HIV/AIDS inmate. Every day an HIV positive inmate is in a prison facility, we risk adding huge medical costs to our inmate health care costs. DOC could be faced with an indeterminate number of million dollar per year inmates.

Prepared by: Jerry Shriener
 Division: _____
 Approved by Commissioner: *Walter H. Pugh*
 Agency: Department of Corrections

Phone: 465-5582
 Date: 3/3/95
 Date: 3/3/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 199

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act creating the crime of criminal transmission of HIV." BRU: Prosecution
 of HIV." Component: All
 Sponsor: Representative Ogan
 Requester: House State Affairs COMPONENT SERIAL NO. 0085-0090

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	*****	*****	*****	*****	*****	*****
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would make it a class A felony for a person, knowing that he or she is infected with the human immunodeficiency virus (HIV), to knowingly expose others to HIV infection through intimate sexual contact, infectious body fluids (including blood, tissue, semen or organs) in any manner that could result in transmission of HIV to a person who is unaware that the person causing the exposure is infected with HIV.

At the current time, 660 Alaskans are known to be infected with HIV, including 120 full-blown cases of AIDS. This number includes only those tested through state health laboratories. About four percent of those known to be infected with HIV are under the age of 20. Because many at high risk test anonymously or out of state, the actual number of persons residing in the state who have tested positive for HIV is undoubtedly higher than state records indicate. The current rate of growth for HIV in Alaska is about eight percent per year.

Prepared by: Richard L. Leagues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 3/6/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 3/6/95
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 199

ANALYSIS CONTINUATION:

Of the known HIV cases in Alaska, the vast majority resulted from consensual sexual contact. Obtaining a conviction under this circumstance (simply securing sufficient evidence to warrant a prosecution) would be difficult, if not impossible. Consequently, the number of convictions resulting from exposure to HIV through intimate sexual contact may be relatively small. In a rare case where a person infected with HIV deliberately sets about to infect another, it might be possible to obtain a conviction. However, such a case is already chargeable under the state's existing criminal laws.

Although the bill is intended to deter persons who have tested positive from engaging in conduct that may spread HIV, we are concerned that it will have the unintended, but certain effect of deterring persons at the highest risk from seeking HIV testing and counseling, thus increasing the risk of spreading HIV.

Under these circumstances, estimating the number of prosecutions that would occur if the bill is enacted would be highly speculative, making it nearly impossible to determine a fiscal impact.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 199

Revision Date: _____
 Title: "An Act creating the crime of criminal transmission of HIV"

 Sponsor: Rep. Ogan
 Requestor: (H) STA

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency

 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
-------------------------------	---	---	---	---	---	---

FUND SOURCE: (Thousands of Dollars)

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

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
 No measurable impact on the Public Defender Agency is anticipated.

Prepared by: John Salemi, Director
 Division: Public Defender Agency

Phone: 264-4400
 Date: _____

Approved by Commissioner: Mark Boye *Alvanth Elgie*
 Agency: Department of Administration

Date: 3/3/95

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HB

201

TONY KNOWLES
GOVERNOR



STATE OF ALASKA
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JUNEAU

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Juneau, Alaska 99811-0001
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HB 201

February 27, 1995

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Phillips:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that addresses many of the problems arising from prisoner litigation, sentence appeals, and frivolous or extremely tardy post-conviction relief motions. This bill is intended to ensure that offenders focus their attention on their rehabilitation and reformation, rather than on endless "recreational" litigation.

The bill also is intended to promote the finality of convictions, preserve the sanctity of jury verdicts, minimize the litigation of stale claims, and prevent the unjustified dismissal of a criminal case when re prosecution is not possible. Frivolous litigation filed by prisoners misallocates resources of the judiciary, the Department of Law, the Public Defender's Office, the Office of Public Advocacy, the Department of Corrections, and the public.

Sections 1-5, 13-15, 17, 20-21, and 31 relate to prisoner litigation. These sections are designed to reduce the number of frivolous suits filed by prisoners that involve the state, its employees, and former employees. This prisoner litigation is preventing the state and the court from giving adequate attention to legitimate lawsuits.

Sections 1, 15, and 17 of the bill require prisoners to pay filing fees for civil proceedings according to their ability to pay. Section 1 authorizes the court to summarily dismiss suits or appeals filed by prisoners who pay less than full filing fees when those suits or appeals are frivolous or malicious or fail to state a claim upon which relief can be granted. Sections 2-5 amend the exemptions statutes so that the state can collect judgments entered against prisoner litigants.

The Honorable Gail Phillips
February 27, 1995
Page 2

Section 13 authorizes prisoners to appeal administrative disciplinary decisions when their fundamental constitutional rights were violated. Section 20 authorizes courts to stay the imposition of sanctions arising from a disciplinary decision only if the court finds, among other factors, that the prisoner faces irreparable harm if the stay is not granted and the prisoner is likely to succeed on the merits of the appeal.

Sections 7, 8, 11, 12, 18, 22, 27, and 28 relate to sentence appeals. In fiscal year 1994, the court of appeals published opinions from 13 sentence appeals. Twelve of those sentences were upheld by the court of appeals. The court summarily ruled on another 93 sentence appeals in this same time period. Only eight of those were reversed. Thus, over 90 percent of all sentence appeals (97 of 106) have resulted in the sentence being affirmed by the court of appeals. This bill limits appeals from the 90 percent of cases in which the lower court's sentences are routinely upheld. Sections 18 and 22 prevent defendants from appealing sentences or portions of sentences that they agreed to as part of a plea agreement with the state. For example, a defendant who agrees to a sentence of up to three years should not be heard to complain if the court imposes a sentence of that length or less. Similarly, secs. 27 and 28 prevent a court from modifying or reducing a sentence that was imposed in accordance with a sentencing agreement. Sections 7 and 11 restrict defendants convicted of felonies from appealing as excessive any sentence of two years or less, while secs. 8 and 12 restrict defendants convicted of misdemeanors from appealing as excessive a sentence of 120 days or less.

Most of the remaining sections of this bill set limits on the ability of prisoners to challenge their convictions years after they have already pursued normal appellate procedures and lost. After a prisoner loses on direct appeal, current law allows the prisoner to pursue a second or third round of challenges in state court. These challenges are referred to as "post-conviction relief" proceedings. If the prisoner loses these rounds, the prisoner can start yet another round of challenges in federal court. This bill seeks to reduce the number of third and subsequent rounds of challenges currently allowed under state law. This would limit most prisoners to one direct appeal and one set of post-conviction relief proceedings in the state court system and one set of post-conviction relief proceedings in the federal system.

Section 9 creates a new chapter in the code of criminal procedure to govern post-conviction relief procedures for persons convicted of criminal offenses. This chapter delineates the scope of permissible post-conviction relief claims by prohibiting claims based on the erroneous admission of evidence, illegal searches and seizures, and the excessiveness of a sentence.

The Honorable Gail Phillips
February 27, 1995
Page 3

In addition, sec. 9 imposes a maximum time limit from the entry of a conviction for filing an application for post-conviction relief to challenge a judgment of conviction. This section also imposes a one-year limit from the entry of an administrative decision by the Parole Board or Department of Corrections for filing an application for post-conviction relief to challenge a decision involving parole or time accounting. Section 26 imposes a 180-day limit for the filing of a motion for a new trial based on newly discovered evidence, while sec. 19 limits the authority of the appellate court to accept late appeals and petitions for hearing in cases involving criminal offenders.

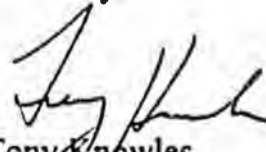
Current law allows a defendant to try to withdraw a plea of guilty or no contest after entering the plea or even after being sentenced if the defendant so chooses. Section 25 requires a defendant who wants to withdraw a plea after having been sentenced to file an application for post-conviction relief. Section 26 eliminates the ability of trial judges to grant a new trial on the ground that the jury's verdict is contrary to the weight of the evidence.

Sections 6 and 16 prohibit appellate courts from releasing convicted defendants on bail until all of the defendant's convictions are vacated. Section 10 limits indigent offenders' right to an appointed attorney to timely applications for post-conviction relief; appointed counsel will no longer be available for appeals from the denial of post-conviction relief.

The bill includes changes to the Alaska Administrative Rules of Court, the Rules of Appellate Procedure, and the Rules of Criminal Procedure, which are necessary to make the rules conform to the proposed statutory changes. Section 32 also amends Criminal Rule 35.1(g) to allow the court in post-conviction relief proceedings to authorize the applicant to participate telephonically or by video conferencing, as an alternative to transporting the applicant to court for the hearing. Finally, secs. 22 and 23 require a court to impose the sentence contemplated by a plea agreement or allow either party to withdraw from the agreement; this is a change from existing law, which allows the court to impose the sentence contemplated in the agreement or impose a sentence more favorable to the defendant. There is no reason that the state should be prohibited from withdrawing from an agreement that the court believes is inappropriate, as defendants are permitted to do.

I urge your favorable action on this bill.

Sincerely,



Tony Knowles
Governor

SECTIONAL ANALYSIS FOR HB 201

The purpose of this bill is to reduce the amount of "frivolous litigation" filed by prisoners. The bill focuses on three different types of litigation misused by some prisoners: civil actions in the trial court, sentence appeals, and post-conviction relief applications.

Sections 1-5, 13-15, 17, 20-31, and 31 relate to civil litigation. Sections 7, 8, 11, 12, 18, 22, 27, and 28 relate to sentence appeals. Most of the remaining sections of this bill relate to post-conviction relief applications.

Section 1: Creates a new chapter in Title 09, entitled "prisoner litigation against the state." There are eight statutes in this new chapter. The first, AS 09.19.010, requires prisoners who are suing the state -- even if they are "indigent" -- to pay some part of the usual fees required when a new case is filed with the court. The fee is determined by examining the prisoner's financial situation. The prisoner must pay at least 20% of the average monthly balance maintained in the prisoner's account at the correctional facility.

If a prisoner pays less than full filing fees, the next three sections (AS 09.19.015, AS 09.19.017, AS 09.19.019) prohibit the prisoner's complaint or appeal from being accepted unless the court finds that it is not frivolous.

AS 09.19.020 limits the circumstances in which a court may stay imposition of a disciplinary decision of the Department of Corrections. AS 09.19.030 prohibits a court from granting injunctive relief that places burdens on the state beyond what is required by statute or by the constitution.

AS 09.19.040 specifies that the Civil Rule's provisions for automatic discovery do not apply in prisoners' suits filed against the state. The last statute, AS 09.19.900 defines the term "prisoner."

Section 2: Technical amendment needed to conform with section 4.

Section 3: Technical amendment needed to conform with section 4.

Section 4: Amends AS 09.38.030 to add a new subsection (f), which makes it easier for the state to collect judgments awarded against a prisoner by eliminating certain exemptions. An order of priority is set out in the statute, starting with child support payments and restitution ordered to be paid by the prisoner.

Section 5: Technical amendment needed to conform with section 4.

Section 6: Amends one of the state's bail statutes to specify that a prisoner who files an application for post-conviction relief cannot be released on bail until all of the prisoner's convictions have been vacated.

Section 7: Amends the felony sentencing statute to provide that sentence appeals cannot be filed in felony cases in which less than two years of unsuspended imprisonment was imposed by the court. Furthermore, a defendant cannot appeal that portion of a sentence that the defendant agreed to in a plea agreement with the state.

Section 8: Amends the misdemeanor sentencing statute to provide that sentence appeals cannot be filed in misdemeanor cases in which less than 120 days of unsuspended imprisonment was imposed by the court. Furthermore, a defendant cannot appeal that portion of a sentence that the defendant agreed to in a plea agreement with the state.

Section 9: Adds to the Criminal Code in Title 12 a new chapter, entitled "post-conviction relief procedures for persons convicted of criminal offenses." AS 12.72.010 sets out the scope of claims that may be raised in a petition for post-conviction relief, most of which are currently included in Criminal Rule 35.1. AS 12.72.020 specifies certain limitations on the availability of post-conviction relief, such as that the claim was decided on its merits in a previous proceeding. AS 12.72.030 specifies that a claim for post-conviction relief shall be filed with the court where the underlying action was filed. AS 12.72.040 imposes the "clear and convincing evidence" standard in post-conviction relief proceedings.

Section 10: Amends AS 18.85.100 to specify that an indigent person is entitled to appointed counsel for purposes of bringing a timely application for post-conviction relief, but not for purposes of filing untimely or successive applications or appeals from denied applications.

Section 11: Amends AS 22.07.020(b), the jurisdictional statute for the court of appeals, to specify that sentence appeals may be taken only from sentences imposing more than two years of unsuspended incarceration.

Section 12: Amends AS 22.10.020(f), the jurisdiction statute relating to appeals in the superior court, to specify that sentence appeals may be taken only from district court sentences imposing more than 120 days of unsuspended incarceration.

Section 13: Amends AS 33.30 to set out standards for courts reviewing prisoner disciplinary decisions, and to require a prisoner to allege specific facts establishing a violation of the prisoner's fundamental constitutional rights.

Section 14: Amends Administrative Rule 10, the rule governing exemptions from filing fees, to exclude its application to prisoner suits against the state, which instead are governed by new AS 09.19.

Section 15: Amends Appellate Rule 204(b), governing the procedure for filing appeals, to recognize that prisoners filing cases against the state may pay less than full filing fees under AS 09.19.010.

Section 16: Repeals and reenacts Appellate Rule 208, relating to the custody of prisoners in post-conviction relief proceedings, to specify that appellate courts may not grant bail to an applicant for post-conviction relief, but instead must remand the issue to the trial court.

Section 17: Amends Appellate Rule 209, addressing appeals at public expense, to specify that the waiver of filing fees in appeals from prisoners' suits against the state is governed by new AS 09.19.

