

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

January 31, 2002

8:04 a.m.

MEMBERS PRESENT

Representative John Coghill, Chair
Representative Jeannette James
Representative Hugh Fate
Representative Gary Stevens
Representative Peggy Wilson
Representative Harry Crawford
Representative Joe Hayes

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 320

"An Act relating to the use of electronic ballots."

- MOVED HB 320 OUT OF COMMITTEE

PREVIOUS ACTION

BILL: HB 320

SHORT TITLE:AUTHORIZING ELECTRONIC BALLOTS

SPONSOR(S): REPRESENTATIVE(S)GREEN

Jrn-Date	Jrn-Page		Action
01/14/02	1959	(H)	READ THE FIRST TIME - REFERRALS
01/14/02	1959	(H)	STA, FIN
01/14/02	1959	(H)	REFERRED TO STATE AFFAIRS
01/16/02	1993	(H)	COSPONSOR(S): MEYER, FATE, HUDSON
01/30/02	2101	(H)	COSPONSOR(S): KERTTULA
01/31/02		(H)	STA RPT RECD AWAIT TRANSMITTAL NXT
01/31/02		(H)	STA AT 8:00 AM CAPITOL 102

WITNESS REGISTER

REPRESENTATIVE JOE GREEN
Alaska State Legislature
Capitol Building, Room 403
Juneau, Alaska 99801

POSITION STATEMENT: Testified as sponsor of HB 320.

TONY SIRVELLO, Administrator of Elections
Harris County, Texas
(No address provided)

POSITION STATEMENT: Testified regarding HB 320, describing technology used by Harris County to provide electronic voting to its citizens.

LAURA ACHEE, Staff
to Representative Joe Green
Alaska State Legislature
Capitol Building, Room 403
Juneau, Alaska 99801

POSITION STATEMENT: Testified on behalf of the sponsor regarding HB 320.

HELEN CRAIG
(No address provided)
Sitka, Alaska 99835

POSITION STATEMENT: Testified in support of HB 320.

ANDRE SWOOP, Representative
Lockheed Martin
(No address provided)
Denver, Colorado

POSITION STATEMENT: During hearing on HB 320, demonstrated the features and functions of an electronic voting mechanism developed by Lockheed Martin, I Paper, and Diversified Technology.

DARRELL NELSON, Community Activity Coordinator
Access Alaska
20615 White Birch Road
Chugiak, Alaska 99567

POSITION STATEMENT: Suggested changes to the language of HB 320.

BONNIE NELSON
20615 White Birch Road
Chugiak, Alaska 99567

POSITION STATEMENT: Testified in support of HB 320.

LYNNE KORAL, President
Alaska Independent Blind (AIB)
1102 West International Airport Road
Anchorage, Alaska 99518

POSITION STATEMENT: During hearing on HB 320, provided a history of blind voters' move towards this legislation.

SANDY SANDERSON
(No address provided)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 320, indicating populations the bill would benefit.

BILL CRAIG, Member
Alaska Independent Blind
(No address provided)
Sitka, Alaska 99835

POSITION STATEMENT: Testified in support of HB 320.

JUNE HAAS
(No address provided)
Haines, Alaska 99827

POSITION STATEMENT: During hearing on HB 320, told stories regarding her late husband's work towards improving the quality of life for the blind.

JANET KOWALSKI, Director
Division of Elections
Office of the Lieutenant Governor
PO Box 110017
Juneau, Alaska 99811-0017

POSITION STATEMENT: Testified and answered questions regarding the fiscal note for HB 320.

GAIL FENUMIAI, Election Program Specialist
Division of Elections
Office of the Lieutenant Governor
PO Box 110017
Juneau, Alaska 99811-0017

POSITION STATEMENT: Testified on HB 320 and answered questions regarding "special needs voting" and electronic voting equipment compatibility.

ACTION NARRATIVE

TAPE 02-4, SIDE A
Number 0001

CHAIR JOHN COGHILL called the House State Affairs Standing Committee meeting to order at 8:04 a.m. Representatives Fate, Stevens, Crawford, Hayes, Wilson, James, and Coghill were present at the call to order.

HB 320-AUTHORIZING ELECTRONIC BALLOTS

Number 0023

CHAIR COGHILL announced that the first order of business was HOUSE BILL NO. 320, "An Act relating to the use of electronic ballots."

Number 0062

REPRESENTATIVE JOE GREEN, Alaska State Legislature, as sponsor of HB 320, mentioned famous blind people such as Helen Keller and Ray Charles. He said the majority of blind people are not famous, and they lead normal lives, with one exception: they have not been granted the right of privacy to vote. He indicated it's wrong to deny them a right that Americans go to war to preserve. Representative Green said there is no guarantee - only hope - that the person assisting a blind person at the polls actually records the correct vote. He told the House State Affairs Standing Committee members they would be shown the type of electronic voting equipment that would allow blind people to vote in privacy. He passed around a segment of an article which recently appeared in the Anchorage Daily News [included in the committee packet].

