

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

April 7, 2005

3:08 p.m.

MEMBERS PRESENT

Representative Lesil McGuire, Chair
Representative Tom Anderson
Representative John Coghill
Representative Pete Kott
Representative Les Gara
Representative Max Gruenberg

MEMBERS ABSENT

Representative Nancy Dahlstrom

COMMITTEE CALENDAR

HOUSE BILL NO. 33

"An Act relating to the effect of regulations on small businesses; and providing for an effective date."

- MOVED CSHB 33(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 94

"An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration and voter registration records, voter registration through a power of attorney, voter registration using scanned documents, voter residence, precinct boundary and polling place designation and modification, recognized political parties, voters unaffiliated with a political party, early voting, absentee voting, application for absentee ballots through a power of attorney, or by scanned documents, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, initiative, referendum, recall, and definitions in the Alaska Election Code; relating to incorporation elections; and providing for an effective date."

- MOVED CSHB 94(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 33

SHORT TITLE: EFFECT OF REGULATIONS ON SMALL BUSINESSES
SPONSOR(S): REPRESENTATIVE(S) MEYER

01/10/05 (H) PREFILE RELEASED 12/30/04
01/10/05 (H) READ THE FIRST TIME - REFERRALS
01/10/05 (H) L&C, JUD
02/16/05 (H) L&C AT 3:15 PM CAPITOL 17
02/16/05 (H) Heard & Held
02/16/05 (H) MINUTE(L&C)
03/04/05 (H) L&C AT 3:15 PM CAPITOL 17
03/04/05 (H) Heard & Held
03/04/05 (H) MINUTE(L&C)
03/16/05 (H) L&C AT 3:15 PM CAPITOL 17
03/16/05 (H) Moved CSHB 33(L&C) Out of Committee
03/16/05 (H) MINUTE(L&C)
03/17/05 (H) L&C RPT CS(L&C) NT 2DP 5NR
03/17/05 (H) DP: ROKEBERG, ANDERSON;
03/17/05 (H) NR: CRAWFORD, LYNN, KOTT, LEDOUX,
GUTTENBERG
03/18/05 (H) FIN REFERRAL ADDED AFTER JUD
04/04/05 (H) JUD AT 1:00 PM CAPITOL 120
04/04/05 (H) -- Meeting Canceled --
04/06/05 (H) JUD AT 1:00 PM CAPITOL 120
04/06/05 (H) Heard & Held
04/06/05 (H) MINUTE(JUD)
04/07/05 (H) JUD AT 3:00 PM CAPITOL 120

BILL: HB 94

SHORT TITLE: ELECTIONS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/21/05 (H) READ THE FIRST TIME - REFERRALS
01/21/05 (H) STA, JUD, FIN
02/03/05 (H) STA AT 8:00 AM CAPITOL 106
02/03/05 (H) Heard & Held
02/03/05 (H) MINUTE(STA)
02/08/05 (H) STA AT 8:00 AM CAPITOL 106
02/08/05 (H) Heard & Held
02/08/05 (H) MINUTE(STA)
02/10/05 (H) STA AT 8:00 AM CAPITOL 106
02/10/05 (H) Heard & Held
02/10/05 (H) MINUTE(STA)
02/17/05 (H) STA AT 8:00 AM CAPITOL 106
02/17/05 (H) Heard & Held
02/17/05 (H) MINUTE(STA)
02/19/05 (H) STA AT 10:00 AM CAPITOL 106
02/19/05 (H) Bill Hearing Canceled

03/08/05	(H)	STA AT 8:00 AM CAPITOL 106
03/08/05	(H)	Heard & Held
03/08/05	(H)	MINUTE(STA)
03/15/05	(H)	STA AT 8:00 AM CAPITOL 106
03/15/05	(H)	Moved CSHB 94(STA) Out of Committee
03/15/05	(H)	MINUTE(STA)
03/18/05	(H)	STA RPT CS(STA) NT 3DP 2NR
03/18/05	(H)	DP: GATTO, GRUENBERG, SEATON;
03/18/05	(H)	NR: GARDNER, LYNN
03/21/05	(H)	JUD AT 1:00 PM CAPITOL 120
03/21/05	(H)	Heard & Held
03/21/05	(H)	MINUTE(JUD)
04/01/05	(H)	JUD AT 1:00 PM CAPITOL 120
04/01/05	(H)	Scheduled But Not Heard
04/04/05	(H)	JUD AT 1:00 PM CAPITOL 120
04/04/05	(H)	-- Meeting Canceled --
04/06/05	(H)	JUD AT 1:00 PM CAPITOL 120
04/06/05	(H)	Heard & Held
04/06/05	(H)	MINUTE(JUD)
04/07/05	(H)	JUD AT 3:00 PM CAPITOL 120