Section 18: Repeals and reenacts Appellate Rule 215, governing sentence appeals, to specify that a defendant has no right to appeal a sentence as excessive if the sentence does not exceed two years' unsuspended incarceration for a felony or 120 days for a misdemeanor, nor may a defendant appeal a sentence that was imposed in accordance with a plea agreement under Criminal Rule 11.

Section 19: Amends Appellate Rule 521, relating to the proper construction of the appellate rules, to specify that appellate courts may not accept appeals filed more than 60 days late or petitions for review filed more than 30 days late.

Section 20: Amends Appellate Rule 603, regarding stays, to specify that prisoner disciplinary sanctions may not be stayed by a court unless certain standards are met, including that the prisoner must allege a violation of a fundamental constitutional right and must be likely to succeed on the merits.

Section 21: Amends Appellate Rule 604, governing records on appeal, to specify that the record in an appeal from a prisoner disciplinary decision will be based on cassette recordings, rather than transcripts, of the proceedings.

Section 22: Amends Criminal Rule 11 to specify that defendants who enter into plea agreements waive the right to appeal as excessive a sentence, or that part of a sentence, to which they agreed.

Section 23: Amends Criminal Rule 11 to specify that a court that accepts a plea agreement will sentence the defendant in accordance with the plea agreement.

Section 24: Amends Criminal Rule 11 to specify that the prosecuting attorney is not bound by a plea agreement that is rejected by the court.

Section 25: Amends Criminal Rule 11 to specify that a defendant may withdraw a plea in a criminal case before sentence is imposed; thereafter, a defendant who wants to withdraw the plea must file for post-conviction relief.

Section 26: Amends Criminal Rule 33, relating to new trials, to specify that a court may not grant a new trial in a criminal case on the basis that the jury's verdict is contrary to the weight of the evidence. It also amends this rule to reduce from two years to 180 days the length of

time during which a motion for new trial may be filed on the basis of newly discovered evidence.

Section 27: Repeals and reenacts Criminal Rule 35(a) to provide that the court may correct an illegal sentence at any time.

Section 28: Repeals and reenacts Criminal Rule 35(b) to specify that an appellate court may not modify or reduce a sentence below that which the defendant agreed to in a plea agreement.

Section 29: Amends Appellate Rule 35.1, relating to post-conviction relief, to conform this rule with new AS 12.72, set out in section 9 supra.

Section 30: Amends Criminal Rule 35.1 to indicate where and when petitions for post-conviction relief are to be filed.

Section 31: Amends Criminal Rule 35.1 to specify that if an application for post-conviction relief challenges a Department of Corrections or Parole Board decision, it must set out certain information, including the nature of the proceedings or challenged decision, the date of the proceedings, the relief desired, and the facts and grounds on which the application is based.

Section 32: Amends Criminal Rule 35.1 to specify that an applicant for post-conviction relief must establish factual assertions by clear and convincing evidence. This section also authorizes

courts to allow defendants to participate in a hearing telephonically or by video conferencing. It also specifies that the automatic disclosure provisions of the Civil Rules do not apply to these proceedings.

Section 33: Repeals Criminal Rule 35.1(h), relating to the waiver or failure to assert claims in post-conviction relief applications, which is now addressed in AS 12.72, set out in section 9 supra.

Section 34: Specifies that defendants have one year after the effective date of this bill within which to file a claim for post-conviction relief under AS 12.72.

Section 35: Specifies that the exemption for prisoner litigation from the automatic disclosure provisions of the Civil Rules take effect only when and if these automatic disclosure provisions are enacted by the Supreme Court.

Section 36: Specifies that this Act takes effect on July 1, 1995, if it receives the two-thirds majority vote of each house required when court rules are amended by the legislature.

FISCAL NOTE

No. 1
 Bill Version: HB 201
 (H) Publish Date: 2/27/95

**STATE OF ALASKA
 1995 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...relating to prisoner litigation, post-conviction
relief, sentence appeals...Alaska Administrative Rule 10..." BRU: Prosecution
 Sponsor: Rules by Request of the Governor Component: All
 Requester: Governor's Office/OMB COMPONENT SERIAL NO. 0085-0090

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill addresses many of the problems arising from prisoner litigation, sentence appeals, and frivolous or extremely tardy post-conviction relief applications. With respect to prisoner litigation, the bill would require prisoners to pay filing fees commensurate with their ability to pay and amends the exemptions statutes so that the state can collect judgments entered against prisoner litigants. The bill recognizes prisoners' right of access to the courts and reduces frivolous litigation without infringing on that right.

With respect to sentence appeals, the bill prevents defendants from appealing sentences or those portions of sentences that they agreed to as part of a plea agreement with the state. For example, a defendant who agrees to a sentence of up to three years should not be heard to complain if the court imposes a sentence of that length or less. It also restricts defendants convicted of felonies from appealing as excessive any sentence of two years or less and defendants convicted of misdemeanors from appealing as excessive a sentence of 120 days or less.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/21/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/21/95
 Agency: Department of Law

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FISCAL NOTE

No. 2
 Bill Version: HB 201
 (H) Publish Date: 2/27/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to prisoner litigation..... BRU: all
 Component: all

Sponsor: _____
 Requester: Governor's Office COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would free staff time to address important functions such as security and rehabilitation. It would tend to focus the inmates attention on the treatment and rehabilitation aspects of their confinement and might tend to direct the efforts of family and friends toward more positive activities as well.

This bill would have little effect on additional time served in the system as a whole and would have an offsetting effect of improving the efficiency of the use of staff time.

Prepared by: Jerry Shriner
 Division: Commissioner's Office
 Approved by Commissioner: *W. Marshall*
 Agency: Department of Corrections

Phone: 465-5582
 Date: 2/21/95
 Date: 2/21/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 3
Bill Version: HB 201
(H) Publish Date: 2/27/95

Revision Date: _____ Dept. Affected: Public Safety
Title: Frivolous Prisoner Litigation DPS Statewide Support
Component: Commissioner's Office
Sponsor: Rules/Governor
Requestor: Governor's Office COMPONENT SERIAL NO. 0523

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Lee Ann Lucas, Special Assistant to the Commissioner Phone: 465-4322
Division: Commissioner's Office Date: 2/22/95
Approved by Commissioner: *Ronald L. Otte* Date: 2/22/95
Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 4
Bill Version: HB 201
(H) Publish Date: 2/27/95

Revision Date: _____
Title: "An Act relating to prisoner litigation"
Sponsor: _____
Requestor: _____

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE:

(Thousands of Dollars)

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

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

If this bill becomes law, there will be some reduction of the Public Defender's appellate and post-conviction caseload.

Prepared by: John Salemi, Director *John Salemi*
Division: Public Defender Agency

Phone: 264-4412
Date: _____

Approved by Commissioner: Mark Boyer *Mark Boyer*
Agency: Department of Administration

Date: 2/22/95

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FISCAL NOTE

No. 5
 Bill Version: HB 201
 (H) Publish Date: 2/27/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to prisoner litigation"
 Sponsor: _____
 Requestor: _____

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE:

(Thousands of Dollars)

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

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill will have minimum impact on the Office of Public Advocacy.

Prepared by: Brant McGee, Director
 Division: Office of Public Advocacy

Phone: 274-1684
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 2/27/95

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STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

February 28, 1995

TCNY KNOWLES, GOVERNOR

PLEASE REPLY TO:

CRIMINAL DIVISION CENTRAL
OFFICE
P.O. BOX 110300
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3428
FAX: (907) 465-4043

OFFICE OF SPECIAL PROSECUTIONS
AND APPEALS
110 K STREET, SUITE 308
ANCHORAGE, ALASKA 99501-2064
PHONE: (907) 263-6250
FAX: (907) 263-6870

The Hon. Jeannette James, Chair
House State Affairs Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801


Re: HB 201 (prisoner litigation)

Dear Representative James:

This is to express appreciation for your scheduling HB 201, relating to frivolous prisoner litigation, for hearing on Tuesday, March 7, 1995. This bill is one of six that make up the Governor's crime package. We appreciate your prompt attention. If you have any questions or desire any further information about the bill, please do not hesitate to contact me.

Very Truly Yours,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By: 
Laurie H. Otto
Deputy Attorney General

LHO:jf

Thanks!

SECTIONAL ANALYSIS FOR HB 201

The purpose of this bill is to reduce the amount of "frivolous litigation" filed by prisoners. The bill focuses on three different types of litigation misused by some prisoners: civil actions in the trial court, sentence appeals, and post-conviction relief applications.

Sections 1-5, 13-15, 17, 20-31, and 31 relate to civil litigation. Sections 7, 8, 11, 12, 18, 22, 27, and 28 relate to sentence appeals. Most of the remaining sections of this bill relate to post-conviction relief applications.

Section 1: Creates a new chapter in Title 09, entitled "prisoner litigation against the state." There are eight statutes in this new chapter. The first, AS 09.19.010, requires prisoners who are suing the state -- even if they are "indigent" -- to pay some part of the usual fees required when a new case is filed with the court. The fee is determined by examining the prisoner's financial situation. The prisoner must pay at least 20% of the average monthly balance maintained in the prisoner's account at the correctional facility.

If a prisoner pays less than full filing fees, the next three sections (AS 09.19.015, AS 09.19.017, AS 09.19.019) prohibit the prisoner's complaint or appeal from being accepted unless the court finds that it is not frivolous.

AS 09.19.020 limits the circumstances in which a court may stay imposition of a disciplinary decision of the Department of Corrections. AS 09.19.030 prohibits a court from granting injunctive relief that places burdens on the state beyond what is required by statute or by the constitution.

AS 09.19.040 specifies that the Civil Rule's provisions for automatic discovery do not apply in prisoners' suits filed against the state. The last statute, AS 09.19.900 defines the term "prisoner."

Section 2: Technical amendment needed to conform with section 4.

Section 3: Technical amendment needed to conform with section 4.

Section 4: Amends AS 09.38.030 to add a new subsection (f), which makes it easier for the state to collect judgments awarded against a prisoner by eliminating certain exemptions. An order of priority is set out in the statute, starting with child support payments and restitution ordered to be paid by the prisoner.

Section 5: Technical amendment needed to conform with section 4.

Section 6: Amends one of the state's bail statutes to specify that a prisoner who files an application for post-conviction relief cannot be released on bail until all of the prisoner's convictions have been vacated.

Section 7: Amends the felony sentencing statute to provide that sentence appeals cannot be filed in felony cases in which less than two years of unsuspended imprisonment was imposed by the court. Furthermore, a defendant cannot appeal that portion of a sentence that the defendant agreed to in a plea agreement with the state.

Section 8: Amends the misdemeanor sentencing statute to provide that sentence appeals cannot be filed in misdemeanor cases in which less than 120 days of unsuspended imprisonment was imposed by the court. Furthermore, a defendant cannot appeal that portion of a sentence that the defendant agreed to in a plea agreement with the state.

Section 9: Adds to the Criminal Code in Title 12 a new chapter, entitled "post-conviction relief procedures for persons convicted of criminal offenses." AS 12.72.010 sets out the scope of claims that may be raised in a petition for post-conviction relief, most of which are currently included in Criminal Rule 35.1. AS 12.72.020 specifies certain limitations on the availability of post-conviction relief, such as that the claim was decided on its merits in a previous proceeding. AS 12.72.030 specifies that a claim for post-conviction relief shall be filed with the court where the underlying action was filed. AS 12.72.040 imposes the "clear and convincing evidence" standard in post-conviction relief proceedings.

Section 10: Amends AS 18.85.100 to specify that an indigent person is entitled to appointed counsel for purposes of bringing a timely application for post-conviction relief, but not for purposes of filing untimely or successive applications or appeals from denied applications.

Section 11: Amends AS 22.07.020(b), the jurisdictional statute for the court of appeals, to specify that sentence appeals may be taken only from sentences imposing more than two years of unsuspended incarceration.

Section 12: Amends AS 22.10.020(f), the jurisdiction statute relating to appeals in the superior court, to specify that sentence appeals may be taken only from district court sentences imposing more than 120 days of unsuspended incarceration.

Section 13: Amends AS 33.30 to set out standards for courts reviewing prisoner disciplinary decisions, and to require a prisoner to allege specific facts establishing a violation of the prisoner's fundamental constitutional rights.

Section 14: Amends Administrative Rule 10, the rule governing exemptions from filing fees, to exclude its application to prisoner suits against the state, which instead are governed by new AS 09.19.

Section 15: Amends Appellate Rule 204(b), governing the procedure for filing appeals, to recognize that prisoners filing cases against the state may pay less than full filing fees under AS 09.19.010.

Section 16: Repeals and reenacts Appellate Rule 208, relating to the custody of prisoners in post-conviction relief proceedings, to specify that appellate courts may not grant bail to an applicant for post-conviction relief, but instead must remand the issue to the trial court.

Section 17: Amends Appellate Rule 209, addressing appeals at public expense, to specify that the waiver of filing fees in appeals from prisoners' suits against the state is governed by new AS 09.19.

Section 18: Repeals and reenacts Appellate Rule 215, governing sentence appeals, to specify that a defendant has no right to appeal a sentence as excessive if the sentence does not exceed two years' unsuspended incarceration for a felony or 120 days for a misdemeanor, nor may a defendant appeal a sentence that was imposed in accordance with a plea agreement under Criminal Rule 11.

Section 19: Amends Appellate Rule 521, relating to the proper construction of the appellate rules, to specify that appellate courts may not accept appeals filed more than 60 days late or petitions for review filed more than 30 days late.

Section 20: Amends Appellate Rule 603, regarding stays, to specify that prisoner disciplinary sanctions may not be stayed by a court unless certain standards are met, including that the prisoner must allege a violation of a fundamental constitutional right and must be likely to succeed on the merits.

Section 21: Amends Appellate Rule 604, governing records on appeal, to specify that the record in an appeal from a prisoner disciplinary decision will be based on cassette recordings, rather than transcripts, of the proceedings.

