

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS COMMITTEE

February 7, 2002
3:35 p.m.

MEMBERS PRESENT

Senator Gene Therriault, Chair
Senator Ben Stevens
Senator Bettye Davis

MEMBERS ABSENT

Senator Randy Phillips, Vice Chair
Senator Rick Halford

COMMITTEE CALENDAR

SENATE BILL NO. 258
"An Act relating to the use of electronic ballots."
MOVED CSSB 258 OUT OF COMMITTEE

SENATE CONCURRENT RESOLUTION NO. 22
Relating to declaring March 2002 as Sobriety Awareness Month.

SCHEDULED BUT NOT HEARD

SENATE JOINT RESOLUTION NO. 31
Urging the United States Congress to permit the use of tax exempt
bonds to fund loans for veterans who served after 1976.
SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

Russ Kelly
Legislative Intern to Senator Leman
Alaska State Capitol room 516
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced CSSB 258

Gail Fenumiai
Office of the Lieutenant Governor
Division of Elections

P.O. Box 110017
Juneau, AK 99811-0017

POSITION STATEMENT: Answered questions on SB 258

Jim Dickson
Washington D.C.

POSITION STATEMENT: Testified via teleconference in support of SB 258

Tony Sirvello
Harris County Clerks Office
Harris County, Texas

POSITION STATEMENT: Testified via teleconference in support of SB 258

Sandy Sanderson
Palmer, AK

POSITION STATEMENT: Testified via teleconference in support of SB 258

June Haas
Haines, AK

POSITION STATEMENT: Testified via teleconference in support of SB 258

Daryll Nelson
No address given

POSITION STATEMENT: Testified via teleconference on SB 258

Lynne Koral
1102 W. International Airport Road
Anchorage, AK 99518

POSITION STATEMENT: Testified via teleconference in support of SB 258

Bill Craig
613 De Groff Street
Sitka, AK 99835

POSITION STATEMENT: Testified via teleconference in support of SB 258

ACTION NARRATIVE

TAPE 02-6, SIDE A

CHAIRMAN GENE THERRIAULT called the Senate State Affairs Committee meeting to order at 3:35 p.m. Present were Senators Davis and Stevens and Chairman Therriault.

He announced the following update on bills previously heard.

SB 236 has a potential CS that separates 2003 fiscal considerations from those for fiscal year 2002.

The Alaska Medical Association has yet to respond to the privacy issues that were raised in SB 237.

Section 3 of SB 238 exempts orders from the Alaska Administrative Procedures Act and research is ongoing to determine whether that section is needed.

The Department of Law is working with the legislative legal counsel to determine whether the new crime dealing with terroristic threatening/pipeline damage should be in a separate section or incorporated into criminal mischief statutes.

He announced SB 258 would be the only item heard today.

#SB 258

SB 258-AUTHORIZING ELECTRONIC BALLOTS

CHAIRMAN THERRIAULT informed members of a proposed committee substitute (CS). He called the spokesperson for the prime sponsor forward to present the bill. He noted the zero fiscal note.

RUSS KELLY, legislative intern to Senator Leman, said he would address his comments to the CS. He opened his testimony with a quote from a New York Times article written by Jim Dickson that said, "The fact that the nation's elections are not quite state of the art may have come as a surprise to many Americans..." Unfortunately, this comes as no surprise to those with disabilities. It is the spirit and intent of the Frank Haas Act, SB 258, to provide those with disabilities the opportunity to cast a ballot with privacy and accuracy by the incorporating electronic, paperless balloting equipment into the system.

There is no intent to force the Division of Elections to buy all new equipment immediately; this would be a phase in process with future voting equipment purchases made with wide accessibility in mind. He asked that Gail Fenumiai follow his testimony to give it more clarity. He also introduced the individuals that would give supporting testimony on CSSB 258.

CHAIRMAN THERRIAULT asked for questions from committee members.

He asked the Division of Elections representative to come forward.

GAIL FENUMIAI, Division of Elections, stated she had no prepared comments but was available to answer questions on the technology and how the division would implement the bill if passed.

CHAIRMAN THERRIAULT said his primary reason for asking her to step forward was to have it on record that she has worked with the prime sponsor on the committee substitute.

GAIL FENUMIAI said they have been working with Senator Leman's office in the expansion of the bill to include a broader term of disabilities rather than limiting it to just one specific type of disability. The division is comfortable with the CS.

CHAIRMAN THERRIAULT asked who would be accommodated under current wording.

MS. FENUMIAI replied the technology they recently reviewed provides for a wide variety of disabilities. Although the visually impaired and those using wheel chairs are accommodated most frequently, the technology is evolving. For instance, people that have no hand mobility are able to use a straw to "sip and puff" their voting preferences.

SENATOR STEVENS asked how many people in Alaska would have the opportunity to use the new technology.

MS. FENUMIAI said the division would implement the changes in small stages. They have made a capital improvement project request and if the money is made available, they are considering implementing the new equipment into the regional absentee voting stations in Juneau, Anchorage and Fairbanks. These stations would accommodate voters from across the state voting district ballots 1 through 40.

CHAIRMAN THERRIAULT established that instead of a large fiscal note, implementation would occur over time as new equipment is purchased.

MS. FENUMIAI agreed.

CHAIRMAN THERRIAULT called for teleconferenced testimony.

