

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11350 SENATE STATE AFFAIRS

(2) DATE FOR TRANSFER TO ELECTION ASSISTANCE COMMISSION OF UNOBLIGATED FUNDS- Section 104(c)(2)(B) of such Act (42 U.S.C. 15304(c)(2)(B)) is amended by striking 'September 1, 2003' and inserting 'January 1, 2004'.

(d) REQUIREMENT TO DEPLOY INTERIM MEASURE IF WAIVER REQUESTED- Section 102(a)(3)(B) of such Act (42 U.S.C. 15301(a)(3)(B)) is amended by striking the period at the end and inserting the following: ', except that any State requesting any such waiver shall accept and implement a paper system for use on an interim basis as provided in section 5(b) of the Voter Confidence and Increased Accessibility Act of 2003 in time for use in the November 2004 general election.'

SEC. 3. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE COMMISSION FROM CERTAIN GOVERNMENT CONTRACTING REQUIREMENTS.

(a) IN GENERAL- Section 205 of the Help America Vote Act of 2002 (42 U.S.C. 15325) is amended by striking subsection (e).

(b) EFFECTIVE DATE- The amendment made by subsection (a) shall apply with respect to contracts entered into by the Election Assistance Commission on or after the date of the enactment of this Act.

SEC. 4. PROMOTING ACCURACY, INTEGRITY, AND SECURITY THROUGH VOTER-VERIFIED PERMANENT RECORD OR HARD COPY.

(a) IN GENERAL- Section 301(a)(2) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(2)) is amended to read as follows:

(2) VOTER-VERIFICATION AND AUDIT CAPACITY-

(A) VOTER-VERIFICATION IN GENERAL- The voting system shall produce a voter-verified paper record suitable for a manual audit equivalent or superior to that of a paper ballot box system, as further specified in subparagraph (B).

(B) MANUAL AUDIT CAPACITY-

(i) The voting system shall produce a permanent paper record, each individual paper record of which shall be made available for inspection and verification by the voter at the time the vote is cast, and preserved within the polling place in the manner in which all other paper ballots are preserved within the polling place on Election Day for later use in any manual audit.

(ii) The voting system shall provide the voter with an opportunity to correct any error made by the system before the permanent record is preserved for use in any manual audit.

(iii) The voter verified paper record produced under subparagraph (A) and this subparagraph shall be available as an official record and shall be the official record used for any recount conducted with respect to any election in which the system is used.

^(C) SOFTWARE AND MODEMS-

^(i) No voting system shall at any time contain or use undisclosed software. Any voting system containing or using software shall disclose the source code of that software to the Commission, and the Commission shall make that source code available for inspection upon request to any citizen.

^(ii) No voting system shall contain any wireless communication device at all.

^(iii) All software and hardware used in any electronic voting system shall be certified by laboratories accredited by the

Commission as meeting the requirements of clauses (i) and (ii).'

(b) VOTER VERIFICATION OF RESULTS FOR INDIVIDUALS WITH DISABILITIES-
Section 301(a)(3) of such Act (42 U.S.C. 15481(a)(3) is amended--

(1) in the heading, by inserting 'AND VOTER-VERIFICATION OF RESULTS' after 'ACCESSIBILITY';

(2) in subparagraph (B), by striking '; and' and inserting the following: ', and such voting system shall provide a mechanism for voter-verification of results which separates the function of vote generation from the function of vote casting in a manner analogous to that described in section 4 with respect to the separation of paper ballot generation and paper ballot verification and preservation, but does not require the use of paper.';

(3) by amending subparagraph (C) to read as follows:

^(C) The equipment deployed in accordance with subparagraph (B) shall meet the voting system standards for disability access and voter-verification of results as outlined in this paragraph in accordance with the deadline set forth in section 5(a), provided that if it does not and an interim paper system is deployed in accordance with section 5(b), disabled voters shall have the option of using the interim paper system with the assistance of an aide of the voter's personal selection or using the voting system otherwise put in place for use by disabled voters at the time in question in accordance with the Help America Vote Act of 2002, as in effect prior to the enactment of this Act, except that the deadline set forth in section 301(a)(3)(C) of such Act (42 U.S.C. 15481(a)(3)(C)) is moved forward from January 1, 2007, to January 1, 2006.'; and

(4) by adding at the end the following new subparagraph:

^(D) Election officials shall be instructed in the rights of the disabled to vote with the assistance of an aide of their selection under the Voting Rights Act of 1965.'

(c) SPECIFIC, DELINEATED REQUIREMENT OF STUDY, TESTING, AND DEVELOPMENT OF BEST PRACTICES- In addition to any other requirements under the Help America Vote Act of 2002, the Election Assistance Commission shall study, test, and develop best practices to enhance accessibility and voter-verification mechanisms for disabled voters.

SEC. 5. CHANGE IN DEADLINE FOR COMPLIANCE WITH STANDARDS.

(a) **IN GENERAL-** Section 301(d) of the Help America Vote Act of 2002 (42 U.S.C. 15481(d)) is amended by striking 'on and after January 1, 2006' and inserting 'in time for elections for Federal office beginning with the regularly scheduled general election to be held in November 2004'.

(b) **INTERIM PAPER SYSTEM-** Each State and jurisdiction that certifies in the manner described in section 102(a)(3)(B) that it shall be unable to comply with the requirements of section 301 in time for the regularly scheduled general election for Federal office to be held in November 2004 shall receive a paper voting system, based on paper systems in use in the jurisdiction, if any, at the expense of the Commission that shall be deemed compliant with section 301 by the Commission for use in the November 2004 general elections.

SEC. 6. REQUIREMENT FOR FEDERAL CERTIFICATION OF TECHNOLOGICAL SECURITY OF VOTER REGISTRATION LISTS.

Section 303(a)(3) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)(3)) is amended by striking the period at the end and inserting the following: ', as certified by the Commission.'

SEC. 7. REQUIREMENT FOR MANDATORY RECOUNTS.

The Election Assistance Commission shall conduct manual mandatory surprise recounts of the voter-verified records of each election for Federal office (and, at the option of the State or jurisdiction involved, of elections for State and local office) in .5 percent of the jurisdictions in each State and .5 percent of the overseas jurisdictions in which voter-verified records are preserved in accordance with this section immediately following each general election for Federal office, and shall promptly publish the results of those recounts. The treatment of the results of the recount shall be governed by applicable Federal, State, or local law, except that any individual who is a citizen of the jurisdiction involved may file an appeal with the Commission if the individual believes that such law does not provide a fair remedy.

SEC. 8. EFFECTIVE DATE.

Except as provided in section 3(b), the amendments made by this Act shall take effect as if included in the enactment of the Help America Vote Act of 2002.

END



Text Size: A A A A

Voting Machine Leaves Paper Trail By Joanna Glasner

Story location: <http://www.wired.com/news/business/0,1367,58738,00.html>

02:00 AM May. 09, 2003 PT

Voting machines that print individual ballots -- an election accessory many computer scientists have clamored for -- are moving a step closer to widespread availability.

In response to concerns raised by election officials and security-minded techies, one of the largest makers of touch-screen voting machines has introduced a prototype capable of producing paper ballots.

Developed by Election Systems & Software of Omaha, Nebraska, the machine is currently in beta testing, with plans to make it commercially available by July.

"The idea is to provide a voter-verifiable ballot," said Lou Dedier, the ES&S vice president and general manager who built the original test model in his garage. Dedier said his mock-up was based on suggestions from elections administrators.

The planned rollout comes as a coalition of computer scientists, led by David Dill, a Stanford computer science professor, is lobbying election officials and voting machine manufacturers to fix security flaws in the current crop of touch-screen voting machines. The coalition believes the flaws are serious.

In particular, computing experts worry that hundreds of thousands of direct-recording electronic, or DRE, voting machines used in elections nationwide do not provide an auditable paper trail that records individual votes. In order to ensure that votes are not lost because of a computer malfunction or tampering, critics say DRE machines should be able to print and store individual ballots immediately after a vote is cast.

"I'm happy that some are trying to produce interesting solutions to the voter-verifiable audit-trail problem," said Dill. Although he does not endorse any particular voting machine vendor, he considers the ES&S prototype a

breakthrough for a major manufacturer.

As pressure mounts for paper receipts, ES&S is not the only one who may add on a ballot-printing feature.

Joe Richardson, a spokesman for Diebold Election Systems, one of ES&S's chief competitors, said the company would be willing to provide such a feature to U.S. customers if the demand is there. Richardson said the company included ballot-printing capability in more than 300,000 voting machines it sold to Brazil.

Avante International Technology, a developer of smart-card technology, recently introduced a machine called Vote-Trakker, which creates a paper ballot that voters can view and verify before exiting the polls.

Sequoia Voting Systems, another large maker of DRE machines, recently agreed to provide machines for Santa Clara County, California. Officials there plan to petition the secretary of state to approve a pilot project with paper records that voters can inspect starting in this November's election.

For ES&S, providing a ballot-printer capability isn't solely an altruistic move. Dedier said municipalities can expect to pay between \$400 and \$500 to add the ballot-printing feature to an existing machine.

The ballot-printing prototype by ES&S is quite similar to its standard DRE machine. In both cases, voters make their choices by touching the name of their preferred candidate or ballot proposition position on a computer screen.

The primary difference with the prototype model is that after votes are entered, a copy of a printed ballot appears behind a clear plastic screen. A voter can look at the printed ballot and press a button to submit it or to make changes. Submitted ballots get dropped in a box at the bottom of the machine for later counting.

Dedier said much of his original design was based on suggestions from Warren Slocum, chief elections officer for San Mateo County, California. Slocum, in turn, said his recommendations were influenced by security concerns raised by computer scientists.

"Part of my goal is to try to influence this public policy," said Slocum, who favors using printed ballots, rather than electronic records of votes, as the official ballot in case of a recount. Slocum said San Mateo, which primarily used optical-scan ballot machines, also made by ES&S, doesn't plan to use the printer-enabled machines this year, but may next year.

He believes touch-screen machines offer some advantages, such as the ability to provide voting in multiple languages without having to pre-print ballots for non-English speakers.

But the main purpose of adding ballot-printing capability, he said, is to ensure voters that in the event of a computer malfunction, their votes will still be accurately recorded on paper.



Special Partner Promotion



Get a dose of the AMD Athlon™ 64 FX processor. Take your system to extremes.

Wired News: [Staff](#) | [Contact Us](#) | [Advertising](#) | [RSS](#)

We are translated daily into Spanish, Portuguese, and Japanese

© Copyright 2003, Lycos, Inc. All Rights Reserved.

Your use of this website constitutes acceptance of the [Lycos Privacy Policy](#) and [Terms & Conditions](#)

Posted on Sun, Feb. 01, 2004

ELECTRONIC VOTING'S HIDDEN PERILS

By Elise Ackerman
Mercury News

Poll workers in Alameda County noticed something strange on election night in October. As a computer counted absentee ballots in the recall race, workers were stunned to see a big surge in support for a fringe candidate named John Burton.

Concerned that their new \$12.7 million Diebold electronic voting system had developed a glitch, election officials turned to a company representative who happened to be on hand.

Lucky he was there. For an unknown reason, the computerized tally program had begun to award votes for Lt. Gov. Cruz Bustamante to Burton, a socialist from Southern California.

Similar mishaps have occurred across the country since election officials embraced electronic voting in the wake of the Florida vote-counting debacle of 2000.

When Californians go to the polls next month to choose a presidential candidate, many voters will cast a virtual ballot by pressing a computer touch screen that records their votes digitally. The only tangible proof that a citizen has voted -- and how he voted -- will be fingerprints left on the machine's screen.

Electronic voting removes the risk of election officials misinterpreting hanging chads. But it raises another electoral peril: that a digital ballot box might miscount votes without anyone noticing.

As the black box replaces the ballot box, concern is growing that local officials are becoming dependent on a handful of corporations to guarantee the integrity and accuracy of elections.

Counties, including Santa Clara County, rely on these voting-equipment companies to manage the software that runs digital voting machines and counts electronic votes -- and to fix things when they go wrong on election night. The companies, however, consider such software a trade secret, making independent confirmation of contested elections difficult, if not impossible.

To guard against error and fraud, the state requires that the companies only install approved software on electronic voting machines. But in California, one of the biggest voting-equipment companies, Diebold Election Systems, provided 17 counties with uncertified software that was used in recent elections.

Review of practices

County election officers remain responsible for overseeing electronic voting systems, but a review of past elections and current practices raises questions about how closely they're monitoring voting-equipment companies.

"My biggest concern is the lack of accountability," said David Dill, a Stanford University computer-science professor and a leading expert on electronic voting.

Election officials and company representatives dismiss concerns about computerized voting as overblown, citing safeguards designed to ensure the reliability of computerized voting systems.

``We have the best system available on the market. It is secure and reliable and the voting public had a wonderful experience," said Jesse Durazo, the registrar of voters for Santa Clara County, which uses touch-screen machines from Sequoia Voting Systems.

Alameda County officials still don't know why the computer program failed on election night. In fact, they only discovered the malfunction because they could compare the paper absentee ballots the software was counting to the computer's tally. The rest of the county's voters cast electronic ballots. Nor were election workers aware at the time that their touch-screen machines were running unauthorized Diebold software in violation of California law, as a state investigation later discovered.

``There was something in the software," said Elaine Ginnold, assistant registrar of voters for Alameda County. Alameda County officials refused to allow the Mercury News to review the software code used to test its electronic voting system, saying it was a Diebold trade secret.

``At no time were incorrect vote totals released," Diebold spokesman David Bear wrote in an e-mail. ``The system is safe, secure and accurate." He attributed the malfunction to a computer-server error and the large number of candidates on the recall ballot.

``The counties are in over their heads," said Kim Alexander, founder of the California Voter Foundation, a Davis-based election watchdog group. ``People are left depending on the vendors to tell them who won the elections."

That is especially the case on election night, when mechanical mishaps and buggy computer code could create crises only company employees could resolve.

For instance, in Riverside County during the 2000 presidential election, a computer from Sequoia began dropping touch-screen ballots from the vote tally. A Sequoia salesman who was on hand intervened and fixed the problem.

Unnoticed error

Two years later in Bernalillo County, N.M., neither local election officials nor a Sequoia representative noticed on election night that a programming error was causing a computer running Microsoft SQL server software to delete 25 percent of ballots cast by early voters. Three days later, a Democratic Party lawyer spotted a discrepancy between the number of voters who signed in at the polls and the number of digital ballots counted. Sequoia then managed to recover the lost votes.

``They messed up," said Mary Herrera, the Bernalillo County clerk, of Sequoia.

Responded Sequoia spokesman Alfie Charles: ``It was just a bug in Microsoft that required an additional step in converting data into the database format. There was a patch that was later applied by Microsoft."

Alexander of the California Voter Foundation worries that such incidents mean the machines could miscount ballots or fail to register votes without anyone realizing.

Critics are alarmed that touch-screen voting systems do not create a paper record that allows for a physical recount of ballots. Rather, the machines record votes on digital memory cartridges. When the polls close, the cartridges are removed from the touch-screen machines and plugged into a computer which downloads and tabulates the voting data.

In November, California Secretary of State Kevin Shelley ordered that by July 2006 all touch-screen machines must print paper receipts so an election can be independently audited. To meet that mandate, the voting-equipment companies must manufacture new state-approved hardware and software.

Computer scientists acknowledge a paper trail will help ensure the accountability of electronic voting systems. However, they say such a requirement does not resolve concerns over counties' dependence on voting-equipment companies and the security of computerized voting.

Until voting machines produce paper receipts, the only way a candidate can investigate questionable election results is by examining the voting systems' software code.

But there's a catch: Election companies consider such software a trade secret not open to public scrutiny -- or subject to challenge from losing candidates, as Emil Danciu found out.

Danciu ran for city council in Boca Raton, Fla., in March 2002. A popular former mayor of the seaside town in Palm Beach County, Danciu expected to win in a landslide but lost by 16 percentage points.

After some voters complained that Sequoia's touch-screen machines appeared to have recorded ballots cast for Danciu as votes for his opponents, Danciu sued to obtain the Sequoia software code.

But Palm Beach County didn't have the code. "All of this stuff that they are asking for are all proprietary items owned by the manufacturer," a county attorney told the judge hearing the case. The attorney argued that even if the county did have the documents, it would be a felony to disclose "trade secrets."

The judge denied Danciu's request for the software code.

U.S., state inspectors

County election officers and voting-equipment company executives stress that voting machines and software are carefully examined by federal and state inspectors before receiving approval. Furthermore, they say, pre-election testing ensures ballots are counted correctly.

"There are checks and balances to ensure nothing has been compromised," said Charles, the Sequoia spokesman.

The goal of the government certification process is to make sure proprietary voting systems are accurate, reliable and secure. The certification process is crucial because it provides the only safeguard voters have that the machines are performing the way the election companies promise.