Section 22: Amends Criminal Rule 11 to specify that defendants who enter into plea agreements waive the right to appeal as excessive a sentence, or that part of a sentence, to which they agreed.

Section 23: Amends Criminal Rule 11 to specify that a court that accepts a plea agreement will sentence the defendant in accordance with the plea agreement.

Section 24: Amends Criminal Rule 11 to specify that the prosecuting attorney is not bound by a plea agreement that is rejected by the court.

Section 25: Amends Criminal Rule 11 to specify that a defendant may withdraw a plea in a criminal case before sentence is imposed; thereafter, a defendant who wants to withdraw the plea must file for post-conviction relief.

Section 26: Amends Criminal Rule 33, relating to new trials, to specify that a court may not grant a new trial in a criminal case on the basis that the jury's verdict is contrary to the weight of the evidence. It also amends this rule to reduce from two years to 180 days the length of time during which a motion for new trial may be filed on the basis of newly discovered evidence.

Section 27: Repeals and reenacts Criminal Rule 35(a) to provide that the court may correct an illegal sentence at any time.

Section 28: Repeals and reenacts Criminal Rule 35(b) to specify that an appellate court may not modify or reduce a sentence below that which the defendant agreed to in a plea agreement.

Section 29: Amends Appellate Rule 35.1, relating to post-conviction relief, to conform this rule with new AS 12.72, set out in section 9 supra.

Section 30: Amends Criminal Rule 35.1 to indicate where and when petitions for post-conviction relief are to be filed.

Section 31: Amends Criminal Rule 35.1 to specify that if an application for post-conviction relief challenges a Department of Corrections or Parole Board decision, it must set out certain information, including the nature of the proceedings or challenged decision, the date of the proceedings, the relief desired, and the facts and grounds on which the application is based.

Section 32: Amends Criminal Rule 35.1 to specify that an applicant for post-conviction relief must establish factual assertions by clear and convincing evidence. This section also authorizes courts to allow defendants to participate in a hearing telephonically or by video conferencing. It also specifies that the automatic disclosure provisions of the Civil Rules do not apply to these proceedings.

Section 33: Repeals Criminal Rule 35.1(h), relating to the waiver or failure to assert claims in post-conviction relief applications, which is now addressed in AS 12.72, set out in section 9 supra.

Section 34: Specifies that defendants have one year after the effective date of this bill within which to file a claim for post-conviction relief under AS 12.72.

Section 35: Specifies that the exemption for prisoner litigation from the automatic disclosure provisions of the Civil Rules take effect only when and if these automatic disclosure provisions are enacted by the Supreme Court.

Section 36: Specifies that this Act takes effect on July 1, 1995, if it receives the two-thirds majority vote of each house required when court rules are amended by the legislature.

HB

211

04/04/95

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

08:44:57

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:ANC

TCN:50536

SCHEDULED FOR:04/04/95 08:00 TO 10:00

FOR:ANC

PUBLIC HEARING

HOUSE STATE AFFAIRS

LOCATION ANCHORAGE

HB 211

TARRY

BAKER

TESTIFY

7:00pm - 10:00pm - 4/4/95



REPRESENTATIVE CON BUNDE
CO-CHAIR HEALTH, EDUCATION
& SOCIAL SERVICES
VICE-CHAIR RULES

Alaska State Legislature
House of Representatives

DURING SESSION:
STATE CAPITOL, ROOM 108
JUNEAU, ALASKA 99801-1182
1 (907) 465-4843

DURING INTERIM:
716 WEST 4th AVENUE
ANCHORAGE, ALASKA 99501-2133
1 (907) 258-8168

Sponsor Statement
CSHB 211

The goal of CSHB 211 is to decrease the need for questioned ballots in the primary and general elections by assuring the accuracy of the official voters registration list. This legislation accomplishes this goal in three ways. First, CSHB 211 changes the composition of the official registration list. Second, it provides for more frequent purging of convicted felons and deceased voters. Third, this bill increases communication from the Division of Elections, to absentee voters, and to questioned ballot voters.

The second and third sections of HB 211 call for the addition of inactive "active" voters to the list kept at each polling place. An inactive "active" voter is a person who has not voted for the past two years, is registered, and whose name does not appear on the official registration list. When a voter with this status arrives at the poll to vote, a questioned ballot must be cast. If a list of the inactive "active" voters is available at the polling place a voters name and ID can be checked. This will eliminate the need for a questioned ballot. Recently, the Division of Elections estimated the addition of this list would decrease questioned ballot need by approximately 1500-2000 votes statewide.

The fourth and fifth sections of this bill direct the Division of Elections to purge deceased voters monthly, and convicted felons promptly. There is a gap of time between conviction and sentencing of a felon. If the division of elections does not obtain the necessary information from the Dept. of Corrections regarding felony convictions, the names are not purged from the official voter list. Potentially, a convicted felon could vote before his/her name is purged.

Section one of CSHB 211 will aid voters that may need to re-register. Sections six through ten of CSHB 211 will increase communications from the Division of Elections, to absentee voters, and to questioned ballot voters, after the primary and general elections. The Director of the Division of Elections must notify a voter of the status of a vote challenge no later than 10 days after the deadline set by AS 15.20. 220(b) (the 15th day following the election) when a questioned or absentee ballot is totally rejected or partially rejected in the primary election or in the general election

During the 1994 primary there were 6,990 questioned ballots statewide. That number does not include totally rejected ballots, because ballots that are totally rejected are not counted as a vote on the official registration list. Of the 6,990 primary questioned ballot voters 1,640 also voted a questioned ballot in the general election. If the voters knew the status of their votes soon after the primary, many might have taken corrective action before the general election. The result: less questioned ballots in the general. However, that was not the case. There were 14,144 questioned ballots statewide during the 1994 general election. Of these 5,131 questioned ballots were totally counted, 7,883 questioned ballots were partially rejected, and 1,129 questioned ballots were totally rejected. Many people who voted questioned ballots in the primary had to do so again in the general because not all the problems were rectified between the primary and general elections. These people were not made aware that their votes for district representative and senator did not count until well after the general election was certified.

The final section of CSHB 211, section eleven, prohibits the appointment of any state employees to the data processing review board. This provision will keep the data processing review board objective and impartial. Our States last data review board was largely made up of state employees.

CSHB 211 provides a means of decreasing the number of questioned ballots cast in our state. The many voters who were not aware of the status of their vote were disenfranchised. That does not have to happen. We all know one vote can change the outcome of an election. Give all the voters in our state the opportunity to have their vote counted, and give our Division of Elections the opportunity to help that process change more effectively. I urge your positive consideration of this legislation.

HOUSE COMMITTEE REPORT

(7)
 Date Referred: March 1, 1995 FURTHER REFERRALS: Finance

Date of Committee Action: April 4, 1995

The STATE AFFAIRS Committee considered: HB 211

HOUSE BILL NO. 211 VOTER REGISTRATION LAWS

"An Act relating to voter registration and to state election administration."

recommends it be replaced the same title
 with the following committee substitute CS HB 211 (STA) a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) GOV APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) GOV fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Scott Davis</i>	✓			
<i>Ed Willis</i>			✓	
<i>Cavan K. Clemons</i>			✓	
<i>Carla King</i>			✓	
<i>Shirley A. Porter</i>	✓			
<i>Jeanette James</i>	✓			

CHAIR'S SIGNATURE *Jeanette James*

FISCAL NOTE

BILL NO. HB 211

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Office of the Governor

Title: An Act relating to voter registration
and to state election administration.

BRU: Division of Elections

Component: General and Primary

Sponsor: Representative Bunde

Requestor: _____

COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL	2.2	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	12.4	19.1	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND &	0	0	0	0	0	0
GRANTS,	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	14.6	19.1	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	14.6	19.1	0	0	0	0
1005 //Program	0	0	0	0	0	0
1006 //MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	14.6	19.1	0	0	0	0

POSITIONS:

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

Estimate of current year (FY95) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: David Kolvuneimi, Acting Director Phone: 465-4611
Division: Division of Elections Date: 2-31-95

Approved by Commissioner: Fran Ulmer, Lieutenant Governor
Agency: Office of the Governor Date: _____

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page 2 of 2

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 211

Personal Services

Clerk III range 8A \$ 2,214.00
One time cost of inputting correct address information.
Approximately 27 days x \$82.00 per day.

Contractual

Programming changes to VREMS to include inactive voters on precinct registers and cut-off feature. \$10,100.00

Additional costs printing precinct registers for inactive voters, copying and mailing challenge of vote letters and mailing additional letters for partially counted ballots. \$21,400.00

TOTAL \$33,714.00

CS FOR HOUSE BILL NO. 211(STA)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
 Referred:

Sponsor(s): REPRESENTATIVE BUNDE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to voter registration and to state election administration."

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

3 * Section 1. AS 15.07.070 is amended by adding a new subsection to read:

4 (h) The director shall design the form of the voter's certificate appearing on
 5 the back of the large envelope that is used for voting a questioned ballot so that all
 6 information required for registration by AS 15.07.060(a) may be obtained from a voter
 7 who votes a questioned ballot. If the voter voting a questioned ballot has completed
 8 all information on the voter registration portion of the questioned ballot voter's
 9 certificate, the director shall place the name of the voter on the official registration list.

10 * Sec. 2. AS 15.07.125 is amended to read:

11 Sec. 15.07.125. OFFICIAL REGISTRATION LIST. The director shall prepare
 12 an official registration list for each election. The official registration list consists
 13 [CONSISTING] of the names of (1) all voters whose registrations appear on the
 14 master register 30 days before the election, (2) all voters whose registrations have
 15 been inactivated under AS 15.07.130(b). [ARE NOT INACTIVE;] and (3) [(2)] all

1 voters whose names are required to be placed on the list by AS 15.07.070(c) or (d).
2 The director may prepare the official registration list in sections that distinguish
3 among the three classes of registered voters set out in this section. A list of
4 persons eligible to vote in each precinct at that election shall be prepared from the
5 official registration list.

6 * Sec. 3. AS 15.07 is amended by adding a new section to read:

7 Sec. 15.07.127. PREPARATION OF VOTER REGISTRATION LISTS. The
8 director shall prepare both a statewide list and a list by precinct of the names and
9 addresses of all persons whose names appear on the official registration list maintained
10 under AS 15.07.125 and who are registered to vote and their political party affiliation.
11 Any person may obtain a copy of the list, or a part of the list, or a computer tape
12 containing both residence and mailing addresses of voters, by applying to the director
13 and paying to the state treasury a fee as determined by the director.

14 * Sec. 4. AS 15.07.130(c) is amended to read:

15 (c) The director shall obtain from the bureau of vital statistics a certified list
16 of all residents over 18 years of age who have died or who have been presumptively
17 declared dead. Promptly after receipt of each list, but, in any event, at least once
18 each month, the [THE] director shall cancel the registration of all deceased voters.

19 * Sec. 5. AS 15.07.135 is amended to read:

20 Sec. 15.07.135. CANCELLATION OF REGISTRATION OF CONVICTED
21 PERSONS. (a) The director shall make reasonable efforts to obtain the names of
22 persons convicted of a felony involving moral turpitude. Promptly after receipt of
23 evidence satisfactory to the director that a person has been convicted of a felony
24 involving moral turpitude, the [THE] director shall cancel the registration of the [A]
25 person [CONVICTED OF A FELONY INVOLVING MORAL TURPITUDE].

26 (b) Upon presenting proof that a [THE] person whose registration was
27 cancelled under (a) of this section has been [IS] unconditionally discharged from
28 custody, the person may register. The director shall make reasonable efforts to verify
29 the unconditional discharge of persons applying for registration under this subsection
30 [SECTION].

31 * Sec. 6. AS 15.20.203(d) is amended to read:

1 (d) [IF AN ABSENTEE BALLOT IS REJECTED, THE ELECTION
2 SUPERVISOR SHALL SEND A COPY OF THE STATEMENT OF THE
3 CHALLENGE TO THE ABSENTEE VOTER.] The election supervisor shall place
4 all rejected absentee ballots in a separate envelope with the statements of challenge.
5 The envelope shall be labeled "rejected absentee ballots" and shall be forwarded to the
6 director with the election certificates and other returns.

7 * Sec. 7. AS 15.20.203 is amended by adding a new subsection to read:

8 (h) Not later than 60 days after the certification of the results of an election,
9 the director shall prepare and mail to each absentee voter whose absentee ballot was
10 rejected under this section

11 (1) a copy of the statement of the challenge to the absentee ballot; and

12 (2) a summary of the reason that the challenge to the absentee ballot
13 was upheld and the absentee ballot was rejected.

14 * Sec. 8. AS 15.20.207(d) is amended to read:

15 (d) [IF A QUESTIONED BALLOT IS REJECTED, THE ELECTION
16 SUPERVISOR SHALL SEND A COPY OF THE STATEMENT OF THE
17 CHALLENGE TO THE QUESTIONED VOTER.] The election supervisor shall place
18 all rejected questioned ballots in a separate envelope with statements of challenge.
19 The envelope shall be labeled "rejected questioned ballots" and shall be forwarded to
20 the director with the election certificates and other returns.

21 * Sec. 9. AS 15.20.207 is amended by adding new subsections to read:

22 (h) The director shall prepare and mail to each questioned voter whose
23 questioned ballot was rejected under this section

24 (1) a copy of the statement of the challenge to the questioned ballot;
25 and

26 (2) a summary of the reason that the challenge to the questioned ballot
27 was upheld and the questioned ballot was rejected.

28 (i) The director shall mail the materials described in (h) of this section to the
29 voter not later than

30 (1) 10 days after the deadline set by AS 15.20.220(b) for completion
31 of the review of ballots by the state review board for a primary election;

1 (2) 60 days after certification of the results of a general or special
2 election.