WITNESS REGISTER

REPRESENTATIVE KEVIN MEYER
 Alaska State Legislature
 Juneau, Alaska
 POSITION STATEMENT: Sponsor of HB 33.

MICHAEL PAWLOWSKI, Staff
 to Representative Kevin Meyer
 House Finance Committee
 Alaska State Legislature
 POSITION STATEMENT: Answered questions on behalf of the
 sponsor, Representative Meyer, regarding HB 33.

CHRISTOPHER KENNEDY, Senior Assistant Attorney General
 Environmental Section
 Civil Division (Anchorage)
 Department of Law (DOL)
 POSITION STATEMENT: Provided comments during discussion of HB
 33.

AMY PAIGE
 Juneau, Alaska
 POSITION STATEMENT: Provided comments during discussion of HB
 94.

TIM JUNE

Haines, Alaska

POSITION STATEMENT: Provided comments and responded to a question during discussion of HB 94.

LAURA GLAISER, Director

Central Office

Division Of Elections

Office of the Lieutenant Governor

Juneau, Alaska

POSITION STATEMENT: Responded to questions and provided comments during discussion of the proposed amendments to HB 94.

PETER NAOROZ, Staff

to Representative Max Gruenberg

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Provided an explanation during discussion of the proposed amendments to HB 94.

ANNETTE KREITZER, Chief of Staff

Office of the Lieutenant Governor

Juneau, Alaska

POSITION STATEMENT: Provided comments and responded to a question during discussion of the proposed amendments to HB 94.

VANESSA TONDINI, Staff

to Representative Lesil McGuire

House Judiciary Standing Committee

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Provided an explanation during discussion of the proposed amendments to HB 94.

ACTION NARRATIVE

CHAIR LESIL MCGUIRE called the House Judiciary Standing Committee meeting, which had been recessed on 4/6/05, back to order at [3:08:56 PM](#). Representatives McGuire, Coghill, Gara, and Gruenberg were present at the call to order. Representatives Anderson and Kott arrived as the meeting was in progress.

HB 33 - EFFECT OF REGULATIONS ON SMALL BUSINESSES

CHAIR MCGUIRE announced that the first order of business would be HOUSE BILL NO. 33 "An Act relating to the effect of

regulations on small businesses; and providing for an effective date." [Before the committee was CSHB 33(L&C).]

[Because of its length, Amendment 1 is included at the end of the minutes for HB 33. The shorter amendments are included in the main text.]

[3:09:18 PM](#)

REPRESENTATIVE KEVIN MEYER, Alaska State Legislature, sponsor, said he has seen the proposed amendments to HB 33, and they are acceptable to him.

CHAIR MCGUIRE referred to Amendment 1 [text provided at the end of the minutes for HB 33].

MICHAEL PAWLOWSKI, Staff to Representative Kevin Meyer, House Finance Committee, Alaska State Legislature, sponsor, said he worked with the Department of Law to develop Amendment 1, and relayed that the intent is to remove the natural resource agencies from the requirements of HB 33.

CHRISTOPHER KENNEDY, Senior Assistant Attorney General, Environmental Section, Civil Division (Anchorage), Department of Law (DOL), relayed that most of the changes offered via Amendment 1 involve changing "an agency" into "a designated state agency", and this is because the administration decided to go with a short list of agencies that would be covered under HB 33. Those agencies are the Department of Commerce, Community, & Economic Development (DCCED); the Department of Environmental Conservation (DEC); the Department of Health and Social Services (DHSS); and the Department of Labor and Workforce Development (DLWD). He said there are still a few other exceptions, including the regulations from the DEC that relate to resource development. Environmental health, like the food code, will still be included, he stated.