Number 0375

TONY SIRVELLO, Administrator of Elections, Harris County, Texas, testified via teleconference. He told the committee that Houston is the "home city," and there are 1.8 million registered voters [in Harris County].

Number 0472

LAURA ACHEE, Staff to Representative Joe Green, Alaska State Legislature, testified on behalf of the sponsor regarding HB 320. She asked Mr. Sirvello to describe the experience of using electronic balloting equipment in general, and to let the committee know whether he had found it to be an easy process for the voters. She also invited him to share some anecdotal stories regarding electronic balloting.

MR. SIRVELLO told the committee that just prior to 1998, [the City of] El Paso, Texas, was sued by the "El Paso coalition for the blind," which claimed that it was improper that blind voters require assistance while voting. The case received national publicity, he added. Mr. Sirvello noted that [the City of] El Paso was forced to use an audio tape system that required the voter to play and rewind repeatedly. He said the coalition pursued the same lawsuit throughout all of the counties in Texas. He mentioned Beverly Kaufman (ph), who is the elected county clerk in Harris County and was his boss at that time. Mr. Sirvello stated that Ms. Kaufman wanted to seek a solution, even had there not been the possibility of a lawsuit. He said [the county clerk's office] met with the "blind coalition" and their attorneys and decided to come up with a way, in the general election of 1998, for the Harris County blind voters to vote on the punch-card system, which the county was using and would be using until November 2002.

MR. SIRVELLO said the system chosen was a telephone system. He detailed it, as follows: If a blind voter wished to vote a secret ballot, the election judge would dial a special number, which connected that voter to a reader who was trained to read to the blind. The reader would explain that in a punch-card voting system, a person takes the punching stylus and moves it down the holes in the ballot. The reader would let the blind voter know which hole corresponded with which candidate of which race, but could not see the ballot.

Number 0781

MR. SIRVELLO said testing on this system was done at the Houston Council for the Blind and showed a remarkable amount of accuracy; however, despite news coverage and the efforts of the Houston Council to let disabled voters know about the availability of the system, there were never more than 25 voters who used it. He explained that the system was "a little cumbersome."

MR. SIRVELLO told the committee that [the county clerk's office] began looking for a new voting system in 1998 and 1999 because, notwithstanding [the recent voting troubles] in Florida, its staff knew that the Harris County punch-card system had outlived its usefulness; they were concerned that it wouldn't even "hold our ballot," because Harris County was a "two-party county." They considered using an "optical system," but after a five-month RFP [request for proposals] period decided that that

system did not offer the disabled voter any more secrecy in voting than the punch cards did, and that it would be too much of a lateral move - "one paper-based system to another," he said.

Number 0857

MR. SIRVELLO noted that the current system was adopted in April of 2001 and is called a "Hart Intercivic system." He mentioned the creation of a task force, including Dr. Ed Bradley (ph) of the Houston Council for the Blind, whose name had been previously mentioned by Representative Green. Mr. Sirvello characterized the current system as a "quantum leap" in what blind voters can do, compared to what they could do in the past. He described the current system, as follows:

It allows the blind voter to go in to the election official [and] tell the election official they wish to vote a secret ballot. The election official escorts the blind voter over to the voting booth that contains what's called "the disabled activity unit," places headphones on the head of the blind voter, [and] enters the access code for the blind voter, which brings up that voter's ballot. ... Then, the voter is basically on his or her own. By turning the wheel and by pressing buttons, which the blind voter is instructed to become familiar with first, the voter gets an audible response on every one of their choices.

Number 0946

So, for instance, the first thing on our ballot this fall would be the race for U.S. Senator for the state of Texas. And when you turn the knob - turn the wheel - you get a response back: "United States Senator." And the reading that is done for this voter is also recorded by readers that are familiar with reading for the blind at the right pace at which a blind voter likes to hear reading back to them. So, they are allowed, then, to rotate through the ballot. If they turn the wheel again, they will hear the first candidate.

And in Texas the parties are listed by whichever party's candidate for governor received the most votes in the state in the previous gubernatorial election.

So, in Texas, what you might hear this November is: "United States Senator, candidate one, John Koerning (ph), Republican. If this is your choice, press the 'enter' button now." Once you press the enter button, you get a response back that says, "You have chosen to vote for John Koerning (ph). If this is OK, move on to the next race." If this is not your choice, you press the enter button again. That erases that vote and you move on to the next candidate, which could be "Ken Benson, Democrat," and so on, through the entire ballot. You're allowed to skip a race, if you don't want to vote that race at all, and move as quickly or as slowly as you wish.