3 (j) In addition to mailing the materials under (i)(1) of this section, for a
4 questioned voter whose questioned primary election ballot was rejected, not later than
5 the deadline set out in (i)(1) of this section, the director shall

6 (1) determine whether, from the information obtained under
7 AS 15.07.070(h), the voter's name may be entered on the voter registration list;

8 (2) if the voter is eligible, register the voter in accordance with the
9 information submitted by the voter under AS 15.07.070(h); and

10 (3) confirm or deny the registration by written notice mailed to the
11 voter.

12 * Sec. 10. AS 15.20.211 is amended by adding new subsections to read:

13 (c) The director shall prepare and mail to each voter whose ballot was subject
14 to partial counting under this section

15 (1) a copy of the statement of the challenge to the ballot; and

16 (2) a summary of the reason that the challenge to the ballot was upheld
17 and the ballot was subject to only a partial counting.

18 (d) The director shall mail the materials described in (c) of this section to the
19 voter not later than

20 (1) 10 days after the deadline set by AS 15.20.220(b) for completion
21 of the review of ballots by the state review board for a primary election;

22 (2) 60 days after certification of the results of a general or special
23 election.

24 (e) In addition to mailing the materials under (d)(1) of this section, for a
25 questioned voter whose questioned primary election ballot was partially counted, not
26 later than the deadline set out in (d)(1) of this section, the director shall

27 (1) determine whether, from the information obtained under
28 AS 15.07.070(h), the voter's name may be entered on the voter registration list;

29 (2) if the voter is eligible, register the voter in accordance with the
30 information submitted by the voter under AS 15.07.070(h); and

31 (3) confirm or deny the registration by written notice mailed to the

1 voter.

2 * Sec. 11. AS 15.20.590(a) is amended to read:

3 (a) For every area of the state designated by the director for punch-card voting,
4 the director shall appoint a data processing review board that [WHICH] is responsible
5 to the director for the evaluation of all computer phases of the election. The board
6 shall consist of at least three members. A state employee may not serve as a
7 member of the board. At least one member shall be a member of the political party
8 whose candidate for governor received the largest number of statewide votes at the
9 preceding general election, one shall be a member of the party whose candidate
10 received the second largest number of votes, and one shall be registered to vote either
11 as an "independent" or "nonpartisan" or shall have declined to state a party affiliation
12 when registering to vote. At least one of the members must be familiar with the
13 election process, and at least two must have some expertise in computer programming
14 and processing. The election supervisor shall name one of the members who has
15 sufficient familiarity with computer programming and operations as presiding officer
16 of the board.

9-LS0616G ✓
Chenoweth
3/30/95

CS FOR HOUSE BILL NO. 211()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE BUNDE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to voter registration and to state election administration."

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

3 * Section 1. AS 15.07.070 is amended by adding a new subsection to read:

4 (h) The director shall design the form of the voter's certificate appearing on
5 the back of the large envelope that is used for voting a questioned ballot so that all
6 information required for registration by AS 15.07.060(a) may be obtained from a voter
7 who votes a questioned ballot. If the voter voting a questioned ballot has completed
8 all information on the voter registration portion of the questioned ballot voter's
9 certificate, the director shall place the name of the voter on the official registration list.

10 * Sec. 2. AS 15.07.125 is amended to read:

11 Sec. 15.07.125. OFFICIAL REGISTRATION LIST. The director shall prepare
12 an official registration list for each election consisting of the names of (1) all voters
13 whose registrations appear on the master register 30 days before the election,
14 including the names of voters whose registrations have been inactivated under
15 AS 15.07.130(b) [ARE NOT INACTIVE]; and (2) all voters whose names are required

1 to be placed on the list by AS 15.07.070(c) or (d). A list of persons eligible to vote
2 in each precinct at that election shall be prepared from the official registration list.

3 * Sec. 3. AS 15.07 is amended by adding a new section to read:

4 Sec. 15.07.127. PREPARATION OF VOTER REGISTRATION LISTS. The
5 director shall prepare both a statewide list and a list by precinct of the names and
6 addresses of all persons whose names appear on the official registration list maintained
7 under AS 15.07.125 and who are registered to vote and their political party affiliation.
8 Any person may obtain a copy of the list, or a part of the list, or a computer tape
9 containing both residence and mailing addresses of voters, by applying to the director
10 and paying to the state treasury a fee as determined by the director.

11 * Sec. 4. AS 15.07.130(c) is amended to read:

12 (c) The director shall obtain from the bureau of vital statistics a certified list
13 of all residents over 18 years of age who have died or who have been presumptively
14 declared dead. Promptly after receipt of each list, but, in any event, at least once
15 each month, the [THE] director shall cancel the registration of all deceased voters.

16 * Sec. 5. AS 15.07.135 is amended to read:

17 Sec. 15.07.135. CANCELLATION OF REGISTRATION OF CONVICTED
18 PERSONS. (a) The director shall make reasonable efforts to obtain the names of
19 persons convicted of a felony involving moral turpitude. Promptly after receipt of
20 evidence satisfactory to the director that a person has been convicted of a felony
21 involving moral turpitude, the [THE] director shall cancel the registration of the [A]
22 person [CONVICTED OF A FELONY INVOLVING MORAL TURPITUDE].

23 (b) Upon presenting proof that a [THE] person whose registration was
24 cancelled under (a) of this section has been [IS] unconditionally discharged from
25 custody, the person may register. The director shall make reasonable efforts to verify
26 the unconditional discharge of persons applying for registration under this subsection
27 [SECTION].

28 * Sec. 6. AS 15.20.203(d) is amended to read:

29 (d) [IF AN ABSENTEE BALLOT IS REJECTED, THE ELECTION
30 SUPERVISOR SHALL SEND A COPY OF THE STATEMENT OF THE
31 CHALLENGE TO THE ABSENTEE VOTER.] The election supervisor shall place

1 all rejected absentee ballots in a separate envelope with the statements of challenge.
2 The envelope shall be labeled "rejected absentee ballots" and shall be forwarded to the
3 director with the election certificates and other returns.

4 * Sec. 7. AS 15.20.203 is amended by adding a new subsection to read:

5 (h) Not later than 60 days after the certification of the results of an election,
6 the director shall prepare and mail to each absentee voter whose absentee ballot was
7 rejected under this section

8 (1) a copy of the statement of the challenge to the absentee ballot; and

9 (2) a summary of the reason that the challenge to the absentee ballot
10 was upheld and the absentee ballot was rejected.

11 * Sec. 8. AS 15.20.207(d) is amended to read:

12 (d) [IF A QUESTIONED BALLOT IS REJECTED, THE ELECTION
13 SUPERVISOR SHALL SEND A COPY OF THE STATEMENT OF THE
14 CHALLENGE TO THE QUESTIONED VOTER.] The election supervisor shall place
15 all rejected questioned ballots in a separate envelope with statements of challenge.
16 The envelope shall be labeled "rejected questioned ballots" and shall be forwarded to
17 the director with the election certificates and other returns.

18 * Sec. 9. AS 15.20.207 is amended by adding new subsections to read:

19 (h) The director shall prepare and mail to each questioned voter whose
20 questioned ballot was rejected under this section

21 (1) a copy of the statement of the challenge to the questioned ballot;
22 and

23 (2) a summary of the reason that the challenge to the questioned ballot
24 was upheld and the questioned ballot was rejected.

25 (i) The director shall mail the materials described in (h) of this section to the
26 voter not later than

27 (1) 10 days after the deadline set by AS 15.20.220(b) for completion
28 of the review of ballots by the state review board for a primary election;

29 (2) 60 days after certification of the results of a general or special
30 election.

31 (j) In addition to mailing the materials under (i)(1) of this section, for a

1 questioned voter whose questioned primary election ballot was rejected, not later than
2 the deadline set out in (i)(1) of this section, the director shall

3 (1) determine whether, from the information obtained under
4 AS 15.07.070(h), the voter's name may be entered on the voter registration list;

5 (2) if the voter is eligible, register the voter in accordance with the
6 information submitted by the voter under AS 15.07.070(h); and

7 (3) confirm or deny the registration by written notice mailed to the
8 voter.

9 * Sec. 10. AS 15.20.211 is amended by adding new subsections to read:

10 (c) The director shall prepare and mail to each voter whose ballot was subject
11 to partial counting under this section

12 (1) a copy of the statement of the challenge to the ballot; and

13 (2) a summary of the reason that the challenge to the ballot was upheld
14 and the ballot was subject to only a partial counting.

15 (d) The director shall mail the materials described in (c) of this section to the
16 voter not later than

17 (1) 10 days after the deadline set by AS 15.20.220(b) for completion
18 of the review of ballots by the state review board for a primary election;

19 (2) 60 days after certification of the results of a general or special
20 election.

21 (e) In addition to mailing the materials under (d)(1) of this section, for a
22 questioned voter whose questioned primary election ballot was partially counted, not
23 later than the deadline set out in (d)(1) of this section, the director shall

24 (1) determine whether, from the information obtained under
25 AS 15.07.070(h), the voter's name may be entered on the voter registration list;

26 (2) if the voter is eligible, register the voter in accordance with the
27 information submitted by the voter under AS 15.07.070(h); and

28 (3) confirm or deny the registration by written notice mailed to the
29 voter.

30 * Sec. 11. AS 15.20.590(a) is amended to read:

31 (a) For every area of the state designated by the director for punch-card voting,

1 the director shall appoint a data processing review board that [WHICH] is responsible
2 to the director for the evaluation of all computer phases of the election. The board
3 shall consist of at least three members. ^{As proposed election} A state employee may not serve as a
4 member of the board. At least one member shall be a member of the political party
5 whose candidate for governor received the largest number of statewide votes at the
6 preceding general election, one shall be a member of the party whose candidate
7 received the second largest number of votes, and one shall be registered to vote either
8 as an "independent" or "nonpartisan" or shall have declined to state a party affiliation
9 when registering to vote. At least one of the members must be familiar with the
10 election process, and at least two must have some expertise in computer programming
11 and processing. The election supervisor shall name one of the members who has
12 sufficient familiarity with computer programming and operations as presiding officer
13 of the board.

Alaska State Legislature



RECEIVED BY

MAR 16 1995

Rep. Jeannette James

State Capitol
Juneau, Alaska 99801-1182
(907) 465-3720
(907) 465-2689

Official Business
Fax: (907) 465-3472

Speaker of the House of Representatives

DATE: March 15, 1995

TO: Representative Jeannette James *Jeannette*
Chair, House State Affairs Committee

FROM: Representative Gail Phillips *Gail*
Speaker of the House

RE: House Bill 211 -- Voter Registration

Enclosed is a letter from Mary Calhoun, City Clerk of Homer. She has several concerns regarding House Bill 211, and I would like to ask that you include her letter in the committee packets for members' consideration at the first hearing on HB 211.

Thank you.

MAR 11 1995

Office of the City Clerk

Mary L. Calhoun



491 E. Pioneer Avenue
Homer, Alaska 99603-7624
(907) 235-8121
(907) 235-3130

March 8, 1995

Speaker of the House
Representative Gail Phillips
Room 208 State Capitol
Juneau, AK 99801-1182

Re: House Bill No. 211

Representative Phillips:

The following are some areas of concern regarding House Bill 211:

1. Section 15.07.125, OFFICIAL REGISTRATION LIST, the new wording is on lines 6 & 7, page 1. It would be a disservice to the efficiency of the voter roll, which has inherent problems as it is, to include the names of voters whose registrations have been inactivated under AS 15.07.130(b). I see no provision in the bill for noting inactivity on the list. The voter registration list is an official document, which aides in determining voting privilege as well as candidacy privilege. These lists are posted prior to an election in public places; will the general public comprehend inactive versus active?

2. Section 15.07.130, PREPARATION OF VOTER REGISTRATION LISTS, (c), lines 7 & 8 page 2. This wording is not really necessary in that the information received from the Bureau of Vital Statistics is promptly noted and those voters who are deceased are deleted.

3. Section 15.07.135, CANCELLATION OF REGISTRATION OF CONVICTED PERSONS, (a), lines 12, 13, 14, 16, & 17 page 2. It seems logical that the Alaska Court System could send a copy of the judgement, of felony cases involving moral turpitude, to the State Director of Elections, who would then in turn follow the process for cancellation of the voter registration of those persons who have been convicted of a felony involving moral turpitude. The judgements are public information; therefore, this would not be a breach of confidentiality.

Page 2
Speaker of the House
Re: HB 211
City of Homer

4. Regarding rejection of absentee and/or questioned ballots. If a full ballot is rejected notification to that absentee or question voter is important; however, in situations where partial ballot(s) are counted it seems an unnecessary expense to notify each voter which part of his/her ballot was or was not counted.

5. Section 15.20.590(a), lines 30 & 31 page 3. It certainly is understandable that Division of Election employees would not be allowed to serve on any DPR Board; however, other state employees certainly have partisan rights and should not be disallowed the freedom to serve on DPR Board(s). There are Alaskan communities wherein most of those who are employed are state employees and further are those who are trained on computers.

Sincerely,



Mary L. Calhoun,
City of Homer, City Clerk

cc: Dave Koivuniemi, Acting Director of Elections

Motznik Computer Services, Inc.

8301 Briarwood Street, Suite 100
Anchorage, Alaska 99518-3332
(907) 344-6254 FAX (907) 344-1759

January 11, 1995

Fran Ulmer, Lieutenant Governor
State of Alaska
PO Box 110015
Juneau Ak 99811-0015

Dear Ms. Ulmer:

Congratulations on your election win. I am aware that you have been investigating Division of Election problems. Since we perform work for almost all of the campaigns, we received an ear-full during the '94 elections.

Some of the candidates and party organizations have urged me to document these problems.

For 20 years we have worked closely with Elections personnel. From 1986 thru 1990, I was chairman of the Anchorage Elections Data Processing Review Board. Even though there has always been a high turnover in Elections staff, I have always found them to be hard working and conscientious. Much of the following is critical of Elections actions. I am not putting the blame on any staff members. Many of them became swamped with work, and worked far beyond the requirements of a normal job. Place any blame squarely on director Joe Swanson.