"Every single piece of hardware and software that is used in an election is certified by our office," state election official John Mott-Smith reassured the Santa Clara County Board of Supervisors last year. "Every modification to those systems has to come back for certification and testing if necessary."

Yet eight months later, a state audit revealed that voters in 17 California counties had cast ballots in recent elections on Diebold systems that were running software not approved by the state, according to a December 2003 report. The Diebold software is used to count both touch-screen electronic ballots and paper ballots read by an optical scanner. Three of the counties, including Los Angeles, the state's largest, were using Diebold software that had not been submitted for federal review.

Assurances by vendor

The audit also found that county election officials had not independently verified they were using certified software, as the law requires, but relied on assurances by Diebold it was complying with state regulations.

Even tech-savvy counties like Santa Clara can have difficulty tracking exactly what their voting-equipment company is doing for them. Computer scientists argue that a failure to keep close tabs on modifications to the machines or their software opens the door to tampering or the introduction of errors that might show up on election night.

Following November's election in Santa Clara County, Sequoia sent over a group of blue-coated technicians to make adjustments to voting machines that experienced battery problems. For three weeks, the workers, employed by a Sequoia subcontractor, took apart the machines, removing their circuit boards and making adjustments.

Nevertheless, Santa Clara County officials didn't know the name of the subcontractor and hadn't verified the identities of the workers it hired when the Mercury News made an inquiry. They also hadn't documented the changes being made to the machines.

To find out such information, "you'd have to contact Sequoia," said Assistant Registrar of Voters Elaine Larson.

In interviews with the Mercury News, registrars defended their close relationship with the companies. The world of elections administration is a small one, and the revolving door between state, federal and county elections departments and the voting-equipment companies has spun for years.

"I have a hundred percent confidence in Sequoia -- in their integrity and honesty and their ability to keep us compliant with the law of California," said Cathy Darling, assistant registrar of Shasta County.

That attitude bothers Dill, the Stanford computer scientist and electronic-voting expert. "From a computer-security perspective, handing over control of an important part of the election, I think, is not a good idea," said Dill. "I'd prefer to see that kind of control in the hands of local officials who are accountable to elected representatives."

Contact Elise Ackerman at eackerman@mercurynews.com or (408) 271-3774.

© 2004 Mercury News and wire service sources. All Rights Reserved.
<http://www.mercurynews.com>

washingtonpost.com

▼ ADVERTISING

Fairfax Judge Orders Logs Of Voting Machines Inspected

By David Cho
Washington Post Staff Writer
Thursday, November 6, 2003; Page B01

It took more than 21 hours from the time polls closed Tuesday night for Fairfax County, the putative high-tech capital of the region, to get final election results from its new, computerized vote machines.

Widespread problems in the system, which the county paid \$3.5 million to install, also opened the door to possible election challenges by party leaders and candidates.

School Board member Rita S. Thompson (R), who lost a close race to retain her at-large seat, said yesterday that the new computers might have taken votes from her. Voters in three precincts reported that when they attempted to vote for her, the machines initially displayed an "x" next to her name but then, after a few seconds, the "x" disappeared.

In response to Thompson's complaints, county officials tested one of the machines in question yesterday and discovered that it seemed to subtract a vote for Thompson in about "one out of a hundred tries," said Margaret K. Luca, secretary of the county Board of Elections.

"It's hard not to think that I have been robbed," said Thompson, whose 77,796 recorded votes left her 1,662 shy of reelection. She is considering her next step, and said she was wary of challenging the election results: "I'm not sure the county as a whole is up for that. I'm not sure I'm up for that."

Meanwhile, attorneys for local Republicans and GOP candidate Mychele B. Brickner, who lost her bid to chair the Fairfax County Board of Supervisors, went before a circuit court judge yesterday morning, asking him to keep 10 voting machines under lock and key and not to include their tabulations in the results. The machines, from nine precincts scattered across the county, broke down about midday Tuesday and were brought to the county government center for repairs and then returned to the polls -- a violation of election law, Republicans argued.

The judge said the activity logs of all 10 machines will be inspected this week, with members of both major parties present.

"It's like Florida in many ways," said the Republicans' attorney, Christopher T. Craig, referring to that state's 2000 presidential ballot-counting controversy. "This is about ballot integrity. . . . A lot of people have been telling us they couldn't vote for someone. . . . I have been hearing that there are a lot of problems" with the county's new WINvote computer technology.

As more details emerged yesterday, county officials defended the system. Luca insisted that most of the problems had less to do with computer glitches than human error.

Read
Dr. William
Fortney's new
column at
proplan.com



PET TOPIC
OF THE MONTH:

The Dog's
Digestive
System.

◀◀ LEARN MORE

Ask
Dr. Fortney

Your question
could be answered
in a future column.

◀◀ LEARN MORE



"The new machines get an A-plus," she said. "It's the plan to collect the vote that gets the failing grade."

Fairfax purchased the 1,000 touch-screen vote machines this year from Advanced Voting Solutions of Frisco, Tex. The machines, which resemble laptop computers, were used countywide Tuesday for the first time, and the problems that resulted mirrored what occurred in Montgomery County last year when similar new technology was used. The equipment in Montgomery County was blamed for delayed results and confusion at the polls.

Fairfax officials had confidently promised that their machinery would work much better, citing a battery of tests conducted last week. They also predicted that the system would greatly speed the reporting of results.

Instead, it churned out one of the slowest vote counts in memory.

Much of the delay occurred at 7 p.m. when the polls closed. Most of the county's 223 precincts attempted to send in their computer tallies at once, overloading the system. Many poll officials ended up calling in their numbers, but some couldn't get through and instead drove their results to the county government center.

In at least 19 precincts, results were officially sealed in the mistaken assumption that they had been sent by computer modem, officials said yesterday. Sealed results cannot be opened unless all three election board members are present, which led to further delays.

In addition, software errors kept the results from two precincts from being posted until about 4:30 yesterday afternoon.

"Everyone seems to be aghast at how this could happen," Thompson said. "But this seems like something you could have had the foresight to see."

John Service, 50, of North Springfield said it took him four or five tries to register his vote for Thompson, and he wondered whether some voters were disenfranchised. "I am concerned about voters who might have been in a rush and didn't go back and check to make sure all the names [they intended to vote for] appeared on the final ballot," he said.

The glitches forced a handful of precincts to return to paper ballots. And even at polls where computer problems didn't arise, voter unfamiliarity with the technology created long lines.

Some voters gave up -- a thought that crossed Jeff Fisher's mind.

Fisher, 43, of Annandale said he almost walked out of his polling place when a woman in front of him spent 10 minutes getting through the ballot.

Others, though, wondered why so many people had problems with the machines. "I thought it was very easy to vote, and I'm not even that bright of a kid," Al Richards, 61, of Falls Church said.

© 2003 The Washington Post Company

Current Folder: INBOX [Jump to...](#)[Sign Out](#)[Compose](#) [Addresses](#) [Folders](#) [Search](#) [Search State E-mail Directory](#) [Options](#) [Help](#)[Message List](#) | [Delete](#)[Previous](#) | [Next](#)[Forward](#) | [Reply](#) | [Reply All](#)Subject: **SB 296 - Paper trail for electronic voting machine**[View Full Header](#)From: Don Anderson <don.anderson@softwarenorth.com> [Add](#)[View Printable Version](#)[View Message details](#)

Date: Wed, February 18, 2004 10:53 am

To: Gary Stevens <Senator_Gary_Stevens@legis.state.ak.us>

Cc: Laura Glaiser <laura_glaiser@gov.state.ak.us>, (more)

Priority: Normal

Senator Stevens

Chairman of the Senate State Affairs Committee

I strongly favor the provisions in SB 296 and hope you will work to in early adoption.

Our current machines in which a paper ballot is scanned and retained u potential later audit should be the only form of voting machine permit

As a computer programmer and former member of the state election revie feel the opportunity for fraud is very great in many types of voting m currently on the market. Even with pre and post election testing, I co s. me of these machines to steal an election.

'Touch screen' systems are fatally flawed. This type of machine shoul (or bought). Fortunately the machines used in Alaska read an actual p and retain the ballot inside the machine for possible audit or recount statistical, public audit should be made after every election to verif paper ballots match the vote totals. Note that this does not have to comprehensive audit, but the selection of the sample boxes and races m random as explained by Demming. This is in addition to any recounts u

Pre and post election testing does not provide assurance that the vote counted correctly. However it is necessary to check that the code has specifically for this election.

If access can be had to the machines after the programming for an elec theoretically possible to add a patch that would be undetectable durin election testing and would not be detectable during a post election me Details of how to accomplish this would depend on studying the machine detail or having access to an employee of the manufacturer.

When I was on the State Election Board the only thing that gave me con result was careful testing plus knowing the absolute integrity of the wrote the code. With the current paper ballots (rather than the old p is possible to do a manual post election audit to provide any level of

confidence desired. As usual the manual procedures that accompany the potentially the weakest link, but also an excellent place for fraud de

There is one weakness in Alaska's current voting system that could be enabling legislation and appropriate procedures. That is the current machines to ignore undervotes. This leaves the voter unsure if all th made for candidates and issues on his ballot have been read since any equivalent to an undervote for that position. This could be improved candidate for each position "none of the above" and for each ballot is opinion". The machines could then be set to reject undervotes as well confirming that all positions have been voted. Of course the voter mu to correct the sheet.

Donald N. Anderson, Ph.D.
don.anderson@SoftwareNorth.com
(907) 561-4412 / (800) 228-3846

[Download this as a file](#)

[Previous](#) | [Next](#) | [Delete & Prev](#) | [Delete & Next](#)

Move to:

SB

302

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/6/04

FURTHER: Judiciary

Date of 5-Day Notice: 2/12/04
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2/20/04

State Affairs Committee considered SENATE BILL NO. 302

SB 302 OATHS; NOTARIES PUBLIC; STATE SEAL

"An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state; relating to notaries public; relating to fees for issuing certificates with the seal of the state affixed; and providing for an effective date."

and recommends:

- be replaced with _____ CS SB 302 (STA)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

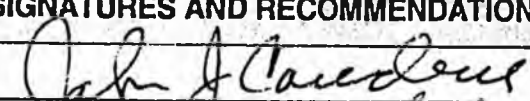
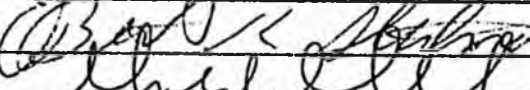
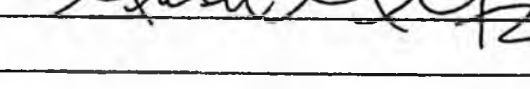

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
<u>COG</u>	<u>1/29/04</u>	<input checked="" type="checkbox"/>			<u>1</u>

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>			
			<input checked="" type="checkbox"/>	
CHAIR: 	<input checked="" type="checkbox"/>			

LEGAL SERVICES

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

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


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

MEMORANDUM

February 23, 2004

SUBJECT: CSSB 302(STA) (Work Order No. 23-GS2022AD)

TO: Senator Gary Stevens
Chair, Senate State Affairs Committee
Attn: Katrina

FROM:  Theresa L. Bannister
Legislative Counsel

This memo accompanies the bill described above.

1. Correction. With your permission, the word, "bond," was added after "the surety for any" in sec. 44.50.065(d)(1) where it appeared that a word was missing.
2. Legislative style. A few small edits were made ("for each" for "per", a comma deleted, "nonconfidential" for "non-confidential", and "data bases" for "databases") The bill still does not completely comply with the legislature's drafting style, so we would like an opportunity to make a few stylistic changes. Since this bill has passed out of your committee, we ask that you pass along this memo to the next committee of referral, so that it can consider this request.

If I can be of further assistance, please advise.

TLB:mdr
04-060.mdr

Enclosure:

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 302
(S) Publish Date: 2/6/04

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
Title An Act relating to oaths, affirmations RDU _____
and acknowledgments _____ Component Office of the Lt. Governor
Sponsor Governor _____
Requester Rules _____ Component No. 11

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()	8.7	8.7	8.7	8.7	8.7	8.7
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The proposed fee changes for certificates from \$2 to \$5, as set out in Section 5 of the bill, will generate anticipated \$8.7 in additional unrestricted revenues.

Prepared by: Linda J. Perez, Director
Division: Administrative Services
Approved by: Lt. Governor Loren Leman
Agency: Office of the Lt. Governor

Phone 465-3876
Date/Time 1/29/04 2:40 PM
Date 1/29/2004

AMENDMENT #1

Page 10, line 10:

Delete "a \$5 name change fee"

Insert "the fee under AS 44.19.024"

Page 14, line 11:

Insert: "44.50.180(c),"

*Adopted w/o
obj.*

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

112.13

Postal Delegation

112.13 General Counsel

The general counsel is authorized to settle federal tort claims under section 2672 of Title 28, United States Code, up to \$100,000, in accordance with the provisions of 39 CFR 224.4.

112.2 Authority to Function as Notaries Public

Postmasters in Alaska have the authority to administer oaths and affirmations, take acknowledgments and make and execute certificates thereof, and perform all other functions of a notary public within Alaska when a certification is necessary to meet any Act of Congress or the Legislature of Alaska.

Note: No fees may be charged for notarial services.

112.3 Other Delegation**112.31 Documentation**

All delegations of authority must be officially documented.

112.32 Position Title

Delegations of authority must ordinarily be made by position title rather than by name of the individual involved. An officer or executive acting for a principal has the principal's full authority.

112.33 Level

When authority is delegated to an officer, the officers above that officer shall have the same authority. Delegated authority does not extend to aides unless an aide is acting for the supervisor (see 112.32) or is specifically authorized by the superior to exercise such authority.

112.34 Agreement With Law

A delegation must agree with the law and regulations under which it is made and contain such specific limiting conditions as may be appropriate.

112.35 Further Delegation

Authority may be further delegated unless prohibited by law, a regulation that expressly prohibits further delegation, or terms of the delegation.

AMENDMENT

Page 10, line 10:

Delete "a \$5 name change fee"

Insert "the fee under AS 44.19.024"

Page 14, line 11:

Insert: "44.50.180(c),"

*Change that \$5 is
only to be charged once.*

*Add: 44.50.180(c) to
the regulations - the law
is not consistent w/ the
general law*

112.13

Postal Delegation

112.13 General Counsel

The general counsel is authorized to settle federal tort claims under section 2672 of Title 28, United States Code, up to \$100,000, in accordance with the provisions of 39 CFR 224.4.

112.2 Authority to Function as Notaries Public



Postmasters in Alaska have the authority to administer oaths and affirmations, take acknowledgments and make and execute certificates thereof, and perform all other functions of a notary public within Alaska when a certification is necessary to meet any Act of Congress or the Legislature of Alaska.

Note: No fees may be charged for notarial services.

112.3 Other Delegation

112.31 Documentation

All delegations of authority must be officially documented.

112.32 Position Title

Delegations of authority must ordinarily be made by position title rather than by name of the individual involved. An officer or executive acting for a principal has the principal's full authority.

112.33 Level

When authority is delegated to an officer, the officers above that officer shall have the same authority. Delegated authority does not extend to aides unless an aide is acting for the supervisor (see 112.32) or is specifically authorized by the superior to exercise such authority.

112.34 Agreement With Law

A delegation must agree with the law and regulations under which it is made and contain such specific limiting conditions as may be appropriate.

112.35 Further Delegation

Authority may be further delegated unless prohibited by law, a regulation that expressly prohibits further delegation, or terms of the delegation.

American Society of Notaries



ALL-STATES Notary Public Guide

Respectfully developed by the American Society of Notaries
for the U.S. Secretaries of State, Secretaries of the Commonwealth
and Notary Administrators.

Research and editing by Joanna L. Lilly and Jennifer Workman.
Layout by Laura Pichard-Murphy.

This information was compiled through, and is based on, notary websites and interviews with notary administration staff for each state. Any errors or omissions in data are unintentional.

Further information can be obtained by contacting the state notary administrators' office.

Contact information for each state is provided on pages 12-13.



For her interest and efforts in developing this resource for the National Association of Secretaries of State, we'd like to offer a special thanks to the Honorable Anne Petera, Virginia Secretary of the Commonwealth and Chairperson of the NASS Standing Committee on Notaries.