Number 1088

At the very end of the ballot, once you have voted the last race - which this November would ... be the race for justice of the peace - you then would get what's called a ballot review playback, in which case you rotate through and, once more, every one of your choices is repeated back to you, so that you can go back and change your mind. Or, if you missed a race, you can go back and catch that race the second time around.

MR. SIRVELLO mentioned some elections during which this system had been used. He said significantly more blind voters use this system and it was incredibly well received. Through word of mouth, Mr. Sirvello said, [the county clerk's office] predicts that the system will be even more utilized during the February 23 early voting for the March 12 primaries.

Number 1150

MR. SIRVELLO recounted a story of a man who had just had an eye exam and had dilated pupils. He said the man asked if someone could read the ballot to him, because the screen hurt his eyes. The election judge offered the man the use of the headphones, he said, and the man thought that was very useful.

MR. SIRVELLO mentioned "jelly switches," which are colored red and green. He explained that they are useful for voters with immobility in their hands because they can use their elbows or wrists on the jelly switch. One jelly switch moves the voters through to the next race, and the other jelly switch casts their vote, he added. Mr. Sirvello also mentioned a "sip and puff"

device like [paralyzed actor] Christopher Reeve uses. He said the system allows voters who use this device to plug it into the unit. They would sip to rotate through the ballot and puff to execute their ballot.

Number 1336

REPRESENTATIVE WILSON asked Mr. Sirvello if the system he spoke of allowed the voter to go back numerous times to change a vote.

MR. SIRVELLO replied that a voter can return to any particular race on a ballot as many times as needed, without having to rotate through the entire ballot, until the button called "cast ballot" is pushed. At that point, the vote has been electronically recorded, he added.

Number 1406

REPRESENTATIVE STEVENS said he thought it was a wonderful idea to allow everyone to use a secret ballot. He asked Mr. Sirvello to describe the security of the ballots and to say whether there was any chance of anybody misusing the system.

MR. SIRVELLO said any system is only as good as the people who are operating it; however, this particular voting system is equipped with numerous safeguards. He listed three "redundant storages" of the ballot: on a magnetic card; on the "judges booth controller," which is the device that actually sends the ballot to the voting device; and on each individual voting device. He said someone would have to tamper with all three pieces of equipment. Mr. Sirvello noted that [the county clerk's office] has security measures in the delivery and pickup of those pieces of equipment.

Number 1528

REPRESENTATIVE JAMES surmised that this system would not allow illegible votes or double votes.

MR. SIRVELLO said that was correct, and he characterized that as an added benefit of electric voting systems. He noted that [the county clerk's office] had been using punch cards since 1982, and he will be happy to get rid of them because of the high incidence of "overvote" - too many voters not understanding when they are voting twice in one race. In the electronic system the county uses, once a vote for one candidate in a race has been executed, a vote for a second candidate will automatically erase

the vote for the first one, he explained. He added that a voter may choose to cast a "no-vote."

REPRESENTATIVE JAMES asked if "able" voters receive the same type of ballot, and how they would double-check to be sure that they voted for the right person.

Number 1632

MR. SIRVELLO clarified that Representative James was referring to a sighted voter when she used the word "able." He said the sighted voter moves through the screen the same way that the disabled voter does, except instead of an audio response he or she gets a visual response; the selection is lighted on the screen. The summary page is a visual one in which the voter sees all of the offices on the left side of the screen and those that were chosen on the right. If no selection is made, the words, "no selection" are shown in red. The voter may then choose to rotate the wheel down to that particular choice and press "enter," which will allow the voter to select a candidate if that vote was previously overlooked.

Number 1710

REPRESENTATIVE JAMES asked Mr. Sirvello to explain what would happen to votes in the case of a power outage.

MR. SIRVELLO replied that any type of electronic system has alternating current (AC) power. The system used by [Harris County] has an 18-hour battery backup. If there were a power outage, the battery would kick on automatically; there would be no loss of votes or interruption to the voters.

REPRESENTATIVE JAMES commented that it seemed this system would be beneficial to others, not only the disabled.

MR. SIRVELLO mentioned a disabled activity unit, which is taken out to the disabled voter's car. It can be disconnected, he said, because it has a battery attached to it. After the voter votes on it, the device is brought back inside and plugged in, whereby the vote is automatically recorded onto the master unit.

Number 1815

REPRESENTATIVE FATE mentioned 18 hours of power outage, national disasters, and what he called "the hard-drive memory." He asked

Mr. Sirvello, if voting information is transferred, how it is retained and how secure it is.

Number 1856

MR. SIRVELLO reiterated that there are two hard-drive memories. One is in the [election] judge's booth controller, which houses the votes that have been recorded. Mr. Sirvello added that the system has the capacity to hold 12 voting devices that are "attached in a series." The booth controller contains what is called "the cast-vote record" for all twelve devices. The devices themselves contain only the votes cast on that one device, he said. Mr. Sirvello noted that the other device is called "the mobile ballot box." It is the primary source for cast-vote records and is the device used to count the votes on election night, he added.