Attached are several problems we had or are still having. I have grouped them by:

1. Purged voters who voted without reregistering.
2. Voters assigned to the wrong district/precinct.
3. Unprocessed address changes.
4. Invalid residence addresses.
5. Data errors.
6. Data Processing Review Board Problems.

Thank you for your time. Let me know if I can be of assistance.

Sincerely,

Robert L Motznik

ATTACHMENT A

1. PURGED VOTERS WHO VOTED WITHOUT REREGISTERING.

Once a month the Division of Elections makes a new public version of the voters registration file available. Anyone can obtain a copy for \$165. We purchase each monthly tape. Included (since 1986) is an assension number (record number) which we use to match voters from one file to another.

By matching the state 10/17/94 public voters registration file to the 01/05/95 file on assension number, we can derive the following: The 10/17/94 file contained 339,871 registered voters which we were told included everyone that registered prior to the 10/09/94 deadline. Of those on the 10/17/94 file, 920 were not on the 1/5/95 file and 4496 voters were added. Of those that were added, 1543 had registration dates prior to 10/09/94 and also were flagged as having voted in the '94 general and with further research we found that their votes were counted. The explanation from Elections is that this occurred because of a change in the procedure for handling purged voters.

Elections is required to purge voters from the registration file if they have not voted in 2 years. The old procedure was that they had to reregister subject to a 30 day waiting period before they could vote. In this election any purged voter that showed up and voted was automatically reactivated and their vote was counted. In other words, purged voters were really still registered but were not on the public version of the voters registration file.

If this policy is going to continue, I feel you need to include these purged voters on the public voters registration file so that candidates are aware of these "unregistered" registered voters. I'm told that the 920 voters deleted from the public file are deceased people and felons that Elections is required to inactivate. It seems that most of these people should have been deleted earlier so they would not appear on the precinct lists that were printed from the 10/17/94 file. Once they show up and vote at a precinct their ballot would go into the box and there would be no way to remove it.

2. VOTERS ASSIGNED TO THE WRONG DISTRICT.

For 1994 there were minor changes in district boundaries. Elections had to reassign some voters to new district/precincts. They made some errors as can be expected since this is a tedious task. Candidates would find these errors when using our walking lists for their door-to-door campaigning. One of the larger errors had the Anchorage Pioneer home in the wrong district. Some candidates got very frustrated when it took multiple calls over a couple months to get Elections to make the corrections. There were 339 such voters including the Pioneer's home who were assigned to new districts between the September and October public files. Another 88 were redistricted after the October file was released. Any of those 443 that voted in the primary were voting for the wrong State House candidates and possibly the wrong State Senate candidates. The same may have been true for the general election for the 88 that were redistricted after October 17. Most of these problems affected Senate District J, where the final vote difference was only 26 votes. The 339 and 88 registered voters are listed in attachments C and D.

3. UNPROCESSED ADDRESS CHANGES.

One of our employees moved to a new district in November 1993. When he went to vote in the April '94 local he had not made an address change so he voted a questioned ballot and requested an address change. When he went back to vote for the primary, his address change had not been made so he again voted a questioned ballot and requested another address change. His State House and State Senate votes were not counted because he was voting where he lived rather than at his old address where the State still had him registered. When he went back in November his address change had still not been made. He again had to vote a questioned ballot and his State House and State Senate votes were again not counted. After some complaining phone calls they finally had his address changed on the November public file. My impression is that by October, the Elections office was buried in work and let some of their work load slide. During October Elections staff that normally return my phone calls in minutes would take days to get back to me. Not making timely address changes may disenfranchise a voter.

4. INVALID RESIDENCE ADDRESSES.

One of the products we produce for candidates is walking lists for their door-to-door campaigning. It has been my impression that elections is not suppose to accept a registration without a physical residence address. But the walking lists always show up with people registered at post office boxes, private box offices, state office buildings, the federal building, business addresses, vacant lots, non-existent addresses, etc. Some of these conditions Elections could check for easily, others would take a lot of work. Is there any requirement that a registered voter actually resides where they indicate? It seems unfair to a candidate that people who do not live in his district can pick an address to register at and vote in his district. A candidate should be able to notify Elections and have the voter inactivated. Another residence problem group are those that live out of state but are allowed to vote in Alaska as long as they say that they intend to return some day. They get to pick a resident address and they can pick a different address for each election. Again this seems contrary to the notion of having a elected official represent the people that live in his district.

5. DATA ERRORS.

One of the most common complaints that candidates have about the voters file is the inaccuracy of the addresses. Some candidates have us maintain private files for them with corrected addresses. They will do an address correction requested mailing to their constituents. It is normal to have 25% or more of the addresses come back, especially in a military district. I know that many years ago, Elections did an address corrected mailing and then updated mailing addresses from the post office returns. Would it be legal to update a voters residence address and possibly assign him to a new district based on a post office forwarding notice? One solution might be to send an address correction request form to a voter when the post office or a candidate indicates that the voter no longer lives at the old residence address.

6. DATA PROCESSING REVIEW BOARD PROBLEMS.

I was chairman of the Anchorage Data Processing Review Board for the '86, '88, and '90 elections. I agreed to perform that thankless job with miniscule compensation because I wanted to convince myself that the ballot counting process was accurate. And I became convinced that the procedures established were sound. The purpose of the Data Processing Review Board is to be a group of citizens who are knowledgeable about computer processing from different political parties to oversee the computer ballot counting. A major task was to punch every possible ballot configuration and verify that the ballot counting program was accurate.

I have been told some disturbing things about the '94 Data Processing Review Boards that I have not been able to verify. I repeat them to you so you can at least be aware of them.

- a. I was told that director Swanson assigned the elections supervisor in each area to their board. In 1986 we would not let the wife of one of the state programmers serve on the board because we felt it was too much of a conflict. The purpose of the board is to audit the actions of the elections supervisor. How can the elections supervisor audit herself?
- b. I was told that the board did not make up their own test decks.
- c. I was told that director Swanson rejected ballots where multiple punches were made in the same rectangular area on the governor/lieutenant governor race. It takes two punch positions on the ballot to list the governor/lieutenant governor names and party. One of the tests required of the Data Processing Review Board was to verify that if a voter punched either or both of the positions his vote would count. It is my understanding that director Swanson rejected any ballots where both positions were punched in the '94 general.

LIST OF ATTACHMENTS

- A. Description of 1994 election problems
- B. Computer listing of 1543 people that were not on the final (10/17/94) public file of everyone eligible to vote in the 94 general but are on the 1/5/95 voters and are flagged as having voted in the general and would have had their vote counted.
- C. Computer listing of 339 voters that were moved to a different district from the September to the October public files. Then matched to the January file to pick up current voter history.
- D. Computer listing of 88 voters that were moved to a different district from the October to the January public files.
- E. Computer listing of 25 registered that have residence addresses at private box facilities.
- F. Computer listing of 320 registered voters that have no residence address other than town name or that have a PO Box as a resident address in districts 7 thru 33. There are over 14,000 such registered voters statewide.

A. Hochmair B

1/10/95

V O T E R L I S T

PAGE 1

DI-PRE P	PHONE	NAME	REG-DATE	ID-NUMBER	RESIDENCE ADDRESS	MAILING ADDRESS	90	91	92	93	94
							PLG	L	PLG	L	PLG
O1 005 N M		CARSON	84/07/26	LAWRENCE 266273	W 11 POTTER RD NTG KETCHIKAN AK 99901	11 POTTER RD NTG KETCHIKAN AK 99901	--A	-	---	-	--Q
O1 005 U M		MOORE	90/04/10	PETE 479290	A KNUDSON COVE RD KETCHIKAN AK 99901	PO BOX 631 WARD COVE AK 99928	---	---	---	---	--Q
O1 005 R M		SVENSON	87/03/04	MARTIN 403443	P 14903 N TONGASS HWY KETCHIKAN AK 99901	14903 N TONGASS HWY KETCHIKAN AK 99901	--A	-	---	-	Q-Q
O1 015 N F		BINOGLI	86/11/04	BILLIE 400293	B 309 STEDMAN KETCHIKAN AK 99901	PO BOX 3264 KETCHIKAN AK 99901	--A	-	---	-	--A
O1 015 N F		POWERS	78/09/25	SANDRA 120200	M 1130 SALMON #3 KETCHIKAN AK 99901	PO BOX 7702 KETCHIKAN AK 99901	--G	-	---	-	--Q
O1 020 U F		BURTON	88/10/04	MARILYN 450633	F 1340 WOODSIDE DR KETCHIKAN AK 99901	1340 WOODSIDE DR KETCHIKAN AK 99901	---	---	---	---	-QQ
O1 020 N M		GROHS	84/04/05	GARY 258819	L 331 FRONT KETCHIKAN AK 99901	PO BOX 6722 KETCHIKAN AK 99901	--A	-	---	-	--Q
O1 020 U F		KENNEDY	88/09/25	ANJANETTE 446720	M 316 SCHOENBAR RD APT #C2 KETCHIKAN AK 99901	316 SCHOENBAR RD APT #C2 KETCHIKAN AK 99901	---	---	---	---	--Q
O1 020 U F		MACRAE	90/02/07	ELAINA 476981	R 350 BAWDEN #5 KETCHIKAN AK 99901	350 BAWDEN #5 KETCHIKAN AK 99901	--Q	-	---	-	--Q
O1 020 U M		MULVANIA	89/03/10	JOHN 461101	L 114 FRONT KETCHIKAN AK 99901	114 FRONT KETCHIKAN AK 99901	--G	-	---	-	--Q
O1 020 U F		NEIDIFFER	87/10/06	DEBRA 413736	L 316 SCHOENBAR RD #B-3 KETCHIKAN AK 99901	316 SCHOENBAR RD #B-3 KETCHIKAN AK 99901	---	---	---	---	--Q
O1 020 N M		SELFRIIDGE	70/02/28	PATRICK 99850	P 364 EDMOND KETCHIKAN AK 99901	19002 KENLOKE PL NE SEATTLE WA 98155	---	---	---	---	--A
O1 020 D F		STEINBERG	88/05/13	BONNIE 425815	S 1300 FAIRY CHASM RD 206 KETCHIKAN AK 99901	1300 FAIRY CHASM RD 206 KETCHIKAN AK 99901	---	---	---	---	--Q
O1 020 U F		VELTATZIE	90/03/09	BERTINA 477941	M 937 W SESAME KETCHIKAN AK 99901	PO BOX 6291 KETCHIKAN AK 99901	---	---	---	---	--Q
O1 025 U F		CUTLER	90/11/06	GLADYS 267285	L 830 WATER KETCHIKAN AK 99901	830 WATER KETCHIKAN AK 99901	--Q	L	---	-	--Q
O1 025 D M		JONES	70/07/10	RAYMOND 44574	L 824 HARDING KETCHIKAN AK 99901	824 HARDING KETCHIKAN AK 99901	A---	---	---	---	--Q
O1 025 U F		LA ROUSSI	82/03/20	VERSA 171994	V 824 HOPKINS KETCHIKAN AK 99901	824 HOPKINS KETCHIKAN AK 99901	---	---	---	---	--A
O1 030 N F		HENN	68/08/27	MARIE 7223	C 1201 WATER KETCHIKAN AK 99901	BOX 8195 KETCHIKAN AK 99901	P---	---	---	L	-QQ

1/10/95

V O T E R L I S T

PAGE 2

DI	PRE	P	PHONE	NAME	REG-DATE	ID-NUMBER	RESIDENCE ADDRESS	MAILING ADDRESS	90	91	92	93	94
									PLG	L	PLG	L	PLG
01	O35	U		BALL	90/07/28	MICHAEL 488412	W 1764 1ST AVE KETCHIKAN AK 99901	PO BOX 9360 KETCHIKAN AK 99901					
01	O35	U		BALL	90/07/28	RHONDA 488404	L 1764 1ST AVE KETCHIKAN AK 99901	PO BOX 9360 KETCHIKAN AK 99901					
01	O35	D		WILLIAMS	88/09/09	JANET 444380	C 2012 TONGASS AVE KETCHIKAN AK 99901	BOX 8652 KETCHIKAN AK 99901					
01	O40	U		BLAIR	90/02/01	LINDA 477865	B HEMLOCK APT 410 KETCHIKAN AK 99901	PO BOX 8662 KETCHIKAN AK 99901					
01	O40	R		BROWN	89/10/03	JOHN 472675	S 2501 2ND AVE KETCHIKAN AK 99901	2501 2ND AVE KETCHIKAN AK 99901					
01	O40	N		GENDREAU	74/07/26	DARLYNNE 74998	J 428 MADISON KETCHIKAN AK 99901	BOX 5854 KETCHIKAN AK 99901					
01	O40	U		SMITH	82/09/26	JUDITH 216369	L 2306 2ND AVE KETCHIKAN AK 99901	2306 2ND AVE KETCHIKAN AK 99901					
01	O40	U		WATSON	86/07/02	RANDAL 381155	2311 HEMLOCK KETCHIKAN AK 99901	2311 HEMLOCK KETCHIKAN AK 99901					
01	O45	U		JOSOL	90/06/25	JORGE 482204	C 3204 LINCOLN KETCHIKAN AK 99901	PO BOX 8412 KETCHIKAN AK 99901					
01	O50	D		BUCHANAN	88/03/09	JOEL 421225	E 211 HECKMAN KETCHIKAN AK 99901	PO BOX 5763 KETCHIKAN AK 99901					
01	O50	U		DOLL	88/09/09	CHARLES 444313	P 637 TOWER RD KETCHIKAN AK 99901	637 TOWER RD KETCHIKAN AK 99901					
01	O50	N		MAC DONALD	82/06/21	CRAIG 183795	S 3515 HAWKINS AVE KETCHIKAN AK 99901	PO BOX 6471 KETCHIKAN AK 99901					
01	O50	R		MAKELA	73/08/17	ISABELLE 63184	M 302 SEA VIEW TER KETCHIKAN AK 99901	BOX 5334 KETCHIKAN AK 99901					
01	O50	U		MOODY	88/09/22	KATHERINE 446889	F 3710 BARANOF AVE KETCHIKAN AK 99901	PO BOX 9315 KETCHIKAN AK 99901					
01	O50	U		RUARO SR	68/11/05	JEROLD 8451	L 3505 HAWKINS AVE KETCHIKAN AK 99901	BOX 6424 KETCHIKAN AK 99901					
01	O50	U		SHERMAN	89/01/22	CYNTHIA 109043	L 612 ANDERSON DR KETCHIKAN AK 99901	374 MARINER CT ELIZABETH CITY NC 27909					
01	O70	U		GOSNELL	68/11/05	GRACE 28101	6103 S TONGASS HWY KETCHIKAN AK 99901	BOX 8860 KETCHIKAN AK 99901					
01	O70	R		MC GUINNESS	90/08/06	MURIEL 497478	K 6326 NEW DEAL WY KETCHIKAN AK 99901	PO BOX 8918 KETCHIKAN AK 99901					