Notary Population by State & Electronic Applications

STATE	POPULATION	ACCEPTANCE OF E-APPLICATIONS	UCC FILINGS
ALABAMA	70,000	No	Secretary of State Office
ALASKA	11,800	Not yet	Banking and Corporations Office
ARIZONA	85,000	Not yet	Business Services
ARKANSAS	Over 100,000	No	UCC Division
CALIFORNIA	154,000	No	UCC Division
COLORADO	90,000 - 100,000	Not yet	Division of Bus. Filings UCC Section
CONNECTICUT	52,000 +/-	No	Commercial Recording Division
DELAWARE	10,000	No	Corporations Division
D.C.	12,000 - 15,000	No	—
FLORIDA	350,000	Yes	Department of State, Division of Corporations
GEORGIA	240,000 - 250,000	No	UCC Division
HAWAII	7,000	Not yet	—
IDAHO	—	No	UCC Division
ILLINOIS	184,000	Not yet	Business Services
INDIANA	90,000	Not yet	UCC Division
IOWA	50,000	Not yet	Corporations Division
KANSAS	80,000	Not yet	UCC Division
KENTUCKY	80,000 (records kept 4 years only)	No	UCC Division
LOUISIANA	—	No	UCC Division
MAINE	—	No	UCC Division
MARYLAND	94,000	No	Assessment And Taxation Department
MASSACHUSETTS	100,027	No	Corporations Division
MICHIGAN	150,000	No	Business Licenses
MINNESOTA	83,000	No	—
MISSISSIPPI	50,948	No	UCC Division
MISSOURI	71,122	No	UCC Division
MONTANA	18,300	No	UCC Division
NEBRASKA	22,000	No	Secretary of State Office
NEVADA	27,000	Not yet	UCC Division
NEW HAMPSHIRE	25,000	No	UCC Division
NEW JERSEY	—	Not yet	Division of Revenue
NEW MEXICO	32,000	No	Secretary of State Office
NEW YORK	250,597	No	Division of Corporations UCC Unit
NORTH CAROLINA	196,000	Not yet	UCC Division of SOS Office
NORTH DAKOTA	11,574	No	Central Indexing
OHIO	85,000	No	—
OKLAHOMA	84,000	No	Through each county
OREGON	45,000	Not yet	Corporations Division
PENNSYLVANIA	91,490	Not yet	Corporations Bureau
RHODE ISLAND	47,860	No	UCC Division
SOUTH CAROLINA	150,000 - 200,000	No	UCC Division
SOUTH DAKOTA	17,000	No	UCC Division
TENNESSEE	143,069	No	Secretary of State Office
TEXAS	352,294	Not yet	UCC Division
UTAH	28,000	No	Division of Corporations & Commercial Code
VERMONT	20,000	Not yet	Division of Corporations
VIRGINIA	200,000	Not yet	State Corporation of Commercialization
WASHINGTON	75,000	No	UCC Office in the Department of Licensing at the Business and Profession Division
WEST VIRGINIA	42,000	No	UCC Division
WISCONSIN	20,000	No	Department of Financial Institutions
WYOMING	15,000	Not yet	Corporations Division

— Information not available.

Appointment Process – Qualifications

STATE	APPOINTING OFFICER	REQUIREMENTS FOR COMMISSION
ALABAMA	Individual county judges	Varies by county — 18 years old; resident of AL and county commissioned in; must have notary bond at time of commissioning.
ALASKA	U. Governor	19 years old; resident of AK.
ARIZONA	Secretary of State	18 years old; must be an AZ resident; minimum residency requirement varies.
ARKANSAS	Secretary of State	18 years old; citizen of US and resident of AR; able to read and write English; notary commission hasn't been revoked within the last 10 years.
CALIFORNIA	Secretary of State	18 years old; legal resident of CA; successful completion of an approved notary exam.
COLORADO	Secretary of State	18 years old; citizen of US; qualified elector in CO; able to read and write English.
CONNECTICUT	Secretary of State	18 years old; residence or employment in CT.
DELAWARE	Secretary of State	18 years old; good character and reputation; a reasonable need for a notary commission; legal resident of DE.
DISTRICT of COLUMBIA	Office of the Secretary	18 years old; residence or employment in DC; letter explaining need included with application; three character references included with application.
FLORIDA	Office of the Governor	18 years old; read, write, and understand English; permanent resident of FL; if convicted of a felony must have rights restored; completion of mandatory training class.
GEORGIA	Clerk of Superior Court in each county	18 years old; able to read and write English; resident of GA.
HAWAII	Attorney General	18 years old; US citizen and resident of HI.
IDAHO	Secretary of State	18 years old; residence or employment in ID; able to read and write English; No removal from office for misconduct or no conviction of a serious crime within the last 10 years.
ILLINOIS	Secretary of State	18 years old; resident of IL; able to read and write English; no revocation of commission or felony convictions in the last 10 years.
INDIANA	Secretary of State	18 years old; resident of IN.
IOWA	Secretary of State	18 years old; residence or employment in IA; no revocation of commission or felony convictions in the last 10 years.
KANSAS	Secretary of State	18 years old; resident of KS; or resident of bordering state and employed in KS.
KENTUCKY	Secretary of State	18 years old; resident of county in which application is made; of good moral character; and capable of discharging duties imposed by law.
LOUISIANA	Secretary of State	18 years old; resident of LA, in and for the parish in which applicant lives or works, provided that the notary meets the requirements established by each parish in which the notary applies.
MAINE	Secretary of State	18 years old; resident of ME; and recommended to the office by a registered voter in ME.

Term of Office & Appointment Fees

TERM OF OFFICE	APPOINTMENT FEES	COMMENTS
4 years	\$11-\$15, varies by county	Notaries are appointed by county judges in county of residence.
4 years	\$40	AK specifically requires personal appearance. Postmasters may perform the functions of a notary public.
4 years	\$25 to Secretary of State; \$18 to Clerk of Superior Court in county of residence	Jurisdiction is statewide, though notaries are commissioned in the county of residence.
10 years	\$20	
4 years	\$100	
4 years	\$10 plus \$2 admin fee for change of address, name change, etc.	
5 years	\$60	
2 years (new) or 4 years	\$53 \$78	
5 years	\$50	
4 years	\$39	Notaries in FL are authorized to perform marriage ceremonies.
4 years	\$15	
4 years	\$40	
6 years	\$30	
4 years	\$10	
8 years	\$5	
3 years (resident) 1 year (non-resident)	\$30	
4 years	\$10	Notaries are <u>not</u> considered public officers.
4 years	\$10	There are two types of notaries in KY: notaries state-at-large and notaries under special commission.
Lifetime	Varies from parish to parish - up to \$1,000, includes education and examination, state fees, background checks, bonding, filing with parish, etc. LA notaries are civil law notaries with more involved duties than common law notaries. LA's requirements for notaries reflect this difference.	
7 years	\$25	Each new notary must swear an oath in front of a Dedimus Justice before acting as a notary. Notaries in ME are authorized to perform marriage ceremonies.

Appointment Process – Qualifications

STATE	APPOINTING OFFICER	REQUIREMENTS FOR COMMISSION
MARYLAND	Secretary of State	18 years old; of good character, integrity and abilities; live or work in MD.
MASSACHUSETTS	Governor	18 years old
MICHIGAN	Secretary of State	18 years old; residence or employment in MI; resident of the county where requesting a commission. In the case of nonresidents, applicants must work in the county in which commission is requested.
MINNESOTA	Governor	18 years old; resident of MN.
MISSISSIPPI	Governor	18 years old; registered voter in MS.
MISSOURI	Secretary of State	18 years old; registered voter of county of residence; able to read and write English; no commission revoked during past 10 years.
MONTANA	Secretary of State	18 years old; minimum residency of 1 year.
NEBRASKA	Governor	19 years old; application is accompanied by petition signed by at least 25 voters in county of residence.
NEVADA	Secretary of State	18 years old; resident of NV, US citizen or resident alien; possession of civil rights.
NEW HAMPSHIRE	Governor and Ex. Council	18 years old; resident of NH; 2 notaries and 1 registered voter must endorse application; must complete State Police Records Check Form; cannot be a convicted felon.
NEW JERSEY	Secretary of State	18 years old; resident of NJ or resident of adjoining state who works in NJ; not convicted of a felony above the second degree.
NEW MEXICO	Governor	18 years old; resident of NM; able to read and write English; no revocation of commission or felony convictions in the past 5 years.
NEW YORK	Secretary of State	18 years old; residence or employment in NY; must pass written exam; and must provide verification of good moral character.
NORTH CAROLINA	Secretary of State	18 years old; resident of NC or employed in NC; recommended by publicly elected official; completion of notary course approved by SOS.
NORTH DAKOTA	Secretary of State	A notary applicant must have the same qualifications as an elector with regard to age and residence or must reside in a county that borders ND in a state that extends reciprocity to a notary public in a border county.
OHIO	Governor	18 years old; citizen of OH; or attorney of another state who is admitted to the practice of law in OH.
OKLAHOMA	Secretary of State	18 years old; citizen of the US; legal residence or employment in OK.
OREGON	Secretary of State	18 years old; residence or employment in OR; able to read and write English; be of good moral character; have no notary commission revoked in the preceding 5 years; no felony conviction within the last 10 years.
PENNSYLVANIA	Sec. of the Commonwealth	18 years old; registered voter; resident of PA for at least 1 year prior to commission application; be of known character, integrity, and ability.
RHODE ISLAND	Governor	Any qualified elector/resident of RI.
SOUTH CAROLINA	Governor	18 years old; must be a registered voter in SC; application must be endorsed by county delegates.
SOUTH DAKOTA	Secretary of State	18 years old; citizen of US; no felony convictions.
TENNESSEE	Governor	18 years old; citizen of US and resident of TN; no felony convictions; elected by county legislative body or county of residence.

Term of Office & Appointment Fees

TERM OF OFFICE	APPOINTMENT FEES	COMMENTS
4 years	\$10	
7 years	\$25	
4 years	\$5	
5 years	\$40	Dept of Commerce oversees notary commissions.
4 years	\$25	Notaries are <u>not</u> considered public officers.
4 years	\$25	Non-residents can be notaries in MO if they work in MO.
4 years	\$20	
4 years	\$30	
5 years	\$35	
5 years	\$50	
5 years	\$25	
4 years	\$10	
First commission-2 yrs 4 years after July 18, 2001	\$30 (\$60 after July 18, 2001)	
5 years	\$30	
6 years	\$25	
5 years	\$5-6	Notaries apply in the counties they reside in through the local bar association.
4 years	\$25	
4 years	\$20	
4 years	\$25	
4 years	\$80	
10 years	\$25	SC notaries are authorized to perform marriage ceremonies.
6 years	\$10	
4 years	\$12	\$7 for the County Court Clerk and \$5 for the Secretary of State.

Appointment Process – Qualifications

STATE	APPOINTING OFFICER	REQUIREMENTS FOR COMMISSION
TEXAS	Secretary of State	18 years old; resident of TX.
UTAH	Dir. of the Div. of Corporations and Commercial Code	18 years old; live in the state at least 30 days prior to applying; must be able to read, write, and understand English; must submit a complete application; must be a UT resident; must be endorsed by two state residents who are over 18.
VERMONT	Superior Court Assistant Judges	18 years old; resident of the state or a nonresident who commutes for work.
VIRGINIA	Governor	18 years old; resident of the state or a nonresident who commutes for work; must have the endorsement of two state officials and two voters.
WASHINGTON	Dept. of Licensing Dir.	18 years old; resident of the state or an adjoining state and be regularly employed in or conduct business in Washington; read and write English; submission of complete application; must submit a \$10,000 surety bond and application fee.
WEST VIRGINIA	Governor	18 years old; citizen of the United States; must be able to read and write English; must never have been convicted of a felony, or must have been pardoned. Nonresidents are eligible if they are regularly employed in the state and need the commission for employment.
WISCONSIN	Governor	18 years old; resident of the state.
WYOMING	Secretary of State	18 years old; resident of the state, or nonresident who commutes in the state for work.

Term of Office & Appointment Fees

TERM OF OFFICE	APPOINTMENT FEES	COMMENTS
4 years	\$21	
4 years	\$20	
4 years	\$20 payable to county	
4 years	\$25	
4 years	\$20	
4 years	\$25	
4 years	\$20	
4 years	\$30	

Notary Exam & Class Requirements

STATE	EXAM REQ'D	CLASS REQ'D	COMMENTS	STATE TRAINING
ALABAMA			No education or exam required.	
ALASKA	X		Exam in Alaska handbook.	
ARIZONA			No education or exam required.	
ARKANSAS			No education or exam required.	
CALIFORNIA	X		Exam required for new and renewing notaries.	
COLORADO			No education or exam required.	X
CONNECTICUT	X		Exam is part of application.	X
DELAWARE			No education or exam required.	
D.C.	X		Exam is oral and open-book test.	X
FLORIDA		X	Class required for new notaries.	X
GEORGIA			No education or exam required.	X
HAWAII	X		Exam is closed-book test.	
IDAHO			No education or exam required.	
ILLINOIS			No education or exam required.	
INDIANA			No education or exam required.	
IOWA			No education or exam required.	X
KANSAS			No education or exam required.	X
KENTUCKY			No education or exam required.	
LOUISIANA	X		Training suggested.	
MAINE	X		Open book exam part of application.	X
MARYLAND			No education or exam required.	
MASSACHUSETTS			No education or exam required.	
MICHIGAN			No education or exam required.	
MINNESOTA			No education or exam required.	
MISSISSIPPI			No education or exam required.	
MISSOURI			No education or exam required.	X
MONTANA			No education or exam required.	
NEBRASKA			No education or exam required.	
NEVADA			No education or exam required.	X
NEW HAMPSHIRE			No education or exam required.	
NEW JERSEY			No education or exam required.	
NEW MEXICO			No education or exam required.	
NEW YORK	X		Exam is closed-book test.	
NORTH CAROLINA	X	X	Training and exam are required prior to commission.	X
NORTH DAKOTA			No education or exam required.	
OHIO	X		Tests are administered by the county. All exams are different and not every county issues an exam.	
OKLAHOMA			No education or exam required.	
OREGON	X		Exam is open-book test and part of application.	X
PENNSYLVANIA			No education or exam required.	
RHODE ISLAND			No education or exam required.	
SOUTH CAROLINA			No education or exam required.	
SOUTH DAKOTA			No education or exam required.	
TENNESSEE			No education or exam required.	
TEXAS			No education or exam required.	
UTAH	X		Training is encouraged, but not required.	X
VERMONT			No education or exam required.	X
VIRGINIA			No education or exam required.	
WASHINGTON			No education or exam required.	
WEST VIRGINIA			No education or exam required.	
WISCONSIN			No education or exam required.	
WYOMING	X		Test in back of WY notary book is not mandatory, but is recommended.	

Stamp/Embossed Requirements & Fees

STATE	STAMP/EMBOSSER	ALLOWABLE FEES NOTARY CAN CHARGE
ALABAMA	Embossed	Maximum fee is \$1.50 depending upon act performed.
ALASKA	Stamp/Embossed	Fees are left to the notary's discretion. State employed notaries cannot charge fees.
ARIZONA	Stamp	\$2 is maximum fee.
ARKANSAS	Stamp/Embossed	\$5 is maximum fee.
CALIFORNIA	Stamp	Maximum fee is \$20 depending upon act performed.
COLORADO	Stamp/Embossed	\$5 is maximum fee.
CONNECTICUT	—	\$5 is maximum fee.
DELAWARE	Stamp/Embossed	\$5 is maximum fee.
D. C.	Embossed	\$2 is maximum fee. Government employed notaries cannot charge fees.
FLORIDA	Stamp	\$10 is maximum fee per signature.
GEORGIA	Stamp/Embossed	\$4 is maximum fee.
HAWAII	Stamp/Embossed	Maximum fee is \$5 depending upon act performed.
IDAHO	Stamp/Embossed	\$2 is maximum fee.
ILLINOIS	Stamp	\$1 is maximum fee.
INDIANA	Stamp/Embossed	\$2 is maximum fee. Public official notaries cannot charge fees.
IOWA	Stamp/Embossed	The statutory schedule of fees for notarial acts was repealed in 1989.
KANSAS	Stamp/Embossed	Not specified by law.
KENTUCKY	—	Maximum fee is 50 cents depending upon act performed.
LOUISIANA	—	Not specified by law.
MAINE	—	Other than \$1.50 for each protest of a bill or note, fees are left to notary's discretion.
MARYLAND	Stamp/Embossed	\$2 is maximum fee.
MASSACHUSETTS	—	\$2 is maximum fee for protests. All other fees are left to the notary's discretion.
MICHIGAN	—	\$2 is maximum fee.
MINNESOTA	Stamp	\$1 is maximum fee.
MISSISSIPPI	Stamp/Embossed	Fee range is \$2 to \$5.
MISSOURI	Stamp/Embossed	Maximum fee is \$2 depending upon act performed.
MONTANA	Stamp/Embossed	Maximum fee is \$3.50 depending upon act performed.
NEBRASKA	Stamp	Maximum fee is \$5 depending upon act performed. State employed notaries cannot charge fees.
NEVADA	Stamp	Maximum fee is \$5 depending upon act performed.
N. HAMPSHIRE	Stamp/Embossed	\$5 is maximum fee.
N. JERSEY	—	Maximum fee is \$2 depending upon act performed.
NEW MEXICO	Stamp/Embossed	Maximum fee is \$2 depending upon act performed.
NEW YORK	—	Maximum fee is \$2 depending upon act performed.
N. CAROLINA	Stamp/Embossed	\$3 is maximum fee.
N. DAKOTA	Stamp/Embossed	\$5 is maximum fee.
OHIO	Stamp/Embossed	Maximum fee is \$2 depending upon act performed.
OKLAHOMA	Stamp/Embossed	Maximum fee is 50 cents depending upon act performed.
OREGON	Stamp	Maximum fee is \$5 depending upon act performed.
PENNSYLVANIA	Stamp/Embossed	Maximum fee is \$2 depending upon act performed.
RHODE ISLAND	—	Maximum fee is \$1.50 depending upon act performed.
S. CAROLINA	—	Maximum fee is \$1 depending upon act performed.
S. DAKOTA	Stamp/Embossed	\$10 is maximum fee.
TENNESSEE	Stamp/Embossed	Maximum fee is \$1.50 depending upon act performed.
TEXAS	Stamp/Embossed	Maximum fee is \$6 depending upon act performed.
UTAH	Stamp/Embossed	\$5 is maximum fee.
VERMONT	—	Maximum fee is \$2 depending upon act performed.
VIRGINIA	—	Maximum fee is \$2 depending upon act performed.
WASHINGTON	Stamp/Embossed	Maximum fee is \$5 depending upon act performed.
WEST VIRGINIA	Stamp/Embossed	\$2 is maximum fee.
WISCONSIN	Stamp/Embossed	Maximum fee is \$1 depending upon act performed.
WYOMING	Stamp/Embossed	\$2 is maximum fee.