Number 1908

REPRESENTATIVE FATE asked Mr. Sirvello how much it costs to change over to the electronic equipment.

MR. SIRVELLO answered as follows:

First of all, when we put out our RFP, in addition to buying a voting system that would be utilized in Harris County during our early voting by personal appearance -- ... I don't know how familiar your committee is with early voting by personal appearance in the State of Texas, but it is a very large phenomenon, and it goes on for practically two weeks before election day, to the extent that almost 20 percent of our total vote now is cast during that period. But in order to handle that situation and election day voting, we asked for an electronic voting system. For voting by mail, we asked for an optical-scan system, to replace our punch-card system, because we didn't want to use punch-card for voting by mail, either. So, ... we will be using - this primary season - an optical-scan system for voting by mail.

And then the third part of our RFP asked for an election management system that would replace what we've been using as an in-house system, that would totally manage things like polling places, election day officials, payroll, current officials, all of that. So, it was one very large package, and that's

the way the RFP -- but in order to make a total changeover, the bid that was awarded to Hart Intercivic was \$25.2 million.

Number 2005

REPRESENTATIVE JAMES commented that the value of that would not necessarily relate to Alaska [because of a difference in population].

MR. SIRVELLO responded that [Harris County's] figures were based not only on its population, but also on its 1.8 million registered voters.

CHAIR COGHILL noted that the entire population of Alaska is 620,000.

Number 2075

HELEN CRAIG, testifying via teleconference, told the committee she is a member of a sign-language group called "Silent Bridges" and of [Alaska Independent] Blind, with Sandy Sanderson as president. She mentioned that Mr. Sanderson and her own husband, Tony Craig, were present in the committee room. She stated her support of HB 320. She indicated there is a population of deaf and hard-of-hearing people and people in wheelchairs who live in Alaska. She said the aforementioned electronic voting system sounded good, but asked if it could be adapted for someone who is deaf as well as blind.

Number 2190

MS. ACHEE responded that the Division of Elections had recently held a meeting with its community advisory panel regarding accessible voting for the visually impaired, during which the topic addressed in Ms. Craig's question had been mentioned. Ms. Achee clarified that Mr. Sirvello only described equipment that his county uses. She said there was a representative from Lockheed Martin to show another piece of equipment being considered by the Division of Elections. She noted that every [model] of equipment was different, some with directions on the equipment itself. She stated her belief that the division would choose the equipment that met the needs of most people. Of the four pieces of equipment that Ms. Achee saw, she said none of them offered a Braille option for the ballot; furthermore, she said she did not know whether that feature existed on other companies' systems. She said that would "come up" when the

Division of Elections made its decision regarding what equipment to buy.

Number 2252

MS. CRAIG said there are many voters around the state who could benefit from an electronic voting system. She said, "This is a great way to ensure that their patriotic spirit is also being addressed."

Number 2312

REPRESENTATIVE FATE questioned sending a bill with a zero fiscal note to the House Finance Committee when the equipment will actually cost a considerable amount of money.

REPRESENTATIVE GREEN informed Representative Fate that the equipment will be added "as it's replaced." In response to a request for clarification from Chair Coghill, he explained that as the equipment that is now in use is replaced, it will be replaced with equipment "receptive to the sight-impaired."

Number 2392

ANDRE SWOOP, Representative, Lockheed Martin, came before the committee to give a demonstration of an electronic voting system developed by the combined efforts of Lockheed Martin, I Paper, and Diversified Technology. He began his demonstration at the moment at which a voter would be stepping up to the voting device, which he said weighed 8 pounds and presently was powered by battery backup. He divided his demonstration into two categories: First, Mr. Swoop showed the committee members how the machine worked for a sighted voter. Second, he showed them how easily adaptable it was for the use of a visually impaired voter.

MR. SWOOP demonstrated the steps a sighted voter would take, as follows: The voter is given a PCMCIA [Personal Computer Memory Card International Association] card to swipe. The pages of the ballot show one at a time, with each race and each candidate of that race listed. A number appears beside each candidate listed on the screen. The voter's selection is made by pressing the number next to the candidate's name on the screen. Changes can be made by pressing another button. A space is available for a write-in, with a letter keypad to the right of the screen for the voter to type in the name. The final page summarizes all selections made. There are two buttons on the board. The

"back-page" button allows the voter to change previous selections. The green button records the ballot - "the equivalent of taking a ballot card and dropping it in the ballot box" - and an audible message is heard letting the voter know that the ballot has been recorded.

MR. SWOOP explained that at that point, the voter would hand the card in to a poll worker who would use a "smart card activation device" to clear the card of prior data so that it could be reused.