1/10/95

V O T E R L I S T

PAGE 3

DI-PRE P	PHONE	NAME	REG-DATE	ID-NUMBER	RESIDENCE ADDRESS	MAILING ADDRESS	90	91	92	93	94
							PLG	L	PLG	L	PLG
01 070 N M		WILLIAMS	70/07/16	40279	WAYNE BOATHOUSE COVE KETCHIKAN AK 99901	BOX 7983 KETCHIKAN AK 99901	---	---	---	---	---
01 075 U M		CLOUDY	90/04/10	479301	DAVID C MI 12.5 N TONGASS HWY KETCHIKAN AK 99901	12104 ELDERBERRY LN KETCHIKAN AK 99901	---	---	---	---	---
01 075 U F		CLOUDY	84/07/25	266705	BRENDA L MI 12.5 N TONGASS HWY KETCHIKAN AK 99901	12104 ELDERBERRY LN NTG KETCHIKAN AK 99901	---	---	---	---	---
01 075 N M		DAVIS	82/03/08	172118	STANLEY D S POINT HIGGINS RD KETCHIKAN AK 99901	PO BOX 1102 WARD COVE AK 99928	--G	---	---	---	---
01 075 U M		HICKS	88/09/23	446791	THOMAS G 47 POND REEF RD KETCHIKAN AK 99901	PO BOX 6953 KETCHIKAN AK 99901	--G	---	---	---	---
01 075 D F		JOHNSON	88/10/04	150259	TERESA L 47 POND REEF RD KETCHIKAN AK 99901	P O BOX 825 KETCHIKAN AK 99901	--G	---	---	---	---
01 075 N M		MINICUCCI	90/10/31	153354	TIM A 15 JUNE BERRY RD N KETCHIKAN AK 99901	15 JUNE BERRY RD N KETCHIKAN AK 99901	---	---	---	---	---
01 075 N F		MINICUCCI	80/09/23	153353	PHYLLIS L 15 JUNE BERRY RD KETCHIKAN AK 99901	15 JUNE BERRY RD KETCHIKAN AK 99901	--A	---	---	---	---
01 075 N M		RENO	76/09/22	95466	LECLIF E S POINT HIGGINS RD KETCHIKAN AK 99901	BOX 677 WARD COVE AK 99928	P--	---	---	---	---
01 095 N F		ATKINSON	82/10/03	224777	EVELYN M 2591 TOTEM AVE SAXMAN AK 99901	PO BOX 3219 KETCHIKAN AK 99901	-L-	---	---	---	---
01 095 N F		FAULKNER	88/08/01	256526	PATSY B SHOUP KETCHIKAN AK 99901	PO BOX 8263 KETCHIKAN AK 99901	---	---	---	---	---
01 095 U M		GUTHRIE	85/11/04	400061	DAVID W 2793 S TONGASS HWY KETCHIKAN AK 99901	PO BOX 8352 KETCHIKAN AK 99901	-L-	L	---	---	---
01 095 U F		LOVE	88/09/09	444358	LAURA J MI 4 S TONGASS HWY KETCHIKAN AK 99901	PO BOX 8888 KETCHIKAN AK 99901	--G	---	---	---	---
01 095 R M		RICE	87/09/05	75016	RONALD A 558 FOREST PARK DR KETCHIKAN AK 99901	PO BOX 9496 KETCHIKAN AK 99901	---	---	---	---	---
01 095 U F		SIRUNK	90/04/12	479608	ROBIN L MI 4 S TONGASS HWY KETCHIKAN AK 99901	POBOX 5113 KETCHIKAN AK 99901	PL-	---	---	---	---

1/10/95

V O T E R L I S T

PAGE 4

DI	PRI	P	PHONE	NAME	REG-DATE	ID-NUMBER	RESIDENCE ADDRESS	MAILING ADDRESS	90	91	92	93	94
02	090	N		EDWARDS		DWAYNE	D 101 S 5TH IRA II	USCG ST CAPR DISAPPOINTME BOX-460 ILWACO					
	M				85/12/20	372377	PETERSBURG	AK 99833					
02	090	U		LARSON		DOUGLAS	G 501 VESTA AVE						
	M				91/03/22	509694	PETERSBURG	AK 99833					
02	090	D		LUCAS		BENJAMIN	R IRA II APT B-7						
	M				88/11/08	456762	PETERSBURG	AK 99833					
02	090	U		PHILLIPS		WILLIAM	B 204 GJOA						
	M				88/09/24	446585	PETERSBURG	AK 99833					
02	090	N		ROVER		MICHELE	K 1303 S NORDIC DR						
	F				80/05/12	136509	PETERSBURG	AK 99833					
02	100	U		BAZER		CORNELL	J 571 MITKOF HWY						
	F				90/11/06	203914	PETERSBURG	AK 99833					
02	100	N		HOFSTAD		MARK	R 350 MITKOF HWY						
	M				84/10/09	303898	PETERSBURG	AK 99833					
02	100	U		PETERSON		DAVID	A 306 HUNGERFORD HILL #6						
	M				91/03/04	244728	PETERSBURG	AK 99833					
02	115	D		OLIVER		ROGER	J 301 CASSIAR						
	M				88/08/23	203913	WRANGELL	AK 99929					
02	115	N		YOUNCE		ANNETTE	M EVERGREEN AVE						
	F				84/10/04	289953	WRANGELL	AK 99929					
02	120	R		BUNESS		MARK	S 1242 PENINSULA						
	M				83/09/27	243494	WRANGELL	AK 99929					
02	120	N		MORAN		RAY	E BENNETT SENIOR APT'S						
	M				82/09/10	223892	WRANGELL	AK 99929					
02	270	A		BARKER JR		PAT	H 1701 HALIBUT POINT RD #4						
	M				89/08/24	466924	SITKA	AK 99835					
02	270	D		JAMES		JOHN	W OCEANSIDE TRLR CT #31						
	M				75/10/02	79788	SITKA	AK 99835					
02	280	U		ADKINS		PHILLIP	C 611 AIRPORT RD						
	M				91/03/19	508925	SITKA	AK 99835					
02	280	R		DAVAULT		KEVIN	L 14 LIFESAVER DR APT D						
	M				86/02/19	374026	SITKA	AK 99835					
02	280	R		MITCHELL		RONALD	G 611 AIRPORT RD						
	M				94/10/06	616251	SITKA	AK 99835					
02	300	U		BOIT		DOUGLAS	E 801 LINCOLN						
	M				72/09/15	516256	SITKA	AK 99835					

1/10/95

V O T E R L I S T

PAGE 5

DI	PRE	P	PHONE	NAME	REG-DATE	ID-NUMBER	RESIDENCE ADDRESS	MAILING ADDRESS	90	91	92	93	94
			GENO						PLG	L	PLG	L	PLG
02	300	U		JOHN	90/07/28	381633	J 121 JEFF DAVIS SITKA AK 99835	121 JEFF DAVIS SITKA AK 99835	--G	-	-	-	--Q
02	300	U		SCOTT	88/11/03	452798	A 801 LINCOLN SITKA AK 99835	801 LINCOLN SITKA AK 99835	--G	-	-	-	--Q
02	300	U		ROBERTA	84/09/06	279007	L 447 VERSTOVIA AVE SITKA AK 99835	PO BOX 334 SITKA AK 99835	P-G	-	-	-	--Q
02	300	U		BARBARA	88/04/22	424634	L 801 LINCOLN SITKA AK 99835	801 LINCOLN SITKA AK 99835	--G	-	-	-	--Q
02	300	N		KATY	88/11/08	286739	R 602 MONASTERY SITKA AK 99835	602 MONASTERY SITKA AK 99835	P-G	-	-	-	--Q
02	300	N		ETHEL	70/07/04	40153	E 618 SAWMILL CREEK RD SITKA AK 99835	BOX 1538 SITKA AK 99835	P-G	-	-	-	--Q
02	305	N		SANDY	82/09/30	216258	L 326 CASCADE SITKA AK 99835	326 CASCADE SITKA AK 99835	--G	-	-	-	--Q
02	305	U		MARILYN	88/10/09	453737	F KEN BROWN APTS #24 HALIBUT POINT RD SITKA AK 99835	PO BOX 6114 SITKA AK 99835	-	-	-	-	--Q
02	305	R		VOLNA	79/09/18	128626	E 506 HALIBUT POINT RD SITKA AK 99835	PO BOX 1497 SITKA AK 99835	-	-	-	-	--Q
02	305	R		ALDENA	80/01/14	132057	L 506 HALIBUT POINT RD SITKA AK 99835	PO BOX 1497 SITKA AK 99835	P--	-	-	-	--A
02	305	U		KRISTA	90/06/22	482868	L 1505 EDGE CUMBE DR SITKA AK 99835	1505 EDGE CUMBE DR SITKA AK 99835	-LG	-	-	-	--A
02	310	R		DEBRA	90/08/28	70596	C 615 MONASTERY SITKA AK 99835	615 MONASTERY SITKA AK 99835	QLG	-	-	-	--Q
02	320	D		ELLEN	88/10/07	138913	L VENNETTIS TRLR CT #25 SITKA AK 99835	PO BOX 6144 SITKA AK 99835	-	-	-	-	--Q
02	320	A		CANDACE	90/11/06	507239	R SEA & SKI TRLR CT #10 SITKA AK 99835	PO BOX 1951 SITKA AK 99835	-	-	-	-	--Q

1/10/95

V O T E R L I S T

PAGE 6

DI-PRE P	PHONE	NAME	REG-DATE	ID-NUMBER	RESIDENCE ADDRESS	MAILING ADDRESS	90	91	92	93	94
							PLG	L	PLG	L	PLG
03 330 R M		FREEMAN STEVEN	90/05/29	481117	J 1617 DOUGLAS HWY JUNEAU	GENERAL DELIVERY JUNEAU	---	---	---	---	---
03 330 D M		MAJEWSKI ALEXANDER	86/07/05	381367	1011 2ND DOUGLAS	1011 2ND DOUGLAS	---	---	---	---	---
03 345 M F		MACKEY MARJORIE	85/08/14	367297	L 5025 THANE RD JUNEAU	PO BOX 20447 JUNEAU	--G	---	---	---	---
03 350 N M		HARRIS BRADLEY	86/08/18	389536	T 623 BASIN RD JUNEAU	623 BASIN RD JUNEAU		PLG	L	---	---
03 350 N M		ROARK ROBERT	78/07/21	114248	M 623 1/2 BASIN RD JUNEAU	623 1/2 BASIN RD JUNEAU	---	---	---	---	---
03 350 D M		RUSH JR RODNEY	88/05/23	426257	L 105 GASTINEAU AVE JUNEAU	105 GASTINEAU AVE JUNEAU	-Q-	---	---	---	---
03 370 U M		DIBBLE BURTON	94/10/09	625413	Z 90 SPRUCE JUNEAU	BOX 240186 DOUGLAS	---	---	---	---	---
03 370 N M		MILLER JR NORMAN	90/10/08	172035	K 419 12TH JUNEAU	419 12TH JUNEAU	---	L	---	---	---
03 370 D M		QUIGLEY SHANE	89/12/12	475192	P 225 IRWIN JUNEAU	225 IRWIN JUNEAU			P	---	---
03 375 R M		HORCHOVER ROBERT	87/10/06	415105	H 318 COLEMAN JUNEAU	318 COLEMAN JUNEAU	---	---	---	---	---
03 375 U F		HUBER JULIA	88/11/08	458330	J 895 12TH #211 JUNEAU	895 W 12 ST #211 JUNEAU	---	---	---	---	---
03 375 D F		PERKINS MARTHA	70/08/10	44786	C 895 12TH APT 214 JUNEAU	895 12TH APT 214 JUNEAU			P-G	---	---
03 375 U M		ROCCODERO SHANE	90/07/11	483796	D 415 1/2 COLEMAN JUNEAU	415 1/2 COLEMAN JUNEAU			P-G	---	---
03 380 U F		CREPEAU JANICE	82/09/11	215089	I CEDAR PK JUNEAU	D-1 CEDAR PARK JUNEAU	---	---	---	G	PLQ
03 380 U F		MILLER ROXANNA	88/11/08	458642	M 2735 JOHN JUNEAU	PO BOX 020183 2735 JOHN ST JUNEAU			A-A	---	---
03 380 A F		WILLIAMS MAUDIE	90/11/06	504975	F 3404 FOSTER AVE #2 JUNEAU	PO BOX 20485 JUNEAU	---	---	---	---	---
03 385 U M		BEVERLY T GREGORY	90/10/02	500147	2575 MEADOW LN #2 JUNEAU	2575 MEADOW LN #2 JUNEAU	---	---	---	---	---
03 385 N F		NOBLES TIFFANY	89/01/09	460225	M 9442 PATRICIA PL JUNEAU	PO BOX 211445 AUKE BAY	---	---	---	---	---