* New legislation enacted requiring use of stamp or seal.

Bond & Recordbook Requirements/Penalties for Wrongdoing

STATE	RECORDBOOK	BOND	PENALTIES/ACTION
ALABAMA	X	\$10,000	— Discipline done through probate office/local DA office.
ALASKA	Recommended	\$1,000	X Complaint required in writing and verified by Attorney General. An administrative hearing can be followed by the suspension or revocation of commission.
ARIZONA	X	\$5,000	X Attorney General determines whether commission is revoked or renewal is denied.
ARKANSAS	Recommended	\$7,500*	X The complaint must be in writing to the staff attorney who has the power to revoke the commission if necessary.
CALIFORNIA	X	\$15,000	X Commission can be suspended or revoked, or application for commission can be denied.
COLORADO	X	None	X Secretary of State has the option to revoke commission.
CONNECTICUT	Recommended	None	X A disciplinary hearing is followed by reprimand, suspension, or revocation of commission.
DELAWARE	—	None	X Complaints referred to Attorney General. Commission can be revoked.
D. C.	X	\$2,000	X A written complaint must be filed with the Notary Commission Section Chief who decides what action to take. The most severe action is revocation of commission.
FLORIDA	Recommended	\$7,500	X Notary commissions can be suspended or revoked and the notary can be subject to fines and/or criminal penalties.
GEORGIA	—	None	Each county handles disciplinary action.
HAWAII	X	\$1,000	X Issues are solved verbally. State has the ability to revoke a commission but never has.
IDAHO	—	\$10,000	— —
ILLINOIS	—	\$5,000	— —
INDIANA	—	\$5,000	— There is a complaint form, but no official disciplinary procedure.
IOWA	Recommended	None	X State code encourages informal settling of disciplinary issues. If that is not possible, the commission is revoked.
KANSAS	—	\$7,500	X After review by an attorney, revocation of the commission is the ultimate penalty.
KENTUCKY	Recommended	Varies per county	— —
LOUISIANA	X (Orleans Parish only)	\$5,000	— Notaries are not governed by the state. No bond required for attorneys.
MAINE	Recommended (Required for notaries only)	None	— Complaints are made to and handled by the Attorney General.
MARYLAND	X	None	— The notary receives a letter of reprimand for the first act of wrongdoing. In the event of a second act of wrongdoing, the commission is revoked.
MASSACHUSETTS	Recommended	None	— Complaints are referred to the Governor's council.
MICHIGAN	Recommended	\$10,000	X There is a hearing and possible revocation of commission.
MINNESOTA	—	None	X The Enforcement Division investigates. Penalties can include warnings, fines, suspension, or revocation of commission.
MISSISSIPPI	X	\$5,000	— Complaints are referred to Governor's office.
MISSOURI	X	\$10,000	— Revocation must be done through Attorney General's office.
MONTANA	Recommended	\$10,000**	— Complaints are referred to county attorney.
NEBRASKA	Recommended	\$10,000	X The commission can be revoked or in extreme cases there are court hearings.
NEVADA	X	\$10,000	X Complaints must be in writing. If wrongdoing is found, penalties are issued.
N. HAMPSHIRE	X	None	X Commission can be revoked.
N. JERSEY	X	None	— The state isn't involved in notary discipline. If a notary case goes through the court system, the state will be notified to revoke the commission.
NEW MEXICO	X (For Notices of Proceed only)	\$500	Secretary of State has no authority to discipline notaries.

* Recent legislation passed increasing bond from \$4,000 to \$7,500.

** Recent legislation passed increasing bond from \$5,000 to \$10,000.

Bond & Recordbook Requirements/Penalties for Wrongdoing

STATE	RECORDBOOK	BOND	PENALTY	ACTION
NEW YORK	—	None	X	If a notary is accused of wrongdoing, he/she has the right to an administrative hearing before an administrative law judge.
N. CAROLINA	—	None	X	Complaints must be received in writing. If wrongdoing is found, the notary's commission can be suspended or revoked, depending on the severity of the wrongful act.
N. DAKOTA	Recommended	\$7,500	X	A letter is written to the Attorney General who can then revoke the commission, reprimand the notary, or assess a fee. <small>(Req'd for Notices of Protest only)</small>
OHIO	X	None	—	Discipline/complaints are handled individually by each county.
OKLAHOMA	X	\$1,000	—	Complaints go through the court system.
OREGON	X	None	X	Discipline alternatives include a letter of advice, a warning, suspension, or revocation of the commission.
PENNSYLVANIA	X	\$3,000	—	Complaints are sent to the state prosecution office.
RHODE ISLAND	—	None	—	Complaints are referred to the local police.
S. CAROLINA	—	None	—	There is no policy unless the notary has done a false certification. In that case, the notary can be tried through the county and the commission can be revoked.
S. DAKOTA	Recommended	\$5,000	—	Complaints are kept on file and commissions are revoked with a court order.
TENNESSEE	X	\$10,000	—	—
TEXAS	X	\$10,000	—	Handled through the legal office.
UTAH	—	\$5,000	X	Notary administrator and commissioning office have the authority to revoke, suspend, or deny a commission with cause. There is an administrative hearing process in place if a notary wishes to appeal a decision.
VERMONT	—	None	—	Secretary of State has no jurisdiction over notary discipline. Complaints must be made to assistant judge of the superior court.
VIRGINIA	—	None	X	Notaries are penalized through reprimand, suspension, and revocation of their commissions.
WASHINGTON	—	\$10,000	X	Complaints are investigated and if wrongdoing is found the commission can be revoked.
WEST VIRGINIA	—	None	—	Due to change in staff this process is being revised.
WISCONSIN	—	\$500 (none for attorneys)	—	Complaints are forwarded to the Governor's office.
WYOMING	Recommended	\$500	—	Discipline is handled at the county level.

X Is required or applicable

— Information not available or on record

Contact Information

STATE	CONTACT PERSON	OFFICE/ADDRESS
ALABAMA	Jane Ryals, Notary Registrar	Office of the Secretary of State, PO Box 5616, Montgomery, AL 36103-5616
ALASKA	Scott Clark, Notary Administrator	Office of the Lieutenant Governor, PO Box 110015, Juneau, AK 99811-00015
ARIZONA	Connie Copeland, Director	Notary Section, 1700 West Washington, 7 th Floor, State Capitol Executive Tower, Phoenix, AZ 85007
ARKANSAS	Claudia Collins, Business Services Manager	Office of the Secretary of State, Corporations Division, State Capitol, Little Rock, AR 72201-1094
CALIFORNIA	Alicia Stewart, Manager	Notary Public Section, PO Box 942877, Sacramento, CA 94277-0001
COLORADO	Terri Andrews, Notary Public Clerk	Office of the Secretary of State, 1560 Broadway, Suite 200, Denver, CO 80202
CONNECTICUT	Peter J. Bartucca	Notary Public Unit, 30 Trinity Street, Hartford, CT 06106
DELAWARE	Veronica Holmes, Notary Administrator	Office of the Secretary of State, 401 Federal Street, Suite 3, Dover, DE 19901
D. C.	Rosslyn Brown, Section Chief	Notary Commission & Authentication Section, 441 4 th St., Room 1C-090, Washington, DC 20001
FLORIDA	Jennifer Bertsch, Notary Education Coordinator	Office of the Governor, Notary Section, The Capitol, Rm 2009, Tallahassee, FL 32399-0001
	Charles Canady	Notary Commission and Certifications Section, Dept. of State, State Capitol, Rm 1801, Tallahassee, FL 32399-0001
GEORGIA	Mike Smith, Communications Director	Georgia Superior Court, Clerks' Cooperative Authority, 1875 Century Blvd., Suite 100, Atlanta, GA 30345
HAWAII	Ann Yutuki, Legal Assistant	Department of Attorney General, 425 Queen Street, Honolulu, HI 96813
IDAHO	Debbie Farnsworth, Administrative Secretary	Office of the Secretary of State, Box 83720, Boise, ID 83720-0080
ILLINOIS	Christine Works, Notary Division Supervisor	Index Department, 111 East Monroe Street, Springfield, IL 62756
INDIANA	Pam Neff, Notary Public Deputy	Notary Department, State House, Rm 201, Indianapolis, IN 46204
IOWA	Rob Bernsen, Director of Business Services	Corporations Division, Lucas Office Building, 1 st Floor, Des Moines, IA 50319
KANSAS	Georgia Lott, Notary Administrator	Office of the Secretary of State, First Floor Memorial Hall, 120 SW 10 th Ave., Topeka, KS 66612-1594
KENTUCKY	Kim Barwell, Administrative Specialist/Principal	The Notary Public Division, Office of the Secretary of State, PO Box 821, Frankfort, KY 40602-0821
LOUISIANA	Cynthia Cotten, Administrative Specialist	Notary Division, PO Box 94124, Baton Rouge, LA 70804
MAINE	Timothy R. Poulain, Notary Public Officer	Bureau of Corporations, Elections & Commissions, 101 State House Station, Augusta, ME 04333-0101
MARYLAND	Debbie Elliott, Notary Public Officer	Notary Division, Office of the Secretary of State, State House, Annapolis, MD 21401
MASSACHUSETTS	Frances Gould, Director	Notary Section, Office of the Secretary of the Commonwealth, One Ashburton Place, Rm 1719, Boston, MA 02108
MICHIGAN	Elena Beasley, Manager	Office of the Great Seal, 717 West Allegan St., Lansing, MI 48918
MINNESOTA	Jolie Leithauer, Licensing Analyst	Licensing Division, 85 7 th Place East, Suite 600, St. Paul, MN 55101-3165
MISSISSIPPI	Nan Ainsworth, Records Analyst	Enforcement/Regulation Notaries, PO Box 136, Jackson, MS 39205 or 202 N. Congress St., Jackson, MS 39201
MISSOURI	Brenda Rieck, Division Director	Commissions Division, PO Box 784, Jefferson City, MO 65102-0784
MONTANA	Lisa Thompson, Notary Compliance Specialist	Office of the Secretary of State, State Capitol, PO Box 20281, Helena, MT 59620
NEBRASKA	Debbie Pester, DCC/Notary Administrator	Notary Division, PO Box 95104, Lincoln, NE 68509
NEVADA	Laura "Bru" Ehrbridge, Notary Division Officer	Office of the Secretary of State, 101 N. Carson Street, Suite 3, Carson City, NV 89701
N. HAMPSHIRE	Notary Division	Office of the Secretary of State, State House, Rm 204, 107 North Main Street, Concord, NH 03301
N. JERSEY	Monica Jakovitz, Notary Supervisor	Division of Revenue, Notary Public Unit, PO Box 452, Trenton, NJ 08625
NEW MEXICO	Peter C. Garcia, Director	Office of the Sec. of State, State Capitol, Suite 420, Santa Fe, NM 87503
NEW YORK	Daniel B. Shapiro, Assistant Director	Licensing and Services Division, Department of State, 84 Holland Ave., Albany, NY 12208-3490
N. CAROLINA	Gayle E. Holder, Administrator	The Notary Public Section, Dept. of the Sec. of State, PO Box 29622, Raleigh, NC 27626-0622
N. DAKOTA	Mary Feist, Supervisor	Admin. & Lic. Div., Office of the Secretary of State, 600 East Boulevard Ave., Dept. 108, Bismark, ND 58505-0500
OHIO	Sandra Costa, Commission Clerk	Office of the Governor, 77 S. High Street, 19 th Floor, Columbus, OH 43215
OKLAHOMA	Mary Anne Watts, Notary Supervisor	Notary Public Department, 2300 N. Lincoln Blvd., Suite 101, Oklahoma City, OK 73105
OREGON	Tom Wrosch, Notary Public Supervisor	Office of the Secretary of State, 255 Capitol St. NE, Suite 151, Salem, OR 97310-1327
PENNSYLVANIA	Robin Cole, Notary Administrator	Bureau of Commissions, Elections & Legislation, 303 N. Office Building, Harrisburg, PA 17120
RHODE ISLAND	Jasmine Santoro Almeida, Notary Supervisor	Notary Division, 100 North Main Street, Providence, RI 02903-1335
S. CAROLINA	J. Spencer Hewitt, Notary Clerk	Notary Public Division, PO Box 11350, Columbia, SC 29211
S. DAKOTA	Eva Warne, Notary Clerk	Notary Public Division, 500 East Capitol Rm 204, Pierre, SD 57501-5077
TENNESSEE	Darlene Lawrence, Notary Supervisor	Office of the Secretary of State, 312 Eighth Ave. North, 6 th Floor, William R. Snodgrass Tower, Nashville, TN 37243
TEXAS	Charlene Kramer, Supervisor	Notary Public Unit, Secretary of State, PO Box 13315, Austin, TX 78711-3375
UTAH	Fran Fish, Notary Public Administrator	Div. of Corporations and Commercial Code, 160 E. 300 South, Salt Lake City, UT 84114
VERMONT	Kathren Walters, Notary Supervisor	Office of the Secretary of State, 26 Terrace Street, Drawer 09, Montpelier, VT 05609-1101
VIRGINIA	Michelle Ford, Notary Specialist	Notary Public Division, PO Box 1795, Richmond, VA 23218-1795
WASHINGTON	Jon Donnellan, Management Service Manager	Dept. of Licensing, PO Box 9027, Olympia, WA 98507
	Linda Mead, Program Manager	
WEST VIRGINIA	Catherine Frerotte, Executive Assistant	Office of the Secretary of State, State Capitol, Suite 157-K, Charleston, WV 25305-0775
WISCONSIN	Marjorie Ulman, Administrator	Gov't Records Division, Office of Sec. of State, Notary Records, PO Box 7848, Madison, WI 53707
WYOMING	Jeri Melsness, Documents Registrar	Office of the Secretary of State, State Capitol, Cheyenne, WY 82002

