

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS  
ON REFERRAL BY THE COMMISSIONER OF REVENUE**

IN THE MATTER OF )  
 )  
 L. K. )  
 ) Case No. OAH 08-0215-PFD  
 )  
2007 Permanent Fund Dividend )

**DECISION**

**I. Introduction**

L. K. timely applied for a 2007 permanent fund dividend. The Permanent Fund Dividend Division determined that Ms. K. was not eligible, and it denied the application initially and at the informal appeal level. Ms. K. requested a formal hearing. Administrative Law Judge Dale Whitney heard the appeal on June 9, 2008. Because she registered to vote in another state during the qualifying year, Ms. K. does not qualify for a 2006 dividend.

**II. Facts**

In 2006, the qualifying year for a 2007 dividend, Ms. K. was out of Alaska attending the University of Pittsburgh. The division does not dispute that Ms. K. has remained an Alaska resident, and that her absence was allowable for the purpose of receiving postsecondary education on a full-time basis.

On October 24, 2006, Ms. K. was approached by a person on campus who was registering people to vote. Ms. K. filled out a voter registration form, and the State of Pennsylvania sent her a voter identification card. Ms. K. later removed herself from Pennsylvania's voter rolls and registered to vote in Alaska. At the time she registered in Pennsylvania, Ms. K. did not know that she could register in Alaska and vote absentee.

**III. Discussion**

The following law, 15 AAC 23.143(d), applies to this case:

An individual is not eligible for a dividend if, at any time from January 1 of the qualifying year through the date of application, the individual has...(12) registered to vote in another state or country, except if the individual

(A) registered to vote in another state within 30 days of a presidential election solely for the purpose of voting in that election and voted in no other election in another state that that for president of the United States; or

(B) registered to vote in another country for which the individual was not required to claim residency of the country in order to register to vote....

There is no dispute that Ms. K. did register to vote in Pennsylvania during 2006, the qualifying year for a 2007 dividend. Ms. K. did not register within 30 days of an election.

**IV. Conclusion**

In spite of the fact that Ms. K. has remained an Alaska resident and was allowably absent, she is not eligible for a 2007 dividend. The division's decision is AFFIRMED. Because she has remained an Alaska resident, nothing in this decision is intended to affect Ms. K.'s eligibility for 2008 and subsequent dividends.

DATED this 16th day of June, 2008.

By: Signed  
DALE WHITNEY  
Administrative Law Judge

**Adoption**

This Order is issued under the authority of AS 43.05.010 and AS 44.17.010. The undersigned, on behalf of the Commissioner of Revenue and in accordance with AS 44.64.060, adopts this Decision and Order as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 15th day of July, 2008.

By: Signed  
Signature  
Dale Whitney  
Name  
Administrative Law Judge  
Title

[This document has been modified to conform to technical standards for publication.]