1/10/95

V O T E R L I S T

PAGE 7

DI	PRE	P	PHONE	NAME	REG-DATE	ID-NUMBER	RESIDENCE ADDRESS	MAILING ADDRESS	90	91	92	93	94
									PLG	L	PLG	L	PLG
03	385	U		STONICH	91/08/28	515582	S 9310 GLACIER HWY #10 JUNEAU AK 99801	BOX 020318 JUNEAU AK 99802					
03	385	U		WILLIAMS	89/02/28	195446	C 9328 GLACIER HWY #22 JUNEAU AK 99801	PO BOX 021101 JUNEAU AK 99802					
03	390	R		COY	2/09/02	203868	J 5851 MONTGOMERY JUNEAU AK 99801	5851 MONTGOMERY JUNEAU AK 99801					
03	390	U		JOHNSON	89/12/23	475681	D 8517 E VALLEY CT JUNEAU AK 99801	8517 E VALLEY CT JUNEAU AK 99801					
03	390	D		JORGENSEN	90/11/06	203648	D LEMON CREEK MANDR JUNEAU AK 99801	PO BOX 210648 AUKE BAY AK 99821					
03	390	U		SHORTY	90/10/02	501776	M 6042 GULL WY JUNEAU AK 99801	PO BOX 22545 JUNEAU AK 99802					
03	410	R		FILIATRAUT	88/10/25	455378	T N DOUGLAS HWY SV JUNEAU AK 99801	PO BOX 33663 JUNEAU AK 99803					
03	410	U		GREAVES	80/10/15	154118	L MI 4.5 N DOUGLAS HWY JUNEAU AK 99801	PO BOX 21468 JUNEAU AK 99802					
03	410	D		MC MAHON	90/08/28	61014	A 5450 N DOUGLAS HWY JUNEAU AK 99801	PO BOX 21522 JUNEAU AK 99802					
03	425	U		SADEGHI	91/11/19	523792	6590 GLACIER HWY #211 JUNEAU AK 99801	6590 GLACIER HWY #211 JUNEAU AK 99801					

1/10/95

V O T E R L I S T

PAGE 9

DI-PRE P	PHONE	NAME	REG-DATE	ID-NUMBER	RESIDENCE ADDRESS	MAILING ADDRESS	90	91	92	93	94
							PLG	L	PLG	L	PLG
04 395 R M		CARLSON DANIEL	88/03/01	420499	R 9353 NORTHLAND JUNEAU AK 99801	9353 NORTHLAND JUNEAU AK 99801					---
04 395 U F		DEYETTE WENDY	90/10/02	501784	M 8928 DURAN JUNEAU AK 99801	PO BOX 33685 JUNEAU AK 99803			--Q		---
04 395 N M		KNUTSON GILBERT	82/07/25	200349	L 3650 MCGINNIS DR JUNEAU AK 99801	3650 MCGINNIS DR JUNEAU AK 99801			-LA		---
04 395 N F		LANCASTER CATHERINE	90/05/18	480157	M 8998 LONG RUN DR JUNEAU AK 99801	1830 DAVIS AVE JUNEAU AK 99801					---
04 395 U F		TOTH BONITA	90/10/01	401168	B 9030 GEE JUNEAU AK 99801	9030 GEE JUNEAU AK 99801			--G	L	---
04 400 U F		BURKHART LAUREN	90/07/12	484830	J 3266 MENDENHALL LOOP RD JUNEAU AK 99801	PO BOX 33254 JUNEAU AK 99803			--Q		---
04 400 N M		COLON JOSE	82/07/04	189553	A 8611 HAYES WY JUNEAU AK 99801	PO BOX 33816 JUNEAU AK 99803			P-G		---
04 400 A F		GRUSSENDORF CHRISTI	90/07/28	487233	D 8809 GAIL AVE #3 JUNEAU AK 99801	8809 GAIL AVE #3 JUNEAU AK 99801			P-G		---
04 400 U F		NGUYEN MY	88/11/08	54	8836 GAIL AVE JUNEAU AK 99801	8836 GAIL AVE JUNEAU AK 99801					---
04 400 N F		SALDIVAR MILA MARIE	86/06/02	379697	C 3240 BRESEE JUNEAU AK 99801	3240 BRESEE JUNEAU AK 99801			P-G		---
04 400 U M		THOMPSON KENNETH	88/11/24	459669	E 3706 AMALGA JUNEAU AK 99801	3706 AMALGA JUNEAU AK 99801			--G		---
04 405 N F		LORENZ CARMENZITA	84/12/06	304962	M 15860 GLACIER HWY JUNEAU AK 99801	PO BOX 210456 AUKE BAY AK 99821			-LA	L	---
04 405 U F		RITTER LISA	88/10/06	453264	C 18120 POINT STEPHENS RD JUNEAU AK 99801	18120 POINT STEPHENS RD JUNEAU AK 99801			P-G		---
04 405 U F		SMITH PANDORA	90/02/05	476790	17875 POINT STEPHENS RD JUNEAU AK 99801	PO BOX 210881 AUKE BAY AK 99821					---
04 430 N F		BAGDOY SHIRLEY	88/10/08	89753	A 4405 JULEP JUNEAU AK 99801	4405 JULEP JUNEAU AK 99801			--G		---
04 430 U F		BROWN CYNTHIA	89/09/20	469089	L 9002 FIRNDALE JUNEAU AK 99801	PO BOX 20294 JUNEAU AK 99802					---
04 430 N M		CALLAHAN JR RICHARD	82/01/12	171555	J 4403 COLUMBIA BLVD JUNEAU AK 99801	4403 COLUMBIA BLVD JUNEAU AK 99801			P-G	L	---
04 430 N M		KINNEY ROOSEVELT	82/05/08	175785	L 4188 TAKU BLVD JUNEAU AK 99801	4188 TAKU BLVD JUNEAU AK 99801			--G		---

1/10/95

V O T E R L I S T

PAGE 10

DI	PRI	P	PHONE	NAME	REG-DATE	ID-NUMBER	RESIDENCE ADDRESS	MAILING ADDRESS	90	91	92	93	94
									PLG	L	PLG	L	PLG
04	430	D		LANDVIK	88/11/08	NORMAN 211151	S 4212 TAKU BLVD JUNEAU AK 99801	4212 TAKU BLVD JUNEAU AK 99801	---	---	---	---	---
04	430	U		MAKI	90/08/24	EDWARD 497746	W 8912 BIRCH LN JUNEAU AK 99801	8912 BIRCH LN JUNEAU AK 99801	--G	---	---	---	---
04	430	N		PRINGLE	82/07/25	JOHN 200592	B 4122 COLUMBIA BLVD JUNEAU AK 99801	PO BOX 210403 AUKE BAY AK 99821	--Q	---	---	---	---
04	430	U		SIVERTSEN	82/09/17	RICK 214946	M 3020 WOOD DUCK AVE JUNEAU AK 99801	3020 WOOD DUCK AVE JUNEAU AK 99801	---	---	---	---	---
04	430	R		WILSON	91/06/10	JOANN 511799	4404 CLOVERDALE JUNEAU AK 99801	4404 CLOVERDALE JUNEAU AK 99801	---	---	---	---	---
04	435	N		MC ELWRATH	90/11/06	THOMAS 504306	E 4027 DELTA DR #D JUNEAU AK 99801	4027 DELTA DR #D JUNEAU AK 99801	--Q	---	---	---	---

1/10/95

V O T E R L I S T

PAGE 11

D1-PRE P	PHONE	NAME	REC DATE	ID-NUMBER	RESIDENCE ADDRESS	MAILING ADDRESS	90	91	92	93	94
							PLG	L	PLG	L	PLG
05 125 U F		CASTANZA	91/02/15	JENNY 508286	R 101 JIMS WY ANGOOD	AK 99820 PO BOX 83 ANGOOD					
05 125 N M		GEORGE JR	90/06/11	CYRIL 484655	W FRONT ANGOOD	AK 99820 PO BOX 128 ANGOOD					--G L --- --0
05 125 U F		KOOKESH	90/07/28	ELAINF 493027	R 911 KILLISNOO RD ANGOOD	AK 99820 PO BOX 91 ANGOOD					Q--- - ---- --0
05 125 D M		WALKER SR	70/05/09	ARNOLD 35807	515 KOOKESH CT ANGOOD	AK 99820 PO BOX 72 ANGOOD					P-A - ---- --0
05 150 D M		DEMMERT	88/07/19	KARL 433002	W 1205 SUNNYSIDE DR CRAIG	AK 99921 PO BOX 556 CRAIG					--- - ---- --0
05 150 N F		EVANS	86/08/26	KATHERINE 189476	G HAMILTON DR CRAIG	AK 99921 PO BOX 152 CRAIG					--- - ---- --0
05 150 A M		MEYER	79/02/07	DANIEL 125185	W SHAAN SEET TRLR CT #53 CRAIG	AK 99921 PO BOX 230 CRAIG					--G - ---- --0
05 150 D M		PATOTZKA	82/09/16	AL 215876	B 5TH & SPRUCE CRAIG	AK 99921 PO BOX 140 CRAIG					P-- - ---- --0
05 165 U M		BLOUGH	90/09/18	ROBERT 498442	M MI 31.5 HAINES HWY HAINES	AK 99827 PO BOX 1427 HAINES					--Q - ---- --A
05 170 U F		BLACK	68/08/27	CARLYN 17988	J BARNETT DR HAINES	AK 99827 PO BOX 55, HAINES					P-G L --- --0
05 170 D F		FAWCETT	88/10/04	LAURA 224563	L ALEX TRLR CT HAINES	AK 99827 BOX 807 HAINES					-LG - ---- --0
05 170 U F		FINNEY	88/03/15	LENA 422154	K 414 DEISHU DR HAINES	AK 99827 P.O. BOX 965 HAINES					--G - ---- --0
05 180 U M		ANDREASEN	89/10/18	DONALD 478573	R DORA BAY RIED COVE HYDABURG	AK 99922 PO BOX 8021 KETCHIKAN					--- - ---- --0
05 180 U F		SMITH	94/09/26	JULIA 624508	M CHOLMONDELEY SOUND HYDABURG	AK 99922 PO BOX 1357 WARD COVE					--- - ---- --A
05 185 U M		ADAMS SR	70/07/24	CLIFFORD 40723	F KAKE	AK 99830 PO BOX 171 KAKE					--- L --- --0
05 185 U F		BELL	87/10/06	KIMBERLY 414518	A FIRST PHASE HOUSING KAKE	AK 99830 PO BOX 184 KAKE					--G L --- --A
05 185 U F		DAI TOP	94/09/19	JOYCE 624816	A KEKU RD KAKE	AK 99830 PO BOX 508 KAKE					--- - ---- --0
05 185 A M		DEMMERT SR	88/11/08	OSCAR 459441	M 2ND PHASE KAKE	AK 99830 PO BOX 137 KAKE					--G - ---- --0

1/10/95

V O T E R L I S T

PAGE 12

DI	PRE	P	PHONE	NAME	REG-DATE	ID-NUMBER	RESIDENCE ADDRESS	MAILING ADDRESS	PLG L	PLG L	PLG L	PLG L
05	185	D		DEMERT	85/09/08	KATIE 369388	KAKE AK 99830	PO BOX 137 KAKE AK 99830	--G	---	---	---
05	185	N		JACKSON SR	72/09/19	DENNIS 58921	KAKE AK 99830	BOX 125 KAKE AK 99830	--G	L	---	---
05	185	A		JACKSON JR	88/10/04	ROYAL 143543	W KAKE AK 99830	PO BOX 187 KAKE AK 99830	P-G	L	---	---
05	185	U		MARTIN	90/08/28	GEORGE 493471	L KAKE AK 99830	PO BOX 305 KAKE AK 99830	---	---	---	---
05	185	U		MORRIS	91/10/01	SANDRA 521778	A SECOND HOUSE #3 KAKE AK 99830	PO BOX 515 KAKE AK 99830	---	---	---	---
05	185	U		PERRIN	91/10/01	JOHN 521783	D KAKE RD KAKE AK 99830	PO BOX 203 KAKE AK 99830	---	---	---	---
05	185	D		PERRIN	72/06/22	JOANN 58596	L KAKE AK 99830	BOX 203 KAKE AK 99830	---	L	---	---
05	185	U		PETERSON	87/12/01	LORNA 416739	J KTL TLR CT #6 KAKE AK 99830	PO BOX 551 KAKE AK 99830	---	L	---	---
05	185	D		WILLIAMS SR	91/01/07	JOHN 507490	P 2ND PHASE #409 KAKE AK 99830	PO BOX 308 KAKE AK 99830	---	---	---	---
05	185	N		WILLIS JR	85/10/04	JOHN 369294	KAKE AK 99830	BOX 534 KAKE AK 99830	--G	L	---	---
05	190	D		CARTEETI	82/06/30	ELMER 186978	G 3 BEACHFRONT KASAAN AK 99924	GENERAL DELIVERY KASAAN AK 99924	--G	L	---	---
05	195	U		BROWN	86/11/04	MICHAEL 401430	A BAYVIEW AVE ACROSS FROM CANNERY KLAWOCK AK 99925	PO BOX 68 ORGEN KS 66517	---	---	---	---
05	195	D		JOERS	90/08/28	JAMES 46956	I HOLLIS HOLLIS AK 99950	PO BOX 6495 HOLLIS AK 99950	Q-Q	---	---	---
05	195	A		ROBERTS	78/07/07	PAMELA 116103	R 616 CHURCH ST KLAWOCK AK 99925	PO BOX 3 KLAWOCK AK 99925	--G	---	---	---
05	195	N		SHEPARD	86/07/04	JEAN 383409	E SUMMIT ST KLAWOCK AK 99925	PO BOX 134 KLAWOCK AK 99925	PL-	L	---	---
05	195	U		STAHL	89/10/04	PETRINA 472335	R 813 B UNION KLAWOCK AK 99925	PO BOX 11 KLAWOCK AK 99925	---	---	---	---
05	195	N		THOMSEN	83/06/09	MINNIE 236522	E SUMMIT KLAWOCK AK 99925	PO BOX 175 KLAWOCK AK 99925	---	---	---	---
05	200	U		PETERS	88/06/30	WILLIAM 429781	S CHILKAT AVE KLUKWAN AK 99827	BX 1078 HAINES AK 99827	---	---	---	---