PHONE NUMBER	EMAIL	WEBSITE
(334) 242-7205	—	www.sos.state.al.us/notary/index.htm
(907) 465-3509	notary@gov.state.ak.us	www.gov.state.ak.us/lgov/notarynews/index2.html
(602) 542-4758	notary@mail.sosaz.com/www.sosaz.com/notary/	www.sosaz.com/notary/
(501) 682-3409	business@sosmail.state.ar.us	www.sosweb.state.ar.us/business.html
(916) 653-3595	notaries@ss.ca.gov	www.ss.ca.gov/business/notary/notary.htm
(303) 894-2680	—	www.sos.state.co.us/pubs/info_center/contact.html
(860) 509-6230	peter.bartucca@po.state.ct.us	www.sos.state.ct.us/RecordsLegislativeServices/RLSIndex.html#Notary
(302) 739-4111	—	www.state.de.us/sos/nphone.htm
(202) 727-3117	—	os.dc.gov/info/notary/notary.shim
(850) 922-6400	fl_gov_notary@eog.state.fl.us	www.myflorida.com/myflorida/government/learn/notary/index.html
(850) 488-7521	—	—
(404) 327-6023	mike.smith@gsccca.org	www.gsccca.org
(808) 586-1218	—	www.state.hi.us/ag/notary/content.htm
(208) 332-2810	dianswo@idsos.state.id.us	www.idsos.state.id.us/notary/nindex.htm
(217) 782-7017	—	www.sos.state.il.us/departments/index/division.html
(317) 232-6542	—	www.state.in.us/sos/bus_service/notary/
(515) 281-5204	rberntsen@sos.state.ia.us	www.sos.state.ia.us/
(785) 296-2239	kssos@kssos.org	www.kssos.org/
(502) 564-3490 ext. 413	khagwell@mail.state.sos.ky.us	www.sos.state.ky.us/ADMIN/NOTARY/NOTARY.HTM
(225) 342-4981	notaries@sec.state.la.us	www.notaries@sec.state.la.us.htm
(207) 287-4181	cec_notaries@state.me.us	www.state.me.us/sos/cec/ncn/notary/not.htm
(410) 974-5520	notaries@sos.state.md.us	www.sos.state.md.us/sos/admin2/html/notary.html
(617) 727-2836	pre@sec.state.ma.us	www.state.ma.us/sec/pre/prenot/bothow.htm
(517) 373-2531	notary@sos.state.mi.us	www.sos.state.mi.us/grease/notaries/notaries.html
(651) 296-6319	Licensing.Commerce@state.mn.us	www.commerce.state.mn.us/pages/NotaryMain.htm
(601) 359-1615	notarymail@sos.state.ms.us or nainsworth@sos.state.ms.us	www.sos.state.ms.us/busserv/notaries/notaries.html
(573) 751-4756	riekeb@sosmail.state.mo.us	mosl.sos.state.mo.us/bus-ser/soscom.html
(406) 444-5379	sos@state.mt.us	www.state.mt.us/sos/Notaries/Instructions/instructions.html
(402) 471-2558	sos07@not.org	www.not.org/80/home/SOS/Notary/notary_r.htm
(775) 684-5708	mnotary@govmail.state.nv.us or behrid@govmail.state.nv.us	www.sos.state.nv.us/notary/notary_info.htm
(603) 271-3242	elections@sos.state.nh.us	www.state.nh.us/sos/notary.htm
(609) 633-8257	—	www.state.nj.us/treasury/revenue/dcr/programs/notary.html
(505) 827-3600/800-477-3632	stpelej@state.nm.us	www.sos.state.nm.us/notary-open.htm
(518) 473-2728	licensing@dos.state.ny.us	www.dos.state.ny.us/lcns/notary1.html
(919) 807-2131	notaries@mail.sec.state.nc.us	www.secretary.state.nc.us/notary
(701) 328-2000	sosadlic@state.nd.us	www.state.nd.us/sec/Notary/notarymnu.htm
(614) 644-4559	—	—
(405) 521-2516	mary.a.watts@sos.state.ok.us	www.sos.state.ok.us/notary/notary_welcome.htm
(503) 986-2200	oregon.notary@state.or.us	www.sos.state.or.us/corporation/notary/notary.htm
(717) 787-5280	—	www.dos.state.pa.us/bcel/notaries/
(401) 222-1487	notaries@sec.state.ri.us	www.corps.state.ri.us/notaries/notaries.htm
(803) 734-2119	—	www.scsos.com/notarydutes.htm
(605) 773-5666	kea.warne@state.sd.us	www.state.sd.us/sos/Notaries/notarycover.htm
(615) 741-3699	—	www.state.tn.us/sos/service.htm#notary
(512) 463-5705	ckramer@sos.state.tx.us	www.sos.state.tx.us/staidoc/index.shtml
(801) 530-4849	ffish@br.state.ut.us	www.commerce.state.ut.us/corporat/notarypublic.htm
(802) 828-2308	kwalters@sec.state.vt.us	vermont-archives.org/notaryinfo.html
(804) 786-2441	mford@gov.state.va.us	www.soc.state.va.us/notary.htm
(360) 664-1550	intnotarie@dol.wa.gov	www.wa.gov/dol/bpd/notfront.htm
(304) 558-6000	cferron@secretary.state.wv.us	www.state.wv.us/sos/notary/default.htm
(608) 266-5594	—	badger.state.wi.us/agencies/sos/notary.htm
(307) 777-5407	jmelns@state.wy.us	sos.wy.state.wy.us/notary/notary.htm

P.O. Box 100600

Alaska Bankers Association
Anchorage, Alaska 99510-0600

(907) 265-2920

February 17, 2004

The Honorable Loren Leman
Lieutenant Governor, State of Alaska
State Capitol, Third Floor
Juneau, Alaska 99811

Re: HB 439

Dear Lt. Governor Leman:

The members of the Alaska Bankers Association have had the opportunity to review House Bill 439, which addresses the responsibilities of notaries public in the State of Alaska. We have no opposition to the proposed changes to existing law and are in support of the legislation.

We appreciate the opportunity to review and comment on any proposed legislation that may impact the financial services industry.

Sincerely,



Lisa J. Corrigan
President
Alaska Bankers Association

FRANK H. MURKOWSKI
GOVERNOR
GOVERNOR@GOV.STATE.AK.US



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

SB302
P.O. BOX 110001
JUNEAU, ALASKA 99811-0001
(907) 465-3500
FAX (907) 465-3532
WWW.GOV.STATE.AK.US

February 4, 2004

The Honorable Gene Therriault
President of the Senate
Alaska State Legislature
State Capitol, Room 107
Juneau, AK 99801-1182

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill relating to the authority to take oaths, affirmations, and acknowledgements in the state to notaries public, and to fees for issuing certificates with the seal of the state affixed.

The primary purpose of the bill is to comprehensively update AS 44.50, the chapter that governs notaries public, which includes among its provisions qualifications to become a notary public, duties of notaries public, and liability in the event of misconduct or neglect. AS 44.50 has not been comprehensively revised since it was enacted in 1961. Sections 6-13 of the bill would repeal obsolete provisions, update antiquated language, and add new provisions where needed. Similarly, sections 2-4 of the bill would update statutes in AS 09, the Alaska civil code, relating to notaries' responsibilities when notarizing, verifying, and acknowledging signed instruments.

In addition, section 1 of the bill would conform the oath, affirmation, and acknowledgement statute at AS 09.63.010 to existing law. Section 5 of the bill would update a statute authorizing the Lieutenant Governor to collect fees for the issuance of certificates with the seal of the state affixed, increasing the fee to \$5 per certificate. Section 14 of the bill provides applicability provisions.

A more detailed description of the bill is found in a sectional analysis of the bill available from the office of the Lieutenant Governor.

I urge your prompt and favorable action on this measure.

Sincerely yours,

A handwritten signature in black ink that reads "Frank H. Murkowski".

Frank H. Murkowski
Governor

Enclosure

SECTIONAL ANALYSIS

SB 302

An Act relating to authority to take oaths, affirmations, and acknowledgments in the state; relating to notaries public; relating to fees for issuing certificates with the seal of the state affixed; and providing for an effective date.

Section 1. Adds presiding officers of each house of the Legislature and the Lieutenant Governor to the list of persons permitted to administer oaths. This permission is limited to the administration of the oath of office to new legislators (AS 24.05.160) and to the presiding officers for the same purpose during second and special sessions (AS 24.05.170).

Sections 2, 3 and 4. Conforms sections of Alaska Civil Procedure concerning notarial acts to the updated language in Sec. 44.50.061 (5).

Section 5. Increases fee per notarial certificate from \$2/three folios to \$5/certificate. "Folio" is an outdated term not used in current practice. The increase reflects the State's cost to process the certificates.

Section 6. Two categories of notaries:

- a) notary public without limitation
 - terms are for 4 years
 - can charge fees for service
- b) limited governmental notary public (state, municipal and federal employees)
 - conduct only official government business
 - terms are for the length of government employment
 - cannot charge fees for service (new Sec. 44.50.039)

Can have concurrent commissions as a notary public without limitation and as a limited governmental notary public, as long as the activities are separated.

Section 7. Changes Qualifications to be commissioned notary public:

- lowers the age from 19 to 18.
- Must have established Alaska residency. The definition of "residency" is updated to a more widely used and more current definition (AS 01.10.055) than current statute (AS 44.50.020).
- notary public must reside legally in the U.S.
- cannot be convicted felon or have had a commission revoked

Section 8. Sets out the application requirements for notary public commission whether notary public without limitation or limited governmental notary public.

Restates the current \$40 fee per application along with the current requirement that State limited governmental notaries public are exempt from the fee.

Restates current bonding requirement of \$1,000 with term of four years for notaries public without limitation.

Provides opportunities for Lieutenant Governor to deny applications if:

- a) application is incomplete
- b) applicant has been convicted of a felony
- c) applicant's commission has been revoked

Clarifies current law as to when a new commission begins.

Section 9. Much of AS 44.50.060 is antiquated language. The changes here acknowledge that the duties of a notary public can be encompassed in the broader language of administering oaths and affirmations, taking acknowledgment of or proof of instruments of writing and giving notarial certificates.

Section 10. Sets out what a notary public cannot do, the specifications of the official seal, and its care and keeping, what constitutes a "seal impression", changes in notary status and disciplinary actions. It also specifies at (5) (A) – (C) the elements that must be present for a notary public to notarize a document:

- Person must appear and sign the document before the notary public
- Person must produce identification unless personally known to the notary public
- The notary must sign in his/her own handwriting the name on his/her commission certificate.

This section reorders and clarifies current law defining the notary's seal, and defining the seal impression. The \$5 name change fee is not in addition to the cost of a new certificate under Sec. 44.19.024.

New sections (Secs. 44.50.067-.068) give the Lieutenant Governor the latitude to suspend or revoke a notary public's commission or to reprimand a notary public for good cause. The Lieutenant Governor may delegate his authority. With regard to a complaint, the Lieutenant Governor may find no merit to the complaint or may elevate the complaint to a formal disciplinary hearing which could end with revocation of the notary public's commission.

Section 11. Describes the information gathered from notaries public on the application which will be public information.

Section 12. Defines terms used in this Chapter.

Section 13. Repealers:

- AS 44.50.030 (Term of office, now covered in new 44.50.010)
- AS 44.50.040 (Fees, now covered in new 44.50.033)
- AS 44.50.070 (Presence and ID, now covered in new 44.50.061)
- AS 44.50.080 (Seal, now covered in new 44.50.063)
- AS 44.50.090 (Protest of bill or note. Notaries don't do this, antiquated language, repealed and not replaced)
- AS 44.50.100 (Return of papers. There are no papers to return. Repealed and not replaced)
- AS 44.50.110 (APA procedure for disciplinary actions, replaced by more comprehensive 44.50.067)
- AS 44.50.120 (Bond requirements, now covered in new 44.50.034)
- AS 44.50.130 (Filing oath and bond, now covered in new 44.50.035)
- AS 44.50.140 (Disposition of bond, now covered in new 44.50.034)
- AS 44.50.170 (State employees as notaries, now covered in 44.50.010, 44.50.131 (c) and 44.50.039)
- AS 44.50.190 (Savings clause, a transitional measure from 1961 that is no longer necessary and can be repealed).

Section 14. Applicability

- Current commissions continue in effect until term of office expires, except if the commissioned is a felon.
- Bonds, seals, liabilities in effect continue through the notary public's term of office.
- All notaries with current commissions or who are commissioned following the effective date of the legislation must follow the notarial procedures encompassed in the legislation.
- When commissions expire, notaries public will apply for new commissions under the new AS 44.50.031 (Section 9).

Sections 15 & 16. Transition

Allows the Lieutenant Governor to immediately proceed to adopt regulations with an effective date following the effective date of the legislation.

Section 17. Effective Date

Effective date is July 1, 2004 to allow time for revision of website, online handbook and forms.

Frequently Asked Questions – SB 302

Q: Why is this bill necessary?

A: There has not been a comprehensive update to the notary statutes since 1961.

Q: What changes are being proposed?

A: The bill:

- Lowers the minimum age requirement from 19 to 18 years of age.
- Prohibits felons from serving as notaries public in Alaska.
- Establishes disciplinary procedures for commission suspensions and revocations.
- Separates publicly available notary information from private notary information.
- Updates and expands the current State Employee notary commission system to include Municipal and Federal government employees.

Q: I'm a notary now, how does this bill affect me?

A: This bill will not impact current notaries unless they are felons.

Q: What is not changing?

A:

- The notary information that is currently publicly available remains publicly available.
- Notary testing remains voluntary.
- The notary bond amount remains unchanged.
- The application fee remains unchanged.

Q: What about fees?

A: The \$40.00 application fee for notary commissions will remain unchanged. The fee for replacement commission certificates is being raised from \$2.00 to \$5.00. The fee for Lieutenant Governor Certificates (for authentication and bond sales) is being raised from \$2.00 to \$5.00.

Notary Statute Comparison – SB 302

	Current	Proposed
Qualifications	<p>Applicants must be a resident of the state at least 19 years of age.</p> <p>Resident defined to mean a person who maintains a permanent place of abode in the state, and is in fact living in the state.</p>	<p>Minimum age lowered to 18 years.</p> <p>Residency requirements made consistent with general residency statute AS 01.10.055, rather than separate definition.</p> <p>Applicant must reside legally in the United States.</p> <p>Applicants may not be convicted felons.</p>
Term	Current	Proposed
	<p>Four years.</p> <p>Automatic revocation of commissions of State employee notaries who terminate employment prior to the commission expiration date.</p>	<p>Notaries Public will continue to serve a term of four years.</p> <p>Limited Governmental Notaries Public commissions will be open-ended with automatic revocation upon termination of government employment.</p>
Fees	Current	Proposed
	<p>\$40 application fee for non-state employee notaries.</p> <p>\$2 per Lieutenant Governor certificate.</p>	<p>\$40 application fee for non-state employee notaries (No change).</p> <p>\$5 per Lieutenant Governor certificate (\$3 increase).</p>
Bond	Current	Proposed
	<p>\$1,000 Notary Bond is required of all applicants.</p>	<p>\$1,000 Notary Bond required of all applicants except Limited Governmental Notaries.</p>
Commission Types	Current	Proposed
	<p>Notaries Public who serve four year commissions.</p> <p>Limited Governmental Notaries Public commissions available for State employees only.</p>	<p>Notaries Public who serve four year commissions.</p> <p>Limited Governmental Notaries Public commissions – Expanded to include Municipal and Federal employees in addition to State employees.</p>
Commission Revocation	Current	Proposed
	<p>Via Administrative Procedure Act. Act must be invoked to review all complaints against notaries, no matter how trivial.</p>	<p>By Lieutenant Governor for good cause via a formal disciplinary procedure. Appeals via the Administrative Procedure Act.</p>

Notary Data	Current	Proposed
	Each notary's name, mailing address, surety information and commission dates are available to the public.	<p>The notary information currently available remains unchanged. The notary's name, mailing address, surety information and commission dates continue to be publicly available.</p> <p>To facilitate training and communication the Lieutenant Governor may collect additional information from applicants and notaries that will not be available to the public.</p>
Non-Commissioned Notaries	Current	Proposed
	Justices, Judges, Magistrates, Clerks or Deputy Clerks of Court, United States Postmasters, and Commissioned Military Officers are authorized to take oaths, affirmations or acknowledgments.	No change.

P.O. Box 100600

Alaska Bankers Association
Anchorage, Alaska 99510-0600

(907) 265-2920

February 17, 2004

The Honorable Loren Leman
Lieutenant Governor, State of Alaska
State Capitol, Third Floor
Juneau, Alaska 99811

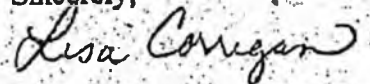
Re: HB 439

Dear Lt. Governor Leman:

The members of the Alaska Bankers Association have had the opportunity to review House Bill 439, which addresses the responsibilities of notaries public in the State of Alaska. We have no opposition to the proposed changes to existing law and are in support of the legislation.

We appreciate the opportunity to review and comment on any proposed legislation that may impact the financial services industry.