MR. SWOOP next detailed the steps a visually impaired voter would take: After inserting the PCMCIA card, the visually impaired voter uses three buttons, which control moving to the next page, scrolling back to a previous page, and selecting the candidate. When the voter pushes the green button to select a candidate, a recorded voice gives a verbal confirmation of the choice made. After the visually impaired voter has completed the ballot, the recorded voice gives a summary of the choices made. Pushing the green button indicates acceptance of those choices, at which point the voter will retrieve the card and submit it to the poll worker.

MR. SWOOP told the committee that the electronic voting device is very flexible; it can produce a custom-made ballot. The software is included, he added. The cost of the machines is approximately \$1,700 per unit, depending on the volume of the order. Additionally, Mr. Swoop said one would need a smart card activation device and a printer, which would have a combined cost of approximately \$1,000.

Number 2840

REPRESENTATIVE WILSON asked Mr. Swoop how a visually impaired person would execute a write-in.

MR. SWOOP replied that it would require a modicum of assistance, because it would involve the use of the keypad; however, the company is investigating possibilities of adding Braille as a feature.

Number 2860

REPRESENTATIVE STEVENS mentioned that his mother suffers from macular degeneration and has problems with [the size of the buttons] on telephones. He observed that the model machine before the committee had one large green button, but the other

two buttons were small. He stated his belief that someone with visual impairment would have difficulty knowing which button to push. He also mentioned the keyboard. He said he was not sure the company had perfected the machine yet, and he hoped it would.

MR. SWOOP conceded that the device before the committee was first-generation. He said one of the considerations of the company was to make those two buttons not only larger, but in the shape of raised arrows that would be tangible. One of the arrows would face right to indicate "page forward," and the other would face left to indicate "page back."

MR. SWOOP, regarding the aforementioned software, added that it has a variable-sized font, multiple language capabilities, and audio capabilities, all included in the package price. Mr. Swoop continued, as follows:

Once a poll is opened, the poll manager would come to each machine and print what is called "an open poll report." Each device can be connected to this portable printer here, and you get a hardcopy printout of what's on that machine before any voter comes in and touches it. So, you know what the benchmark is in terms of verifying that all the machines are at zero, OK. At that point, when that's all done, the polls will be open. ... You would allow the voting to occur during the day, and at the end of the day, similarly, the poll manager would go to each device and do a "close poll" function. ... At that point, you would have the ballot data stored in flash memory on this machine. It would also be copied onto a PCMCIA card such as this ... and also on a printout. So, you would have it on three places.

As far as trying to get the results to a central election facility, I realize there are some great distances between locations here in Alaska. I'm not sure exactly how that's done today, but I would imagine you could phone that information in, in a preliminary form, followed up by the shipment of the hardcopy and/or the actual data card for historical purposes or verification purposes.

MR. SWOOP also mentioned that the voter could use a headset to maintain privacy.

TAPE 02-4, SIDE B
Number 2973

DARRELL NELSON, Community Activity Coordinator, Access Alaska, testifying via teleconference, referred to page 2, line[s] 5 [and 6] of the bill and asked the committee to change the words, "visually impaired" to "persons with disabilities", and "without assistance" to "in secret". Without that change, Mr. Nelson said that part of the bill addresses only those who are visually impaired and excludes many people with other disabilities.

Number 2907

CHAIR COGHILL told Mr. Nelson that was an issue that would be addressed.

MR. NELSON noted that he is visually impaired, is hearing impaired, and has Bell's palsy.

Number 2825

BONNIE NELSON, testifying via teleconference, told the committee that she was a teacher and has worked with many people, including Mr. Nelson, whom she helped to achieve his bachelor's degree. She indicated that many people have reading problems for reasons other than visual impairment. Furthermore, many people are both visually impaired and hearing impaired. Those people could benefit from voting electronically. She said, "This is a wonderful bill, and we're 100 percent in support of it." She added that she agreed with Mr. Nelson that any new machines purchased should be accessible to all persons with all disabilities. She mentioned an eventual capability of voting by mail, which would help those with disabilities at home, as well as people at work who cannot leave to go to a polling place. Ms. Nelson said in some cases it would be impossible not to assist a voter, but she stressed the importance of [equipping people with the means] to vote in secrecy.

Number 2663

REPRESENTATIVE GREEN asked Ms. Nelson if she had heard the prior testimony regarding taking the electronic voting equipment out to the disabled voter's car.

MS. NELSON answered she had. She stated her belief that that was an important feature. She suggested the ability to take laptop computers and CDs [compact disks] out to people's homes

exists now, and "it still would not generate ... the cost ... that we're looking at." Ms. Nelson clarified that she supported the use of new technology; however, existing technology could be used in the meantime.

Number 2565

REPRESENTATIVE GREEN stated his belief that Ms. Nelson's questions would be more appropriately brought to the Division of Elections board members when the time comes to replace equipment. He said advances are being made every year. "This bill just authorizes that ... to happen," he concluded. "We won't be involved in the actual selection of equipment. That will be by Division of Elections."