1/10/95

V O T E R L I S T

PAGE 13

DI	PRE	P	PHONE	NAME	REG-DATE	ID-NUMBER	RESIDENCE ADDRESS	MAILING ADDRESS	90	91	92	93	94
									PLG	L	PLG	L	PLG
05	215	R		MORTON		ROY	A NAUKATI LOGGING CAMP	PO BOX NKI					
M					91/12/11	524483	EDNA BAY AK 99950	KETCHIKAN AK 99901					---
05	220	U		STUART		TRAVIS	MI 2 SMALL TRACT RD	PO BOX 58					
M					90/07/29	488465	HAINES AK 99827	HAINES AK 99827					---
05	220	U		TAYLOR		CHRISTOPHER	MI 3 MUD BAY RD	PO BOX 1317					
M					90/11/02	507039	HAINES AK 99827	HAINES AK 99827					---
05	225	N		SARFF		EXTRY	R LAVA BAY PRINCE OF WALES ISLE.	PO BOX WWP					
M					80/03/18	134351	WHALE PASS AK 99950	KETCHIKAN AK 99950					---A
05	225	N		SARFF		LELA	M LAVA BAY PRINCE OF WALES ISLE.	PO BOX WWP2					
F					80/03/18	134352	WHALE PASS AK 99950	KETCHIKAN AK 99950					---A
05	240	D		BRENA		JEANETTE	S 18TH & STATE ST	1111 E. COLUMBIA					
F					94/10/04	622644	SKAGWAY AK 99840	SEATTLE WA 98122					---
05	240	N		SMITH		LYNNE	V 9TH & MAIN	PO BOX 272					PLG
F					84/06/30	271732	SKAGWAY AK 99840	SKAGWAY AK 99840					---
05	255	D		SMITH		RAY	YAKUTAT	BOX 101593					P-A
M					72/07/22	57534	AK 99689	ANCHORAGE AK 99510					---
05	260	D		JOHNSON		BERNICE	HOONAH	PO BOX 438					Q-G
F					68/11/05	11199	AK 99829	HOONAH AK 99829					---
05	260	N		WESTMAN		GEORGE	F LUMBAGO WY	PO BOX 358					P-G L
M					82/07/25	195393	HOONAH AK 99829	HOONAH AK 99829					---
05	260	U		WHITE JR		DAVID	J 677 GARTEENI HWY	PO BOX 313					--G L
M					90/07/27	488057	HOONAH AK 99829	HOONAH AK 99829					---
05	265	U		BOTH SR		THOMAS	A 1208 MILTON	PO BOX 354					
M					89/11/28	474378	METLAKATLA AK 99926	METLAKATLA AK 99926					---
05	265	D		DUNDAS		THEODORE	W NEW TRLR CT	PO BOX 51					
M					89/10/03	471350	METLAKATLA AK 99926	METLAKATLA AK 99926					---
05	265	A		FAWCETT		IRIS	D 5TH & HAINES	PO BOX 606					--G L
F					90/08/05	495990	METLAKATLA AK 99926	METLAKATLA AK 99926					---
05	265	A		FORSBERG		RONALD	G CHURCH & WESTERN	PO BOX 447					
M					89/10/03	265497	METLAKATLA AK 99926	METLAKATLA AK 99926					---
05	265	N		HORNE		DALE	M 3RD & AURIOL	PO BOX 616					
M					90/11/06	507296	METLAKATLA AK 99926	METLAKATLA AK 99926					---
05	265	D		HUDSON		HAROLD	C 61 WESTERN AVE	BOX 162					PLG
M					69/10/20	9676	METLAKATLA AK 99926	METLAKATLA AK 99926					---
05	265	N		JOHNSTON		VERA	R MILL TRLR CT	BOX 215					
F					91/10/01	521075	METLAKATLA AK 99926	METLAKATLA AK 99926					---

1/10/95

V O T E R L I S T

PAGE 14

DI	PRE P	PHONE	NAME	REG-DATE	ID-NUMBER	RESIDENCE ADDRESS	MAILING ADDRESS	90	91	92	93	94
05	265	R	MARTINEZ	90/11/06	GERALD 146679	T ATKINSON ST METLAKATLA AK 99926	PO BOX 218 METLAKATLA AK 99926	---	Q	---	---	---
05	265	U	RUSSELL SR	90/10/02	FLOYD 500311	T HAINES ST METLAKATLA AK 99926	PO BOX 144 METLAKATLA AK 99926	---	G	---	---	---
05	265	D	SCUDERO	84/11/06	JIM 304111	E HILLCREST METLAKATLA AK 99926	BOX 502 METLAKATLA AK 99926	---	---	---	---	---
05	265	U	WELLINGTON	83/10/04	VICTOR 245385	C 1ST SCHOOL METLAKATLA AK 99926	BOX 66 METLAKATLA AK 99926	---	---	---	---	---
05	285	N	SCHAEFER	90/07/28	NANCY 487234	L SALMON WAY PELICAN AK 99832	PO BOX 601 PELICAN AK 99832	---	---	---	---	---
05	315	U	HURA	91/07/08	TERESA 513497	J BLOCK 22, LOT 4 TENAKEE SPRINGS AK 99841	GENERAL DELIVER TENAKEE SPRINGS AK 99841	---	---	---	---	---
05	315	D	SEE	68/08/27	FRANCES 17904	DUPLEX ACROSS SNYDER MERC TENAKEE SPRINGS AK 99841	GEN DEL TENAKEE AK 99841	---	P-G	---	---	---

1/10/95

V O T E R L I S T

PAGE 15

DI	PRE	P	PHONE	NAME	REG-DATE	ID-NUMBER	RESIDENCE ADDRESS	MAILING ADDRESS	90	91	92	93	94
06	027	U		DELGADO	88/05/31	JOSEPH 212926	P OUZINKIE TRACK B OUZINKIE AK 99644	PO BOX 93 OUZINKIE AK 99644	PLG	L	PLG	L	PLG
06	039	R		EASTERLING III	88/11/18	ROYCE 459457	V 753 ALYESKA APT A KODIAK AK 99615	71 HOOK RD RAMEY PR 00604					A
06	039	U		SINK	82/10/15	CHARLES 227909	L 10674 KALSIN DR KODIAK AK 99615	PO BOX 2160 KODIAK AK 99615					Q
06	039	D		WARD	88/07/07	LESTER 430310	D 731 ALYESKA #A KODIAK AK 99615	731 ALYESKA #A KODIAK AK 99615					A
06	043	N		ANSELMO	87/08/20	CORAZON 408462	T 711 HEMLOCK ST KODIAK AK 99615	711 HEMLOCK ST KODIAK AK 99615					Q
06	043	N		FLEMING	89/07/05	NELLIE 464413	S 1618 LARCH ST KODIAK AK 99615	1618 LARCH ST KODIAK AK 99615					Q
06	043	D		STARR	74/07/18	DONALD 68260	C BOX 2553 KODIAK AK 99615	BOX 2553 KODIAK AK 99615					Q
06	045	R		ANSELMO	90/11/06	JOSEFINO 408455	P 521 MILL BAY RD KODIAK AK 99615	521 MILL BAY RD KODIAK AK 99615					Q
06	045	R		BYLER	91/10/17	JERRY 30106	L 304 WILSON AVE KODIAK AK 99615	PO BOX 1591 KODIAK AK 99615					A
06	045	U		LOGGLE	88/10/03	ADAM 453743	R 211 MILL BAY RD KODIAK AK 99615	PO BOX 806 KODIAK AK 99615					A
06	047	U		ABREGO	84/05/23	NORABLES 261009	A FIR TERRACE APT # A7 KODIAK AK 99615	PO BOX 3586 KODIAK AK 99615					Q
06	047	U		FROST	94/10/04	PAMELA 577200	J 1022 E REZANOF DR KODIAK AK 99615	PO BOX 141 KODIAK AK 99615					Q
06	047	G		KROM	90/10/05	DAVID 255755	W 1310 E REZANOF DR KODIAK AK 99615	1310 E REZANOF DR KODIAK AK 99615					Q
06	047	G		KROM	90/10/05	TAMARA 503316	1310 E REZANOF DR KODIAK AK 99615	1310 E REZANOF DR KODIAK AK 99615					Q
06	047	N		MARASIGAN	82/10/03	REMEGIO 223585	T 1512 MISSION RD KODIAK AK 99615	BOX 759 USCG SUP CENTER KODIAK AK 99619					Q
06	051	R		AGBAYANI	88/03/11	ROBERT 421038	B 3464 SEAN CIR KODIAK AK 99615	812 THORSHEIN ST KODIAK AK 99615					A
06	051	N		PERNS	68/11/05	VERNON 11548	D 4207 CLIFFSIDE RD KODIAK AK 99615	PO BOX 4192 KODIAK AK 99615					Q
06	051	A		CARLSON	88/10/04	DANIEL 449858	C 3720 E REZANOF DR KODIAK AK 99615	PO BOX 3030 KODIAK AK 99615					Q

1/10/95

V O T E R L I S T

PAGE 16

90 91 92 93 94

PLG L PLG L PLG

DI	PRE	P	PHONE	DAY	NAME	REG-DATE	ID-NUMBER	RESIDENCE ADDRESS	MAILING ADDRESS	
06	051	D			SUSAN	91/01/28	508292	R 2139 MONASHKA WY KODIAK AK 99615	PO BOX 522 KODIAK AK 99615	-----Q
06	051	U			PENKUSKY JR	91/01/28	JIM 508290	P 2139 MONASHKA WY KODIAK AK 99615	PO BOX 522 KODIAK AK 99615	-----Q
06	053	N			ASKOAK	85/08/24	WASSILY 368318	N 3 SAINTS AVE OLD HARBOR AK 99643	PO BOX 181 OLD HARBOR AK 99643	P-- L ----Q

1/10/95

V O T E R L I S T

PAGE 17

DI-PRE P	PHONE	NAME	REG-DATE	ID-NUMBER	RESIDENCE ADDRESS	MAILING ADDRESS	90	91	92	93	94
							PLG	L	PLG	L	PLG
07 033 N M		MEGANACK SR	BEN 68/08/27	2077	PORT GRAHAM AK 99603	PORT GRAHAM AK 99603					Q-Q
07 033 D M		MEGANACK	HARVEY 90/11/06	505584	L MAIN ST PORT GRAHAM AK 99603	PO BOX 5507 PORT GRAHAM AK 99603					Q-Q
07 033 U F		METCALF	ANESIA 76/06/22	85639	L PORT GRAHAM AK 99603	PO BOX 5518 PORT GRAHAM AK 99603					Q
07 033 N F		MILLER	AGNES 73/01/29	61328	I PORT GRAHAM AK 99603	PO BOX 5502 PORT GRAHAM AK 99603					Q
07 165 D F		BROWN	DIANE 89/11/16	474260	M MI 149 STERLING HWY ANCHOR POINT AK 99556	PO BOX 591 ANCHOR POINT AK 99556					Q
07 165 R M		CLUTTS	JOHN 88/08/23	440991	R MI 156 STERLING HWY ANCHOR POINT AK 99556	PO BOX 154 ANCHOR POINT AK 99556					Q
07 165 N M		FEFELOU	PETE 86/02/24	374740	P NIKOLAEVSK RD ANCHOR POINT AK 99556	PO BOX 168 ANCHOR POINT AK 99556					Q
07 165 U F		FEFELOV	STEPHANIDA 80/10/07	153874	NIKOLAEVSK VILLAGE ANCHOR POINT AK 99556	PO BOX 135 ANCHOR POINT AK 99556					Q
07 165 N F		FRIEDRICH	MARIAN 82/08/24	208857	J YONDER FORTY SUBD HOMER AK 99603	HCR 68135 VIRGINIA AVE HOMER AK 99603					Q
07 165 U M		JONAS	STEVEN 91/10/25	523797	M OLD STERLING HWY MI 5 ANCHOR POINT AK 99556	PO BOX 868 HOMER AK 99603					Q
07 165 U M		MARTUSHEV	ANISIFOR 90/11/06	507415	V NIKOLAEVSK VILLAGE ANCHOR POINT AK 99556	PO BOX 5116 NIKOLAEVSK CPD ANCHOR POINT AK 99556					Q
07 165 U M		POND	JOSEPH 90/09/25	498506	H MI 146 STERLING HWY ANCHOR POINT AK 99556	PO BOX 373 ANCHOR POINT AK 99556					Q
07 167 U M		HAUNSCHILD	HENERY 82/07/23	193121	D MISSION AVE HOMER AK 99603	PO BOX 975 HOMER AK 99603					Q
07 167 N M		MC CANN	JAMES 90/04/25	154480	M MI 1 SKYLINE DR HOMER AK 99603	PO BOX 2555 HOMER AK 99603					Q
07 167 D M		QUINLAN	JOHN 88/11/08	259811	W 880 MISSION AVE HOMER AK 99603	PO BOX 1937 HOMER AK 99603					Q
07 169 U M		BERGLUND	DONALD 89/03/01	461136	D CANNONBALL CIR HOMER AK 99603	PO BOX 630 HOMER AK 99603					Q
07 169 N M		CUNNINGHAM	SCOTT 94/09/18	624547	M 41195 CAROLYN DR HOMER AK 99603	PO BOX 1907 HOMER AK 99603					Q
07 169 N F		SMITH	SAMANTHA 94/09/18	624542	A 41195 CAROLYN DR HOMER AK 99603	PO BOX 1907 HOMER AK 99603					Q