Sincerely,



Lisa J. Corrigan
President
Alaska Bankers Association

SB

308

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/9/04

FURTHER: Judiciary

Date of 5-Day Notice: 3/4/04
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/12/04

State Affairs Committee considered SENATE BILL NO. 308

SB 308 DOMESTIC VIOLENCE PROTECTIVE ORDERS

"An Act increasing the duration of certain provisions of domestic violence protective orders from six months to one year."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- Same Title
- New Title

House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

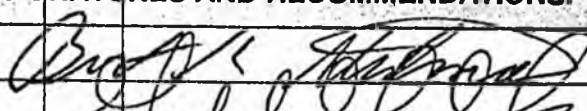
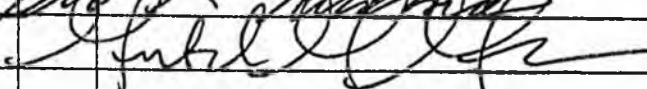
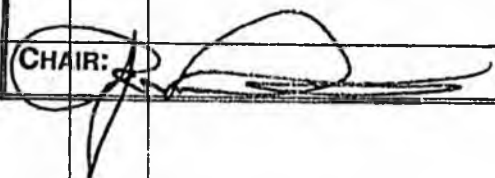
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DOA	3/11/04	✓			
ACS	3/8/04			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
	✓			
	✓			
CHAIR: 	✓			

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB308_ACS-TC-3-8-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Domestic Violence Protective Orders BRU Alaska Court System
 Component Trial Courts
 Sponsor Senator French
 Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 The court system does not anticipate any fiscal impact from the passage of SB 308.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
 Division: Alaska Court System Date/Time 3/8/04 11:12 AM
 Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 3/8/2004
 Agency: Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB308
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act increasing the duration of BRU Legal and Advocacy Services
DV protective orders Component Public Defender Agency
 Sponsor Senator French
 Requester (S) State Affairs Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	88.3	88.3	88.3	88.3	88.3	88.3
Travel	4.8	4.8	4.8	4.8	4.8	4.8
Contractual	23.1	23.1	23.1	23.1	23.1	23.1
Supplies	2.7	2.7	2.7	2.7	2.7	2.7
Equipment	6.7	0.7	0.7	0.7	0.7	0.7
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	125.6	119.6	119.6	119.6	119.6	119.6

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	125.6	119.6	119.6	119.6	119.6	119.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	125.6	119.6	119.6	119.6	119.6	119.6

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have a fiscal impact on the operations of the Public Defender Agency. Expanding the duration of a standard domestic violation protective order from 6 months to 1 year will increase the caseload and workload of the Agency. More cases involving violations of protective orders will be assigned to the Agency. There were approximately 350 cases of violations of DV restraining orders in FY03 handled by the Agency. Doubling the length of the restraining order will likely double the number of cases charging violations of DV restraining orders. As a result it is anticipated that there will be over 350 more cases a year assigned to the Agency for these offenses. Since most of these offenses occur in the Anchorage area, the Agency will need one full time attorney to handle this increased caseload.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
 Division Public Defender Agency Date/Time 3/10/04 12:00 AM
 Approved by: Mike Miller, Commissioner Date 3/11/2004
 Agency Administration

What are the time limits on civil protection orders in each state?*

*Does not include extensions in all instances.

Questions, requests for technical assistance or requests for additional copies of this document should be directed to: BWJP Civil Justice Center @ 1-800-903-0111, ext. 2

Updated as of 4/4/2003

Time Limit	State	State Code Provision
<i>3 months (2 states)</i>	Idaho	IDAHO CODE § 39-6306(5) (2002): Not less than three months; may be renewed for one year terms.
	Wyoming	WYO. STAT. ANN. § 35-21-106(b) (2002): Not to exceed three months; may be extended for good cause for 3 month terms.
<i>90 – 180 days</i>	West Virginia	W. VA. CODE § 48-27-505 (2003): 90 days or 180 days at the discretion of the court.
<i>150 days</i>	Utah	UTAH CODE ANN. § 30-6-4.2(6)(a) (2003): 150 days unless court indicates on the record the reason for setting a date beyond the 150 days.
<i>182 days</i>	Michigan	MICH. COMP. LAWS § 600.2950 (13) (2002): not less than 182 days.

Time Limit	State	State Code Provision
6 months (4 states)	Alaska	ALASKA STAT. § 18.66.100c(2) (2003): 6 months or earlier. An order that prohibits respondent from threatening to commit or committing domestic violence, stalking, or harassment is effective until further order of the court.
	Connecticut	CONN. GEN. STAT. § 46b-15(d) (2003): Not to exceed six months, can be extended by court.
	Georgia	GA. CODE ANN. § 19-13-4(c) (2002): No more than six months, but can be converted to a permanent order upon the motion of a petitioner and notice to the respondent and after a hearing.
	New Mexico	N.M. STAT. ANN. § 40-13-6(B) (2002): Not to exceed six months. <u>May be extended in six month increments upon motion by petitioner.</u>

Time Limit	State	State Code Provision
<i>One year (18 states)</i>	Alabama	ALA. CODE § 30-5-7(e)(1) (2003): One year, unless a shorter or longer period of time is expressly ordered by the court.
	Arizona	ARIZ. REV. STAT. § 13-3602(K) (2003): One year after service on defendant.
	Delaware	DEL. CODE ANN. tit. 10, § 1045 (b) (2002): Not to exceed one year, can be extended for up to 6 month term.
	District of Columbia	D.C. CODE ANN. § 16-1005(d) (2003): One year; can be extended for good cause shown.
	Iowa	IOWA CODE § 236.5-(c) (2003): Not to exceed one year. Extensions are not limited.
	Kansas	KAN. STAT. ANN. § 60-3107(e) (2002): Not to exceed one year; can be extended for one additional year.
	Maryland	MD. CODE ANN., FAM. LAW § 4-506(g) (2002): Not to exceed 12 months.
	Massachusetts	MASS. GEN. LAWS. ch. 209A, § 3(i) (2003): Not to exceed one year. Extensions possible.
	Minnesota	MINN. STAT. § 518B.01(6)(b) (2002): One year, except when the court determines that a longer fixed period is appropriate.
	Missouri	MO. REV. STAT. § 455.040(1) (2003): 180 days to one year. Extensions possible for 180 days to 1 year.
	Nebraska	NEB. REV. STAT. § 42-924(3) (2002): One year.
	Nevada	NEV. REV. STAT. § 33.080(3) (2002): Not to exceed one year.
New Hampshire	N.H. REV. STAT. ANN. § 173-B:5(VI): Not to exceed one year. Extensions possible.	

Time Limit	State	State Code Provision
<i>One year continued (18 States)</i>	New York	N.Y. FAM. CT. ACT § 842 (2003): Not to exceed one year. Up to three years if aggravating circumstances exist.
	North Carolina	N.C. GEN. STAT. § 50B-3(b) (2003): Not to exceed one year. Extensions possible for 1 year terms.
	Oregon	OR. REV. STAT. § 107.718- (1) (2001): One year.
	South Carolina	S.C. CODE ANN. § 20-4-70(A) (2002): Not less than 6 months nor more than one year. Extensions possible.
	Tennessee	TENN. CODE ANN. § 36-3-608(a) (2002): Not to exceed one year.

Time Limit	State	State Code Provision
<i>1 year 6 months (2 states)</i>	Louisiana	LA. REV. STAT. ANN. § 46:2136(F) (2003): Not to exceed 18 months. Extensions possible.
	Pennsylvania	PA. STAT. ANN. tit. 23, § 6108(d) (2002): Not to exceed 18 months. Extensions possible.
<i>Two years (6 states)</i>	Arkansas	ARK. CODE ANN. § 9-15-205(b) (2002): not less than 90 days nor more than 2 years. Extensions possible.
	Illinois	725 ILL. COMP. STAT. 5/112A-20(b) (2003): Not to exceed 2 years. Extensions possible.
	Indiana	IND. CODE § 34-26-5-9(e) (2002): Up to 2 years after issuance, unless another date is ordered by the court.
	Maine	ME. REV. STAT. ANN. tit. 19-A, § 4007-(2) (2003): Not to exceed two years. Extensions possible.
	Texas	TEX. FAM. CODE ANN. § 85.025(a) (2002): Not to exceed two years. Extensions possible.
	Virginia	VA. CODE ANN. § 16.1-279.1-(B) (2003): Up to two years.

Time Limit	State	State Code Provision
<i>Three years (6 states)</i>	California	CAL. FAM. CODE § 6345(a) (2003): Personal conduct, stay-away, and residence exclusion orders may have a duration of not more than three years. The duration of orders for custody, visitation, support and disposition of property shall be governed by the law relating to those specific subjects. Orders may be renewed for 3 year term or be permanent.
	Kentucky	KY. REV. STAT. ANN. § 403.750(2) (2002): Not to exceed three years. Renewable for 3 year term unlimited.
	Mississippi	MISS. CODE ANN. § 93-21-17(2) (2003): Not to exceed three years.
	Oklahoma	OKLA. STAT. tit. 22, § 60.4(H) (2003): Not to exceed three years. Extension possible.
	Rhode Island	R.I. GEN. LAWS § 8-8.1-3(d) (2002): Not to exceed three years. Extension possible.
	South Dakota	S.D. CODIFIED LAWS § 25-10-1(3) (2002): 3 years or less.
<i>Four years (1 state)</i>	Wisconsin	WIS. STAT. § 813.12(4)(c)1. (2002): 4 years. <u>Extensions possible for four years if original order was for less than four years.</u>
<i>Five years (1 state)</i>	Ohio	OHIO REV. CODE ANN. § 3113.31(E)(3)(a) (Anderson 2002): No longer than five years.

Time Limit	State	State Code Provision
<i>Permanent (4 states)</i>	Colorado	COLO. REV. STAT. § 13-14-102(5) (2002): Can be permanent. Awards for temporary care and custody of any minor child are for a period of not more than 120 days.
	Montana	MONT. CODE ANN. § 40-15-204(5) (2002): Order may continue for appropriate time period as ordered by the court or be made permanent.
	New Jersey	N.J. STAT. ANN. § 2C:25-28-(p) (2002): Can be permanent.
	Washington	WASH. REV. CODE § 26.50.060(2) (2003): Civil court may grant relief for a period: not to exceed one year if respondent is restrained from contacting minor children, otherwise, with regard to other relief, court may grant relief for a fixed period or enter a permanent order of protection.
<i>No time frame specified (4 states)</i>	Florida	FLA. STAT. ch. 741.30(6)(c) (2002): Terms of order shall remain in effect until modified or dissolved.
	Hawaii	HAW. REV. STAT. § 586-5.5-(a) (2003): Fixed reasonable period as the court deems appropriate. Extensions possible.
	North Dakota	N.D. CENT. CODE § 14-07.1-02 (2002): No limits stipulated.
	Vermont	VT. STAT. ANN. tit. 15, §§ 1103(c)(5),(6), 1103(d) (2003): Orders for child support or spousal support are not to exceed three months. Fixed periods determined by court. Extensions possible.

ALASKA STATE LEGISLATURE

Senate
Judiciary
Committee
•
Senate
Labor & Commerce
Committee
•
Senate
Administrative
Regulation Review
Committee



While in Session
State Capitol
Juneau, Alaska 99801
(907) 465-3892
1 (866) 465-3892
Fax: (907) 465-6595
•

While in Anchorage
716 West 4th Avenue
Anchorage, Alaska 99501
(907) 269-0234
Fax: (907) 269-0238

SENATOR HOLLIS FRENCH

Senator_Hollis_French@legis.state.ak.us
www.akdemocrats.org

SPONSOR STATEMENT

SB 308 – Increasing the duration of certain provisions of domestic violence protective orders from six months to one year

SB 308 addresses the duration of long-term domestic violence restraining orders. Currently, six months is the practical limit on a long-term domestic violence restraining order – otherwise known as a DVRO. SB 308 doubles the length of DVROs to one year. Short-term, or *ex parte*, protective orders are not affected by this bill, and they would continue to be granted for a maximum of twenty days under current law.

The two parties to a DVRO are the petitioner, who is the person asking for the court's protection, and the respondent. Long-term DVROs are only granted by a judge after formal notice to both parties and a hearing. In order to grant a DVRO, the judge must make a finding that the respondent has committed an act of domestic violence against the petitioner.

There are several benefits to this proposal. Of primary importance is that extending the time frame of a DVRO allows the petitioner a longer period of protection without having to go back to court to confront the respondent. A second benefit of extending the term of the DVRO is that court system resources will be conserved. In many instances, petitioners are forced to return to court for a second DVRO because the respondent's behavior has not changed. Granting the DVROs for one year will decrease the need for repeat court proceedings.

Alaska continues to struggle with high rates of domestic violence, and extending the length of the DVRO is one way to address that problem. Currently, only five states have shorter terms for DVROs than Alaska's. The vast majority of states, however, give judges the authority to impose DVROs of up to a year, or even

longer, which has been shown to have a positive effect on the numbers of repeat offenses and requests for additional DVROs.

To look at some comparative statistics -- currently in Anchorage there are some 3,000 annual court filings for DVROs. By comparison, Miami-Dade County, Florida, with a population of over two million, has only 7,000 filings per year. The lower ratio in Miami-Dade can be explained in part by the fact that in Florida there is no upper time limit on DVROs.

Please join me in taking another step in our progress toward eliminating the scourge of domestic violence from our community and support SB 308.

February 22, 2004

SB

309

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/9/04

FURTHER: Judiciary

Date of 5-Day Notice: 2/26/04
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/5/04

State Affairs Committee considered SENATE BILL NO. 309

SB 309 BLOOD PATHOGENS TESTING OF PRISONERS

"An Act relating to testing the blood of prisoners and those in custody for bloodborne pathogens."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DOC	2/13/04			✓	1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>John F. C... ..</i>	✓			
<i>Bert A.</i>	✓			
CHAIR: <i>[Signature]</i>	✓			

ALASKA STATE LEGISLATURE



Official Business

SENATOR THOMAS H. WAGONER

- Co-Chair, Senate Resources Committee
- Co-Chair, Senate Transportation Committee
- Vice-Chair, Senate Community and Regional Affairs Committee
- Member, Legislative Council

Session: January - May
State Capitol, #427
Juneau, AK 99801
Phone: 907-465-2828 Fax: 907-465-4779
3075

Interim: May - December
145 Main Street Loop; Suite 226
Kenai, AK 99611
Phone: 907-283-7996 Fax 907--283-

Sponsor Statement

SB 309 - An Act related to the testing of prisoners for bloodborne pathogens.

During 2003, approximately 40 Alaska correctional officers were potentially exposed to bloodborne pathogens when they came into contact with blood or other bodily fluids from prisoners. In most cases, the contamination was an intentional act.

If blood, bodily fluids or waste from a prisoner or person in custody contaminates a correctional officer, that person cannot be required to submit a blood sample for testing. Most states offer this type of protection to their correctional officers. The 18th Legislature moved in this direction by requiring blood tests for persons charged with sex offenses.

Currently, correctional officers who have been exposed may undergo a two-week treatment with a broad range of preventative medication for hepatitis, HIV, and other potential contagions. Reactions to the medication can lead to lost time on the job and a disruption of home life.

I respectfully request the support of my colleagues in providing our correctional officers with a tool to control their potential exposure to life-threatening contamination in their workplace.

ALASKA STATE LEGISLATURE



Official Business

SENATOR THOMAS H. WAGONER

- Co-Chair, Senate Resources Committee
- Co-Chair, Senate Transportation Committee
- Vice-Chair, Senate Community and Regional Affairs Committee
- Member, Legislative Council

Session: January – May

State Capitol, #427

Juneau, AK 99801

Phone: 907-465-2828 Fax: 907-465-4779

Interim: May – December

145 Main Street Loop; Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907-283-3075

Sectional Analysis – SB 309

Section 1. Amends AS 18.15 by adding five new sections:

Section 18.15.400 – Authorizes bloodborne pathogen testing of prisoners when requested by a correctional officer who has received significant exposure from a prisoner.

Section 18.15.410 – Consent for testing; from the prisoner or the prisoner's representative. Consent is not necessary if prisoner is unconscious or dies before he or she is able to provide consent.

Section 18.15.420 – Provides provisions for testing without consent.

Section 18.15.440 – Confidentiality provisions.

Section 18.15.450 – Definitions.

FISCAL NOTE

**STATE OF ALASKA
2004 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: SB309-DOC-IHC-03-03-C
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title "Blood Pathogens Testing of Prisoners..." RDU Administration & Operations
 Component: Inmate Health Care
 Sponsor Senator Wagoner, Senator Elton
 Requester State Affairs, Judiciary Component No. 705

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

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)

At this time the department does not anticipate a fiscal impact with the passage of this legislation.

Provisions of this legislation currently are addressed under the federal Bloodborne Pathogens standards promulgated by OSHA (29 CFR 1910-1030 dated December 1991) and adopted by Alaska OSHA (under 8 AAC 61-1010). The activities outlined and more relating to protection from, documentation of, and response to occupational exposure are essentially in effect under the existing OSHA standards. These tasks currently are addressed by the department and any additional tasks will be accomplished by the existing staff within the Department of Corrections.

Prepared by: Jerry D. Bumett, Director Phone (907) 465-3339
 Division: Administrative Services Date/Time 3/3/04 10:47 AM
 Approved by: Portia C. K. Parker, Deputy Commissioner Date 3/3/2004
 Agency: Department of Corrections

SB

316

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/11/04

FURTHER: Judiciary

Date of 5-Day Notice: 2/19/04
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2/27/04

State Affairs Committee considered SENATE BILL NO. 316

SB 316 SEAT BELT VIOLATION AS PRIMARY OFFENSE

"An Act relating to motor vehicle safety belt violations."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:
 Same Title
 New Title

House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DPS	2/13/04			✓	1
DOT	2/20/04			✓	2

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>John J. Caudrey</i>	✓			
<i>West K. ...</i>			✓	
CHAIR: <i>[Signature]</i>	X			

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB316-DOT-CO-2-20-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title Seat Belt Violation as Primary Offense RDU Administration & Support
 Component Commissioner's Office
 Sponsor Bunde
 Requester Senate State Affairs Component No. 530

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Nona Wilson Phone 465-6973
 Division Legislative Liaison Date/Time 2/20/04 9:12 AM
 Approved by: John MacKinnon Date 2/20/2004
 Agency Deputy Commissioner

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB316-DPS-ASTD-2-23-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Motor Vehicle Seat Belt Violations RDU Alaska State Troopers
 Component AST Detachments
 Sponsor Sen. Bunde
 Requester S. State Affairs Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill will repeal AS 28.05.095(e) that will, in affect, change seat belt violations from a "secondary" violation to a "primary" violation. This will allow law enforcement officers to contact motorists when a seatbelt violation is observed. As the law is now, the officer must have another reason to contact the violator before enforcement action can be taken for the seatbelt violation.
 It is anticipated the implementation of this bill will have no fiscal impact on the Department of Public Safety.