Number 2540

MS. NELSON asked if HB 320 would authorize the use of "CDs and floppies" so people can use their computers to vote by mail.

CHAIR COGHILL replied he did not think that was in the scope of the bill; however, it would not limit that discussion. He added, "That may be one question we'll look for an answer to."

Number 2474

LYNNE KORAL, President, Alaska Independent Blind (AIB), came before the committee. She emphasized that it was blind people who first brought this issue to Texas, as well as other locations around the country. She said this issue is one of the priorities for AIB's parent organization, the American Council of the Blind, of which the Houston Council of the Blind is a member. She mentioned a legislative dinner, presented by AIB, and characterized it as "a very electrical and magical experience." The [electronic voting] device from Hart Intercivic [was shown at that dinner]. Ms. Koral submitted paperwork [available in the committee packet] regarding both Hart Intercivic and Diebold, formerly known as Global Election Systems.

MS. KORAL said, "We know that the people who have brought this issue to the forefront are the blind and visually impaired people who first brought it up, and we are very concerned that other people with disabilities have access to vote." She expressed excitement regarding the "sip and puff" technology and the tactile switches for the Hart Intercivic "eSlate" machine. Ms. Koral noted that she has also served as chair of the

community advisory committee on voter accessibility, which is sponsored by the Division of Elections. A machine has not yet been selected because no one machine serves all functions, she said. She concurred with a former testifier's statement, which recommended choosing a machine with the broadest application available.

MS. KORAL continued, as follows:

We have been trying to talk to the Division of Elections - and thank goodness they are listening now - since 1994, since Frank Haas asked for large-print ballots. I'm not going to let this bill be either diluted or confused by changing it substantially. I would prefer that not to happen. We were the ones that brought this issue to legislators, and we absolutely appreciate the ... support that we know is out there. And just to prove that: the Kenai independent living [center's] was the first support letter that we received and that Representative Green received.

Number 2290

MS. KORAL stated that voting without assistance was the key issue here. She said blind people have had to deal with this all of their lives. Ms. Koral opined that voting in private is the right of every human being. Ms. Koral mentioned two now-deceased members who [dealt with this issue]: Frank Haas and Don Graham (ph). She recounted that Mr. Graham had been horrified when someone in his small town pointed out they knew how he had voted. Referring to Mr. Nelson's previous testimony, Ms. Koral said she would not mind if the words "in secrecy" were inserted into the bill, but only as an addition to, not a substitution for "without assistance". She indicated that people would ask for assistance if they still needed it. People with visual impairment want to have their lives back and make their own decisions about voting, she said. She noted that the next witness - Sandy Sanderson - was the founder of AIB.

Number 2185

CHAIR COGHILL responded, as follows:

I think what we'll do is, when we get to the department, we might ask if the "secrecy" part is presumed, and that this is just adding to the

"assistance" part. And I think that question might be answered in the affirmative if I understand our laws correctly. So, we'll bring that point up, though.

Number 2100

SANDY SANDERSON came before the committee in support of HB 320. He said the bill would no longer make it necessary for blind people to be accompanied by their spouse and to have to assume that their vote would be as they wanted it to be. He mentioned opposing political beliefs between spouses. He stated his belief that the [electronic voting] machines have the capability to give instructions in various languages, and he noted that many of the elders throughout the state cannot read the printed word. He mentioned others who would benefit, such as people with dyslexia or those who are illiterate. Mr. Sanderson told the committee that there are 12,500 blind people in the state - more per capita than in any other state. He said he hopes legislators realize that they are there because of "the vote," and he hopes they cherish that as much as he does.

Number 1974

BILL CRAIG, Member, Alaska Independent Blind, came before the committee in support of HB 320. He told the committee that he was declared legally blind in 1994 and has been working with the AIB since then. He added that he was "down to 80 percent hearing" in his right ear and deaf in his left ear. He stated his hope that the Division of Elections would consider those who are deaf and blind. Although there is a low incidence rate in Alaska, he said there are "a number of elders in the state that are losing their sight and hearing, so it's an underestimated area." He indicated his aunt, who speaks mostly Tlingit since having a stroke and doesn't understand written English [would benefit from the electronic voting].

Number 1883

REPRESENTATIVE FATE asked if the cause of the high incidence of blind people in the state had been determined.

MR. CRAIG cited the following reasons: numerous high-risk jobs in the state; and the village of Minto, where virtually everyone has [retinitis pigmentosa] in his/her genes. Most of the children there are legally blind by age 17, he noted. In response to a follow-up question by Representative Fate, Mr. Craig replied that the incidents are statewide, not just rural.

Number 1828

MS. KORAL noted additional causes: tuberculosis, diabetes, and lack of ophthalmologic services.

Number 1814

REPRESENTATIVE FATE said he appreciated "the courage and the tenacity that you folks have shown in this."