JIM DICKSON testified from Washington D.C. in support of SB 258. He works full time on voting issues related to individuals with disabilities. Alaska is joining Maryland, Georgia, Texas and Florida in recognizing the importance of this issue. He said he has never been able to cast a secret ballot in Washington D.C. and that right is precious and what makes this the greatest country in the world.

TONY SERVILLO testified that Houston, Texas is at the forefront

for addressing disabled voter needs. Harris County has recently purchased a direct recording electronic voting system called the Hart InterCivic's Slate. It accommodates a range of disabilities and was used successfully for the first time last November. This system will be available for all voting precincts throughout the county in the upcoming November 5 general election.

SENATOR STEVENS asked how many counties in Texas use this system.

MR. SERVILLO said it is confined to the larger counties at this time.

SENATOR STEVENS then asked what percentage of the disabled population would have this system available to them.

MR. SERVILLO acknowledged the validity of the question. They have asked advocacy groups in Houston and Harris County to help get the word out to blind voters in particular about the new system. Part of their job is doing the outreach but they really don't know how many people in Harris County would be able to use this system because of their type of disability. Judging from the increased number of calls inquiring about the system, the word is spreading.

JUNE HAAS testified from Haines and said she was in Juneau recently to testify on HB 320 relating to electronic ballots. She explained SB 258, the Frank Haas Act, is a project her late husband did not finish before he passed away. In the mid 1980's he became legally blind due to diabetic retinopathy and as a result became a vocal advocate for the blind. He thought it was of paramount importance to be able to go into the voting booth to vote his own ballot. Races can hinge on just one vote so it is important that no one is discouraged from exercising that right.

JIM DICKSON said he could provide Senator Stevens with numbers of blind and visually impaired individuals from the most recent U.S. census figures for Alaska.

SENATOR STEVENS said he was curious about how many of the voters that need to use this type of voting machine are using them. The challenge is to get the word out that this equipment is available. He also questioned the availability of funding to launch such a campaign.

CHAIRMAN THERRIAULT asked that anyone with suggestions on how to meet that challenge should step forward and be heard.

SANDY SANDERSON testified from Palmer and said they have worked toward this legislation since 1995 and there are a number of good reasons for its passage. He said the importance of a secret ballot is significant, but it is also important to understand

that this is also for other disabilities. Individuals with dyslexia, literacy difficulties and those who don't read or write English would be helped. He has needed assistance to vote in every election for the last 43 years. This equipment would allow him to go into the voting booth and vote and know he is voting the way he wants to vote.

CHAIRMAN THERRIAULT asked for comments regarding how to get word to the disabled community about the availability of the new machines and how they work.

MR. SANDERSON replied they have an organization of about 500 blind individuals in the state and they can help a lot to get that information out.

DARYLL NELSON testified he is representing two positions. First he is speaking as the community coordinator for Access Alaska and they would like to go on record in support of the un-amended bill. As a constituent of Senator Halford, he likes the amended plan that talks about visually impaired as well as people with other disabilities. He wanted members to think about secret, independent and verifiable ballots that are counted correctly. The original bill spoke about visually impaired and some people would like other people that have multiple disabilities. He commended the Senator and Russ Kelly for making it more clear.

LYNN KORAL, Alaska Independent Blind representative, thanked everyone who has worked in support of the bill and said it has broad range support. Before the CS, they had support from the Kenai Independent Living Center, Southeast Alaska Independent Living, State Independent Living Council, Committee on Employment and Rehabilitation in addition to 14 Representatives and 8 Senators.

Although she has no problem with the CS and has always supported the broadest disability access machine, she cautioned that blindness is a low incidence disability that sometimes gets lost in the shuffle. The genesis of the bill was when Frank Haas spoke with Sandy Sanderson in 1994 about large print ballots. Although she knew large print ballots wouldn't help her, she also knew it was a way in the door. Blind people have been at the forefront of almost every initiative that has eventually helped people with disabilities.

She then quoted from an article of Jim Dickson's regarding a report conducted during the November 2000 election. It found that at least 84 percent of the polling places in America had at least one barrier to persons using wheel chairs and no polling place offered persons that are blind or visually impaired the opportunity to cast a vote privately. She urged members to pass

the bill and said many disability groups have newsletters and advocacy groups that would be of great help in getting the word out regarding new equipment.

WILLIAM CRAIG, Alaska Independent Blind representative, testified in support of SB 258. He said it would open up voting to the blind and other disabilities as well. According to the Division of Vocational Rehabilitation, there are about 12,500 blind people in Alaska and as the population ages that number will increase.

There was no additional testimony.

CHAIRMAN THERRIAULT asked for a motion to adopt the \J version as the working document.

SENATOR DAVIS moved the \J version as the working document.

There was no objection.

CHAIRMAN THERRIAULT called for amendments from committee members and there were none.

He noted the zero fiscal note from the Office of the Governor then asked for the will of the committee.

SENATOR DAVIS moved CSSB 258 and attached fiscal note from committee with individual recommendations.

There being no objection, CSSB 258 moved from committee.

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#SJR 31

SJR 31-TAX EXEMPT BONDS TO FUND VETERANS LOANS

CHAIRMAN THERRIAULT announced Senator Phillips requested the resolution be held until the following week.

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#SCR 22

SCR 22-SOBRIETY AWARENESS MONTH

CHAIRMAN THERRIAULT announced Senator Ward requested the resolution be held until the following week.

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CHAIRMAN THERRIAULT adjourned the meeting at 4:25 p.m.