Prepared by: Lt. Al Storey Phone 269-4532
 Division Alaska State Troopers Date/Time 2/23/04 9:24 AM
 Approved by: Commissioner William Tandeske Date 2/23/2004
 Agency Department of Public Safety

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
DIVISION OF STATEWIDE PLANNING

FEB 20 2004


FRANK H. MURKOWSKI, GOVERNOR

3132 CHANNEL DRIVE
JUNEAU, ALASKA 99801-7898

PHONE: (907) 465-4070
TTY/TDD: (907) 465-3652
FAX: (907) 465-6984

February 20, 2004

Senator Gary Stevens
Alaska State Senate
Room 417 State Capitol
Juneau, Alaska 99801-1182

Dear Senator  Stevens,

Enclosed is a publication produced by the National Highway Traffic Safety Administration that you might find interesting.

As Administrator of the Alaska Highway Safety Office, I am following with great interest the two bills, (HB 392 & SB 316), which would establish primary enforcement of seat belt use in Alaska.

Last year 95 Alaskans lost their lives in automobile accidents in our state. Of those, 37 were not buckled and many of them could have survived. National statistics show that states with a primary seat belt law have upwards of 90% of the drivers and passengers using their seat belts. Alaska currently has a 78.9% seat belt use rate.

A primary seat belt law will not only save lives and reduce injuries in Alaska, but it will also save Alaska's citizens substantial amounts of money in associated health care costs. Primary safety belt laws also help save the lives of children. Citizens are much more likely to buckle up and place their children in child safety seats when there is the possibility of receiving a citation for not doing so.

Please feel free to contact me if you have any questions or would like some additional information.

Sincerely,

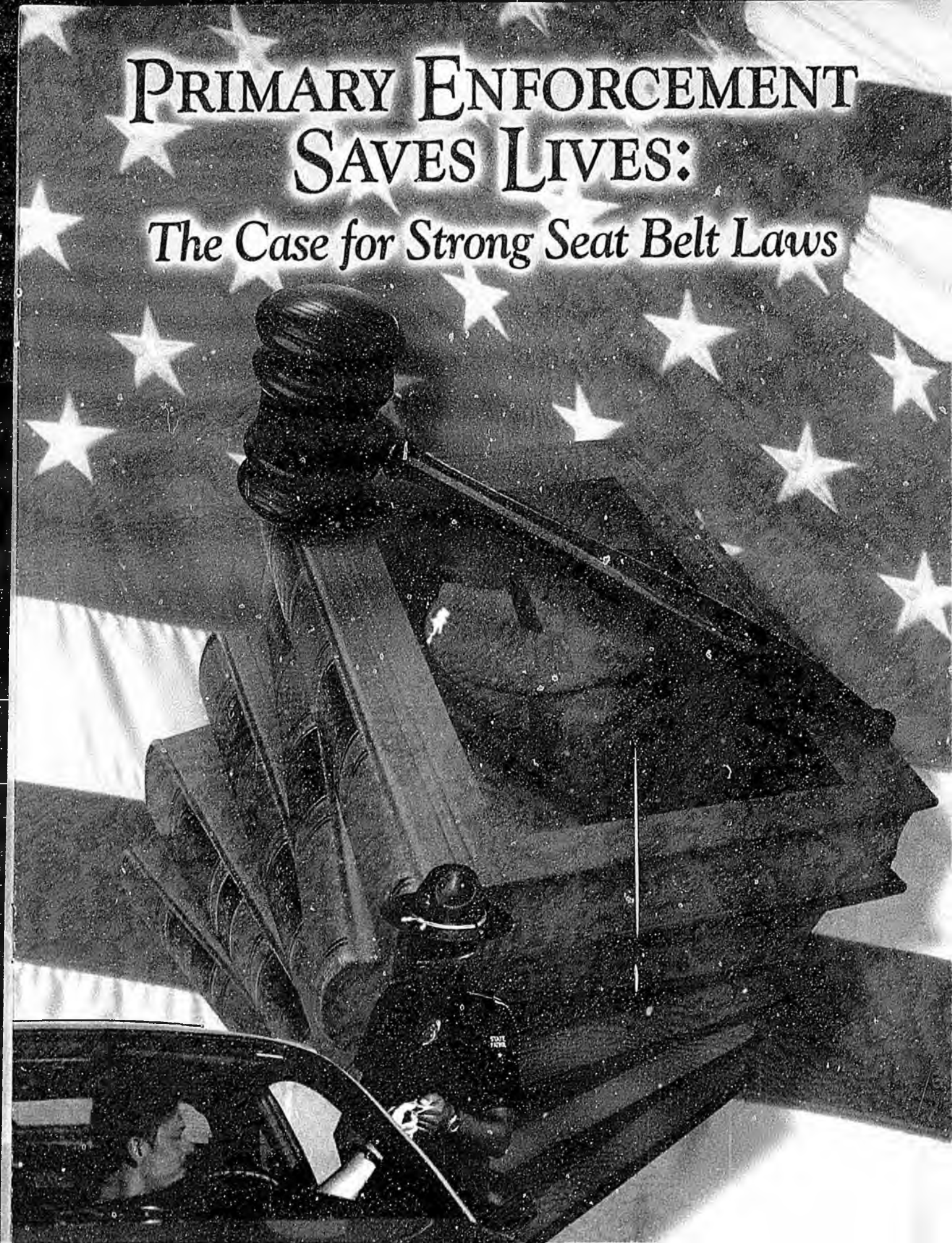


Don Smith
Administrator
Alaska Highway Safety Office

Enclosure

PRIMARY ENFORCEMENT SAVES LIVES:

The Case for Strong Seat Belt Laws



• S A V E L I V E S •



Primary Enforcement Saves Lives:

The Case for Strong Seat Belt Laws





Table of Contents

SECTION I	The Case for Buckling Up	Page 4
SECTION II	Why Primary Enforcement?	Page 8
SECTION III	The Effect of a Primary Seat Belt Use Law	Page 13
SECTION IV	Successful Examples	Page 15
SECTION V	Support for Seat Belt Use Laws	Page 16
SECTION VI	Responding to Objections to a Primary Seat Belt Use Law	Page 18
SECTION VII	Making a Case for Primary Seat Belt Use Laws	Page 23
APPENDIX A	Fact Sheets	
	The Facts: It's Time to Buckle Up	Page 24
	The Facts: The Economic Cost of Non-Belt Use	Page 25
	Point-Counterpoint	Page 27
	Myths and Facts	Page 28
	Child Passenger Safety: Closing the Gaps	Page 29
APPENDIX B	Model Law	Page 31
APPENDIX C	Resources	Page 34
REFERENCES		Page 39



SECTION I

The Case for Buckling Up

Seat Belts Save Lives

Carolyn Hanig is an Oklahoma Life Flight nurse who was called to a mass-casualty incident involving several motor vehicles. As the helicopter flew over the crash scene, the flight crew could see several victims lying about, already receiving medical attention. Carolyn and her partner went to assist a badly injured young man who was receiving CPR in an ambulance. As she moved in to help, Carolyn froze as she recognized the young man's shoes. They belonged to her 17-year-old son, Nik, who was an unbelted back seat passenger in one of the vehicles. His injuries were grave and he did not survive.

Based on her firsthand experience at the site of many terrible crashes, Carolyn had done everything she could think of to teach Nik the importance of wearing a seat belt—she had even made him visit the hospital room of a young man who became a paraplegic after a crash in which he wasn't wearing a belt. With all that knowledge, however, Nik still wasn't wearing his seat belt on that day. A front-seat passenger who was wearing a seat belt walked away with only minor cuts and bruises.

Carolyn joined with the local coalition supporting a primary enforcement bill that faced vocal opposition. She took her story to lawmakers and to Governor Frank Keating, who promised Carolyn she would make a difference. At the end of Oklahoma's 1997 legislative session, the legislature sent the Governor a primary enforcement bill. When he signed it, Oklahoma became the 13th State (plus the District of Columbia) to have a primary enforcement seat belt use law.

The Highway Safety Problem

It's a fact: on average, someone is killed every 13 minutes and someone is injured every 10 seconds on America's roadways.¹

It takes only a few seconds to fasten a seat belt. Yet this simple action, repeated every time you get into a motor vehicle, may be the most significant driving-related behavior change you can make to extend your life. The "buckle up" habit dramatically increases your chance of surviving a crash. It's your best weapon against a drunk, drowsy, or aggressive driver.

Despite recent advances—safer highway design, new auto safety devices, reductions in impaired driving, and improved seat belt use rates—traffic crashes are still the leading cause of unintentional death in the United States. In fact, motor vehicle crashes are the leading cause of death for persons of every age from 4 through 33 years old.² Each year, approximately 42,000 Americans die in traffic crashes and another three million are injured. Sadly, many of these deaths and injuries could have been prevented if the victims had been wearing seat belts or were properly restrained in child safety seats.

Over the past decade, highway fatalities and injuries have declined. One vital reason for this decline is that more motorists are wearing their seat belts. Research has found that lap/shoulder belts, when used properly, reduce the risk of fatal injury to front seat passenger car occupants by 45 percent and the risk of moderate-to-critical injury by 50 percent (for occupants of light trucks, 60 percent and 65 percent, respectively).³ Despite the effectiveness of seat belts in saving lives and preventing injuries, however, the national seat belt use rate in June 2001 was only 73 percent.⁴

Seat belts are the most effective means of reducing fatalities and serious injuries in traffic crashes. Seat belts are estimated to save over 11,000 lives in America each year.



Trends in Seat Belt Use

Seat belt use was very low, only 10-15 percent nationwide, until the early 1980s. Due in part to the passage of seat belt use laws in 31 States, belt use increased from 14 percent to 42 percent from 1984 through 1987. From 1990 through 1992, belt use rose from 49 percent to 62 percent, attributable, in part, to a national effort of highly visible seat belt law enforcement and public education.

Since that time, belt use has risen only slowly, and some States still struggle to maintain seat belt use at current levels. One key factor in increasing seat belt use is the enactment of primary seat belt laws. Seventeen States, the District of Columbia, and Puerto Rico had primary seat belt laws as of December 31, 2001. The

remaining States, except New Hampshire, had secondary laws. New Hampshire continues to have no adult seat belt law. A *primary* seat belt law is a law which allows a citation to be issued if a law enforcement officer simply observes an unbelted driver or passenger. A *secondary* seat belt law requires an officer to stop or cite a violator for another infraction before being able to issue a citation for not buckling up. Primary seat belt laws are extremely effective in increasing seat belt use because the general public is much more likely to buckle up and place their children in child restraint systems when there is the possibility of receiving a citation for not doing so.

The importance of primary laws in increasing seat belt use cannot be overemphasized. In June 2001, the seat belt use rate in States with

Seat belts and child safety seats help prevent injury five different ways:

1. Preventing ejection.
2. Shifting crash forces to the strongest parts of the body's structure.
3. Spreading forces over a wide area of the body.
4. Allowing the body to slow down gradually.
5. Protecting the head and spinal cord.

How Motor Vehicle Crash Figures Compare with Crime

CRIME

- One murder every 34 minutes
- One aggravated assault every 35 seconds
- One violent crime every 22 seconds
- One property crime every 3 seconds
- One crime every 3 seconds

MOTOR VEHICLE CRASHES

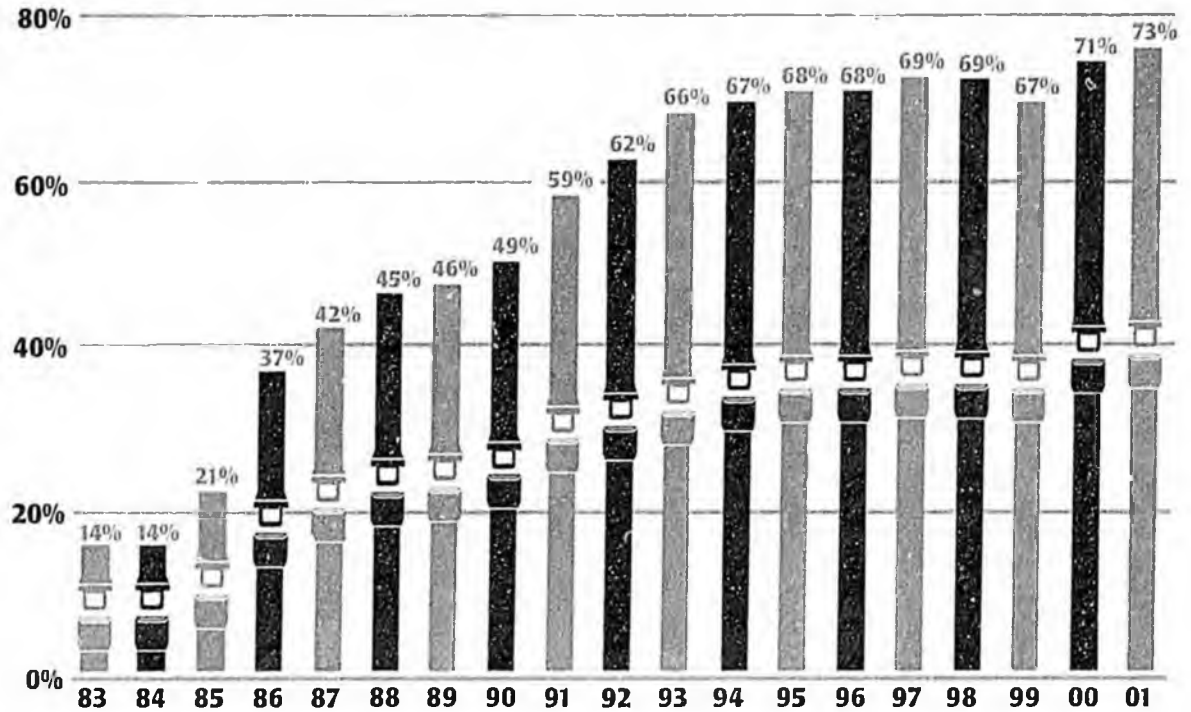
- One fatality every 13 minutes
- One injury every 10 seconds
- One crash causing property damage every 7 seconds
- One crash every 5 seconds

Source: NHTSA Traffic Safety Facts, 2000, U.S. Department of Transportation and Uniform Crime Report, 2000, U.S. Department of Justice



The Transportation Equity Act for the 21st Century, passed by Congress in June 1998, authorized an incentive grant program to help States increase seat belt and child safety seat use. The program reinforces the *Buckle Up America* strategy and provides grants to States that adopt and strengthen seat belt and child safety seat use laws, conduct high visibility enforcement, and establish education programs.

U.S. Seat Belt Use Rates 1983-2001



1983-1990 from 19-city surveys
 1991-1997 from State surveys
 1998-2001 from NOPUS/mini NOPUS surveys

primary seat belt laws was 78 percent compared to 67 percent in States without primary enforcement laws.⁵ NHTSA provides information and technical assistance to support the efforts of States and national organizations to strengthen State laws regarding seat belt and child restraint use. Two excellent publications on primary enforcement are listed on page 23 in this booklet.

Buckle Up America

In 1997, NHTSA developed the *Buckle Up America* Campaign, a massive public health and safety campaign designed to increase seat belt use nationwide. Increasing the national seat belt use rate has tremendous potential for saving lives, preventing injuries, and reducing the economic costs associated with crashes. For

example, increasing the national seat belt use rate from 68 percent (the rate measured in 1996 before the *Buckle Up America* Campaign began) to 90 percent would:

- Prevent an estimated 5,536 fatalities annually
- Prevent an estimated 132,670 injuries annually
- Save approximately \$8.8 billion annually

These economic cost savings result from reduced productivity losses, property damage, medical costs, rehabilitation costs, legal and court costs, emergency services costs, insurance administration costs, funeral costs, traffic delay, and costs to employers.



*We Know What Works:
The Four Strategies*

The Buckle Up America Campaign consists of the following four-point strategy:

Point 1 - Enact strong legislation.

It is imperative to adopt primary enforcement seat belt use laws (also referred to as "standard" enforcement laws—see box on this page, "Terminology") and to close the gaps in child passenger safety laws in all States. Police officers should be able to write a citation whenever a seat belt violation is observed, whether or not the driver has committed any other traffic infraction. Child passenger safety laws should cover all children up to age 16 in every seating position.