CHAIR COGHILL noted that one of the witnesses no longer at the stand had commented that [these visually impaired testifiers] were known as "the pit bulls of Alaska."

Number 1775

JUNE HAAS, wife of the late Frank Haas, came before the committee and spoke of her late husband. She said he was a disabled veteran who became legally blind in 1984 and fortunately, through the VA [Veterans' Administration], was able to go to Palo Alto to receive very good training [in adapting to blindness]. Ms. Haas added that people could not tell just by looking at Mr. Haas that he was blind. She said during the eighth week out of nine, the spouse of the blind person joins the training to learn the capabilities and limitations of their spouse. The instructors give the spouse ideas for home life, but also "charge the spouse with keeping the person independent," she said.

MS. HAAS told the committee that Mr. Haas had been active in getting "access vans" on the ferries and having the sidewalks cut properly to allow for wheelchair access. The one thing that he had not been able to convince the legislature of was the need for independence in voting; consequently, Ms. Haas stated, she was pleased when AIB brought up the issue to the legislature. She conceded that she and her husband had not always voted alike, and said Mr. Haas had wanted to be able to vote by himself, without her in the booth with him.

MS. HAAS said that Alaska is growing older as a state and the population of the Borough of Haines is growing older, as well. In the past, older people were "shipped down stateside," but now it is possible for them to stay in Alaska. She told the committee that Haines has had many issues decided by a single vote, including the office of the current mayor.

MS. HAAS noted that there were many people in Haines with macular degeneration and diabetic retinopathy. Many Native Alaskans suffer from diabetes, which is not detected in the early stages. Ms. Haas recounted an incident in Haines in which one woman with macular degeneration came to the polling place to vote: The woman could not stand at length, and there was no place for her to sit. After 15 minutes the woman was given a ballot. She sat out on the stairway with her magnifying glass, in full public view, and she voted. The experience was so traumatic that the woman said she would not vote again.

Number 1394

MS. HAAS said there are several votes, statewide, that are not being counted, because the [visually impaired] voters find the process too difficult, degrading, and discouraging. She mentioned a blind student presently in school who is doing well. She asked the committee if "we" are going to tell her, when she turns 18, that she can't vote unless she has someone else to help her. She said, "So, we have quite a few students in this state that are getting very good training - we're helping our people - but we need to give them the independence that they need." Ms. Haas mentioned her belief that the committee had heard from Legionnaires, Elks, the city council, and so forth, regarding this issue, because those groups all appreciate what Mr. Haas has done in the past. She concluded that she appreciated the efforts of the committee regarding this issue.

Number 1351

CHAIR COGHILL listed some topics to consider regarding HB 320, as follows: the connectivity of [the bill] to the present system; an explanation of the fiscal note for the bill, which has a House Standing Finance Committee referral; and privacy issues.

Number 1310

JANET KOWALSKI, Director, Division of Elections, Office of the Lieutenant Governor, came before the committee and thanked Representative Green for the "fairly artful" language of the fiscal note. She said she had been researching the project for about a year before the topic of legislation was approached. She stated it was clear to her that the current [polling] system is working and it would be imprudent to replace it; the technology has evolved, so there is no reason [the Division of Elections] should not be offering "these services."

Number 1272

MS. KOWALSKI informed members that the zero fiscal note was based on two things: First, the language in the bill is permissive, rather than restrictive; it states that if money is spent, it must be spent on accessible equipment. Ms. Kowalski noted that the Division of Elections routinely buys everything from batteries to software upgrades to machine warranties and repairs. She continued as follows:

The legislature did pass statutes last session to grant the division early voting - you heard a little bit about that. Early voting, essentially, is 15 days before the election. We are asking for equipment for that as part of that program. ...

A third opportunity - that certainly we're not counting on - is we are working closely with our congressional delegation in Washington, D.C. There has been a voter reform bill that's passed both the House and the Senate. They're different. We're going to conference. Both those bills contain provisions - after the Florida episode - for states to improve their voting equipment. So, our D.C. office is working on making sure that that money would extend for accessible equipment. ...

Number 1100

In the meantime, if none of those things happen, given the state's fiscal status right now, what this bill says is, "OK, you can stay where you are, but the minute you go forward, then you're going forward with accessible equipment. So, in the polling place, most of these machines require one voter at a time. So, what we're looking at as a practical matter is our optical-scan machine will still stay in the polling place, and voters who want to use the paper ballot ... can do so, and voters who want more assistance can then use the machines. And as we talked ... about where do we put them, it's been a fairly strategic discussion. ... We only have one or two to start. Should we have them in regional offices, maybe at a private nonprofit? We already do that. We have an absentee station at Access Alaska, which is highly utilized.