Savings Resulting From 90% Seat Belt Use

- **5,536 lives saved annually**
- **132,670 injuries prevented annually**
- **\$8.8 billion saved annually**

Point 2 - Build public-private partnerships at the local, State and Federal level.

The goal of increasing safety belt use is too big for any one group or agency to accomplish alone. But, working together, the Nation can achieve higher use through stronger laws, visible enforcement and public education and information. Partnerships or coalitions can set the tone in a community, workplace or organization, and the media can help spread the message that healthy, safe families are properly buckled up. There are many successful coalitions and partnerships to use as role models; the agencies and organizations listed as resources in Appendix D can provide help.

Point 3 - Conduct active, high-visibility enforcement.

Experience has shown that, after seat belt use laws are passed, belt use increases quickly. But without active, high-visibility enforcement, it soon drops again. Belt laws must be visibly enforced the way other traffic laws are (red light running, speeding, etc.). In addition to increasing belt use and reducing crash injuries, high-visibility enforcement results in a measurable reduction in crime (one-third of criminal apprehensions occur as part of traffic stops).

Point 4 - Expand effective public education.

It is critical to educate the public about the benefits of seat belt and child safety seat use. Public education may include a broad range of activities such as enforcement campaigns, promotional events and community-based initiatives. These efforts are most effective when they are well planned and coordinated and use a simple message that is repeated many times in different ways.

Terminology

Different terms are often used to mean the same or similar things. Here are the definitions used by the National Highway Traffic Safety Administration:

Primary enforcement and standard enforcement both mean the same thing—that a seat belt or child passenger safety citation can be written whenever a law enforcement officer simply observes an unbelted driver or passenger.

Secondary enforcement means a citation can be written only after a law enforcement officer stops or cites an individual for another traffic violation.

Seat belts and safety belts both refer to the lap belt or lap-shoulder belt occupant restraint device.



SECTION II

Why Primary Enforcement?

What is Primary Enforcement?

As previously noted, primary (standard) enforcement allows a law enforcement officer to stop or cite an individual when the officer observes an unbelted driver or passenger. Secondary enforcement means that a citation for not wearing a seat belt can be written only after the officer stops or cites an individual for another infraction.

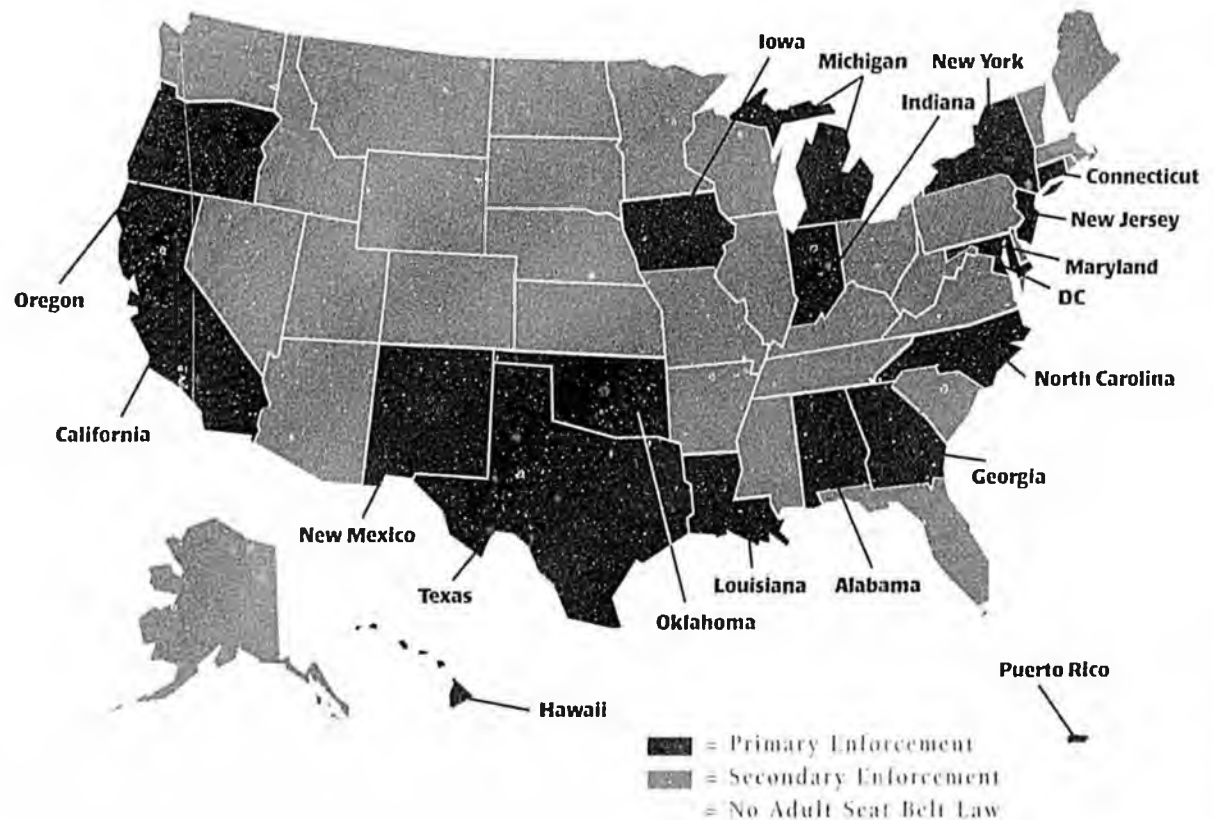
Virtually all traffic safety laws—and other laws, for that matter—are primary, except secondary

enforcement seat belt use laws. In States with secondary laws, a law enforcement officer can stop a motorist for a burnt out taillight or an expired license tag, but cannot stop a motorist for violating the State's seat belt law.

Forty-nine States and the District of Columbia now have seat belt use laws, but only one third provide for primary enforcement procedures as reflected in the map below.

Increases in belt use have been made without a primary safety belt use law, but the greatest

States with Primary Enforcement Seat Belt Use Laws (as of December 31, 2001)





gains are possible when a primary law works in conjunction with enforcement, education, and partnership efforts. Passing primary seat belt use laws in every State is absolutely essential to saving thousands of lives and preventing tens of thousands of injuries each year.

Increasing adult belt use also has a significant impact on child safety. Research shows that when drivers wear seat belts, children are restrained significantly more often than when the drivers are unbuckled.

How Can a Primary Seat Belt Use Law Increase Use Rates?

A primary seat belt use law is much more enforceable than a secondary law. When combined with education and adjudication, an upgrade to primary enforcement will significantly raise belt use rates.

Enforcement

Allowing for primary enforcement procedures enhances the perceived importance of the seat belt law with both the public and the police. Ultimately, this leads to greater compliance. Primary enforcement sends a clear message that the State views seat belt use (and the seat belt law) as essential for the safe operation of a motor vehicle. Primary seat belt use laws enhance law enforcement in other ways. When police officers stop vehicles for traffic law violations, such as failure to use a seat belt, they often discover additional traffic or criminal violations that otherwise would have gone undetected. A minor traffic violation was the reason Timothy McVeigh, later convicted of the Oklahoma City bombing, was initially stopped by police.

Education

In order for primary seat belt use laws to bring compliance up significantly, enforcement must be highly visible and combined with extensive public education efforts. Those not in the buckle-up habit must be informed of the law and its consequences, persuaded of the value of seat belt use, and convinced that authorities are serious about enforcement.

Whenever possible, public education messages should support and call attention to the law and ongoing enforcement efforts. However, other messages can also be used to complement the program. For example, some messages may focus on costs:

Our children and young people are paying the price. Traffic-related injuries are the leading cause of death for children and young adults of every age from 4 through 33 years old. Research also shows that minority youth are at even greater risk because they are less likely to be buckled up.⁶ And adult behavior affects children; properly belted adults are positive role models for children who will soon be making buckle-up decisions themselves.

Society is paying the price. Traffic crashes result in \$150 billion in economic costs, including \$17 billion in medical care and emergency services expenses, and \$107 billion in lost productivity and property loss. Such costs are passed on to consumers so that every person in America shares the economic costs of motor vehicle crashes, on average \$580 per person per year. Eighty-five percent of all medical costs of crash victims fall on society, not the individuals involved. Medicare, Medicaid and other taxpayer-funded sources pay 24 percent of those costs. When crash victims are unbuckled, their medical treatment costs are 50 percent higher.

Families are paying the price. Every 10 seconds someone is injured in a traffic crash. Every 13 minutes someone is killed.

Businesses are paying the price.

Employers are hit especially hard. The Bureau of Labor Statistics reported that highway crashes continued as the leading cause of on-the-job fatalities in 1999, accounting for 22 percent of the total occupational fatalities that year.⁷ NHTSA estimates that crashes on and off the job cost American businesses an estimated \$55 billion through lost productivity and other costs; NHTSA further estimated that work-related crashes cost employers \$22,000 per crash and \$110,000 per injury.

Experience has demonstrated that there simply is no way to achieve high (above 85 percent) seat belt use rates without strongly enforced laws that are widely publicized.

Some States across the country have demonstrated use rate gains of 10-20 percentage points following highly visible enforcement and publicity campaigns. Such campaigns, called special Traffic Enforcement Programs (sTEPs), have been implemented across the country with impressive results. For example, in Michigan, an increase in seat belt use resulted from a combination of enacting a new primary seat belt law and implementing a "Click It or Ticket" media and enforcement campaign, which raised Michigan's seat belt use from 70 percent in September 1999 to 84 percent in March 2000.

Adjudication

The third critical element of a primary seat belt use law is adjudication; a seat belt law must have "teeth" to be effective. The language of the law must be clear, and penalties must be strong enough to have a deterrent effect (see box on page 11 for "Other Key Provisions Every State Seat Belt Law Needs").

Support for Primary Seat Belt Use Laws

Support for upgrading to primary enforcement can be found throughout the community, both from traditional safety, law enforcement, and health organizations and from nontraditional groups in such fields as education and business (see box on page 11). This support will increase as Statewide usage increases, particularly after primary enforcement legislation has been enacted.



Other Key Provisions Every State Seat Belt Law Needs

In addition to being enforced on a primary basis, a strong seat belt use law should include the following:

Coverage of All Occupants in All Seating Positions—The driver should be responsible for seeing that everyone in the vehicle is properly buckled. Currently, some child passenger safety laws only cover children through age three. Most seat belt use laws only cover front seat occupants. Therefore, in these States, a child over three legally can ride in the back seat without being secured because the child is not covered by either the child passenger safety law or the (front seat-only) seat belt use law.

Coverage of All Vehicles—Seat belt use laws should apply to all passenger vehicle types—vans, light trucks, sport utility vehicles, and cars—in the State in which they are traveling.

Penalties—Fines for seat belt use law violations should be significant enough to deter non-compliance. Evidence suggests that fines greater than \$25 lead to higher seat belt use rates. Penalty points on the driver's license are another way to deter noncompliance. In general, as the severity of the penalty increases, so will compliance.

Potential Supporters of Primary Enforcement

STATE GOVERNMENT OFFICIALS

- Highway safety office/Governor's Representative
- Insurance commissioner's office
- State police or highway patrol

LOCAL GOVERNMENT OFFICIALS

- Municipal police chiefs and police departments
- County sheriffs and sheriffs' offices
- City and county health agencies
- Childcare agencies

EDUCATION OFFICIALS, INCLUDING:

- Administrators and other school officials
- School boards
- Principals
- PTAs

BUSINESS LEADERS

- Chambers of commerce
- Leading local companies/major employers
- Insurance companies
- Sports teams
- Civic groups

MEDICAL AND SAFETY COMMUNITY

- Doctors, nurses and other health care professionals
- State associations representing health care professionals
- Emergency medical squads/fire and rescue departments
- State and local highway safety groups



Local Ordinances

If passing a Statewide primary enforcement seat belt use law is not possible, do not overlook the opportunity to enact a local ordinance. In several communities across the country, local primary seat belt use ordinances already have been adopted, and many other communities actively are pursuing them.

State Highway Safety Laws--Key Provisions of Seat Belt Use (as of December 31, 2001)

STATE	LAW	PENALTY		COVERAGE		VEHICLES EXEMPTED
		FINE	PTS	SEAT	AGE	
AL	Primary	\$25		Front	6+	Designed for > 10 passengers, manufactured before 1965. Exemptions for medical reasons, rural mail carriers, and paper delivery
AK	Secondary	\$15		All	16+	School bus
AZ	Secondary	\$10		Front	5+	Designed for > 10 passengers, manufactured before 1972
AR	Secondary	\$25		Front	15+	School, church, or public bus, manufactured before 1968
CA	Primary	\$20		All	16+	None
CO	Secondary*	\$15		Front*	16+	Passenger bus, school bus
CT	Primary	\$37		Front	4+ (<16 all)	Truck or bus >15,000 lbs.
DE	Secondary	\$20		Front	All	Postal Service Vehicles
DC	Primary	\$50	2	All	16+	Seating > 8 people
FL	Secondary	\$30		Front	6+; 6-17 in rear	School bus, public bus, truck > 5,000 lbs.
GA	Primary	\$15		Front	4+; 4-17 in rear	Designed for > 10 passengers, pickup
HI	Primary	\$20		Front	rear; under 18	Bus or school bus > 10,000 lbs.
ID	Secondary	\$5		Front	4+	Weighing > 8,000 lbs.
IL	Secondary	\$25		Front	6+	None
IN	Primary	\$25		Front	4+; 4-11 in rear	Truck, tractor, RV
IA	Primary	\$25		Front	6+	None
KS	Secondary	\$10		Front	14+	Designed for >10 people, truck >12,000 lbs
KY	Secondary	\$25		All	Over 40 in. tall	Designed for > 10 people
LA	Primary	\$25		Front	13+	Manufactured before 1981; vehicles designed for > 10 people
ME	Secondary	\$60		All	4+	Manufactured without seat belts
MD	Primary	\$25		Front	16+	Historic Vehicle
MA	Secondary	\$25		All	16+	Truck > 18,000 lbs., bus and taxi operators
MI	Primary	\$25		Front	4+; 4-15 in rear	Taxi, bus, school bus
MN	Secondary	\$25		Front	All; 3-10 in rear	Farm pickup truck
MS	Secondary	\$25		Front	4+; 4-7 in rear	Farm vehicle, bus; exemptions for medical reasons and letter carriers
MO	Secondary	\$10		Front	4+; 4-15 in rear	Designed for >10 people, truck >12,000 lbs
MT	Secondary	\$20		All	4+	None
NE	Secondary	\$25		Front	5+	Manufactured before 1973
NV	Secondary	\$25		All	6+	Taxi, bus, school bus
NH	No adult law	\$25		All	Under 18 only--Primary Law	School bus, vehicles for hire, manufactured before 1968
NJ	Primary	\$42		Front	8+; <18 in rear seat	None
NM	Primary	\$25	2	All	11+	Vehicle > 10,000 lbs.
NY	Primary	\$50		Front	4+; <16 in rear seat	Bus school bus, taxi, emergency vehicles
NC	Primary	\$25		Front	16+	Designed for > 10 people
ND	Secondary+	\$20		Front	18+	Designed for > 10 people
OH	Secondary	\$25		Front	4+	None
OK	Primary	\$20		Front	All	Farm vehicle, truck, truck-tractor, RV
OR	Primary	\$75		All	16+	Newspaper/mail/meter/transit vehicles**
PA	Secondary	\$10		Front	4+	Truck > 7,000 lbs.
RI	Secondary	\$50		All	>12;<6 must ride in rear	None
SC	Secondary	\$10		All	6+	School bus, public bus, vehicles with no belts in rear seating areas
SD	Secondary+	\$20		Front	5+	Passenger bus, school bus
TN	Secondary	\$10		Front	13+	Vehicle > 8,500 lbs.
TX	Primary	\$50		Front	4+; 4-14 in rear	Designed for >10 people, truck >15,000 lbs
UT	Secondary#	\$45		All	19+	None
VT	Secondary	\$10		All	13+	Bus, taxi
VA	Secondary	\$25		Front	16+	Designed for > 10 people, taxi
WA	Secondary	\$71		All	All	Designed for > 10 people
WV	Secondary	\$25		Front	9+; 9-17 in rear	Designed for > 10 people
WI	Secondary	\$10		All	4+; 4-15 in rear	Taxi, farm truck
WY	Secondary	\$25^		All	5+	Designed for > 11 people, bus
PR	Primary	\$50		All	All passengers	None

*Primary enforcement for all seating positions if driver is under 17 years ^Driver fine is \$25; passenger fine >12 yrs is \$10
 +Primary enforcement for all seating positions if occupant is under 18 years (SD law effective 7/1/01; currently SB use required for >5yrs)
 #Primary enforcement for all seating positions if occupant is under 19 years **Police/emergency vehicles exempted in some situations