Number 1074

The privacy issue, to me, is just very, very powerful. Folks testify. You know, they're right: you're in a booth and you're talking. We have other programs, and I know you have a question on that, and I'll have Gail [Fenumiai] answer that. But the bottom line is: if you are a blind voter in Alaska, you cannot vote right now in total privacy; you must have assistance. We have a strong program for that, but there is no privacy. So I think, given ... the finances and everything else, that this is a time to make this choice. And instead of trying to fund a system in every precinct, I think that we can look at our existing resources, again, the normal operating funds we use to maintain. And then, hopefully, we would see some federal money, as well. So, I wouldn't let the lack of a fiscal note stop the project, because I think it's very worthy.

CHAIR COGHILL asked if there was other in-home voting, in addition to Access Alaska.

Number 0999

GAIL FENUMIAI, Election Program Specialist, Division of Elections, Office of the Lieutenant Governor, came before the committee to respond to Chair Coghill's query. She said the division has a process called "special needs voting" by which a voter can choose a representative to bring a ballot to that voter's home and return the ballot to an election official. The representative may provide assistance to that voter, if needed.

MS. FENUMIAI, in regard to Chair Coghill's mention of "connectivity," said any system purchased by the division that meets the needs of the visually impaired would be useful with the current system. She continued:

The obvious implication is the manufacturer of the current system we have has a system that would allow the visually impaired to ... vote a secret ballot [and] would connect with our system, without any problem at all. The other systems could be used and would be treated, probably, in the manner of a hand-count precinct, of which the results would be tabulated electronically, and then we would treat them

as a hand count and manually enter them into this current system that we have. ... There shouldn't be a problem with (indisc.) together. There wouldn't be an electronic merger tabulation of the two systems together. It would probably have to be more of a manual process, but it is doable.

Number 0892

REPRESENTATIVE STEVENS complimented the Division of Elections and its system. He said he assumed that as new equipment was purchased, it would be limited to one polling place, for instance, so that a visually impaired person would have to make the choice to travel to that polling place in order to vote unassisted. He asked what happens to that vote cast outside of that voter's usual precinct, and when it would be counted.

Number 0798

MS. KOWALSKI answered, as follows:

That's an excellent question. If, under ... our current policies and procedures, and statutes and regulations, I wanted to vote on a secret-ballot machine and I didn't want to vote ahead of time. ... [I'd] go to a polling place. Now, under our current system you would vote a question or a challenge ballot. Two things on that: Number one, both sides of the federal legislation require that states have assistance for that. We already do so; we're in good shape. The manufacturers who are following all this - virtually, all four of them - were able to show us that, in that key card you saw demonstrated, the polling place worker can actually program that as a question ballot. And so it's segregated in the database, and so our state review board and our regional question ballot board would have the same review function that they do now with paper. But under current policies and procedures it would be a partial count.

However - and we haven't reviewed the other statutes thoroughly - all of these machines allow us to program, say, 2,000 different ballot types. If we were to set up ... early voting, [for instance], I can walk in Anchorage [at the polling place] and be sure, either through an absentee or early voting. We could

actually set up all the ballots on these computers, like we do, say, for absentee voting at the airports. We look you up in the computer so we can get you the right ballot. We could actually do something like that.

Number 0693

I think that there is momentum on this project. I had Greg Moyer, who's the new city clerk of Anchorage, sit on my community advisory committee the last couple of days, and he kept saying to me, "We could buy some of these." He was very excited by the technology. I think all of us in the administrative chairs felt strongly about the security that you asked about earlier All these machines have redundant systems. And, as the person sitting here, I have to tell you that that is a huge concern of mine. On election night, I don't even breathe until the modem board lights. ... And it works beautifully every time, and we've done our homework and our testing, but I can't breathe until the first results come in. So, I really do think that ... it would grow without, necessarily, a very formal "we're going to go out and replace them all at once." Other municipalities would be able to buy ... one, two machines. They'd borrow our equipment.

Number 0591

REPRESENTATIVE FATE mentioned page 2, lines 4-6, of the bill. He said this really does have some kind of a cost. He said that cost may be pending, but because of current problems with the budget gap, the committee really needs to know [what that cost is]. Notwithstanding that, Representative Fate said he would like to see HB 320 move out of committee.

Number 0494

REPRESENTATIVE JAMES, based upon her years as a legislator, told Representative Fate that even if the bill is passed out of committee with a fiscal note and is sent to the House Finance Standing Committee, it is possible for the House Finance Standing Committee to pass the legislation without funding the fiscal note. She said, "When you have something like this, when there is no scheduled time for which this is going to be done, there's no way to attach a fiscal note to it, and it probably

would mean, possibly, an appropriation in the next budget." Representative James stated her belief that a zero fiscal note on HB 320 was appropriate.

Number 0364

REPRESENTATIVE FATE moved to report HB 320 out of committee with individual recommendations and the accompanying zero fiscal note. There being no objections, HB 320 was moved out of the House State Affairs Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:35 a.m.