MR. KENNEDY said there are also other exclusions, like the Local Boundary Commission and the Alaska Energy Authority. He added that the economic impact analysis will not be required when the change in regulations is required by federal law. The bill previously provided that when an agency proposes a new regulation, the agency would conduct a regulatory flexibility analysis and create an economic effect statement and then notify the DCCED. He said this was confusing because the order of events would happen differently - the agency would first notify the DCCED and [then] get comments.

3:17:45 PM

REPRESENTATIVE COGHILL opined that some of the language in Amendment 1 doesn't make sense, specifically that which says:

Following "shall":

Insert the following new material:

"(1) notify the department that the designated state agency intends to adopt the proposed regulation or has received a petition under AS 44.62.220 to adopt the proposed regulation;

(2)"

MR. PAWLOWSKI said the intent is to put numbers next to the activities that are described; thus, proposed paragraph (1) of subsection (a) requires the designated state agency to notify the department that the designated state agency intends to adopt the proposed regulations or has received a petition under AS 44.62.220. Proposed paragraph (2) of subsection (a) would then require the designated state agency to prepare an economic effect statement.

3:21:09 PM

CHAIR McGUIRE made a motion to adopt Amendment 1 [full text provided at the end of the minutes for HB 33].

REPRESENTATIVE GRUENBERG objected.

The committee took an at-ease from 3:21 p.m. to 3:22 p.m.

REPRESENTATIVE GRUENBERG noted that Amendment 1 eliminates village corporations from the definition of "small business," and said he would be in favor leaving that language in.

MR. KENNEDY said some village corporations are equivalent to small businesses and some are quite large.

3:23:09 PM

REPRESENTATIVE GRUENBERG acknowledged that point, but noted that the vast majority are small. "So why don't we say village corporations under a certain size," he asked.

MR. PAWLOWSKI offered his understanding that a village corporation with fewer than 100 employees would still qualify under the definition used in the bill.

REPRESENTATIVE GRUENBERG surmised that in some cases, they are similar to municipalities and might not qualify as business entities.

MR. KENNEDY said Representative Gruenberg is correct in that some village corporations are nonprofit entities and so wouldn't be considered business entities; he noted that all other nonprofit entities are potentially outside the scope of the bill.

REPRESENTATIVE GRUENBERG suggested amending subparagraph (A), located on page 4 of proposed AS 44.62.218(h)(5), such that a small business entity would include village corporations with fewer than 100 employees.

CHAIR MCGUIRE indicated a preference for placing such language under subparagraph (B) of proposed AS 44.62.218(h)(5).

REPRESENTATIVE GRUENBERG removed his objection to Amendment 1.

CHAIR MCGUIRE asked whether there were any further objections to Amendment 1. There being none, Amendment 1 was adopted.

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 2, to delete from Amendment 1 the language, "Page 4, lines 8 - 9: Delete all material. Page 4, line 10: Delete '(C)' Insert '(B)'", and to insert on page 4, line 8, after the phrase "a village corporation" and before the semicolon, the words "employing fewer than 100 employees". There being no objection, Amendment 2 was adopted.

[3:28:34 PM](#)

REPRESENTATIVE COGHILL said he wants to see the federal code that is being incorporated into the proposed statute.

REPRESENTATIVE MEYER agreed to provide it.

[3:29:50 PM](#)

REPRESENTATIVE GARA made a motion to adopt Amendment 3, which read [original punctuation provided]:

To page 2 line 3
delete "and an estimate of the number"

CHAIR McGUIRE objected for the purpose of discussion.

REPRESENTATIVE GARA said Amendment 3 simplifies the state agency study by not requiring an agency to count the number of businesses that will be affected by a regulation.

CHAIR McGUIRE removed her objection, and asked whether there were any further objections. There being none, Amendment 3 was adopted.

REPRESENTATIVE GARA made a motion to adopt Amendment 4, which read [original punctuation provided]:

To page 2 line 18
delete "while accomplishing"
insert "without compromising"

CHAIR McGUIRE objected [for the purpose of discussion].

REPRESENTATIVE GARA said Amendment 4 makes it clear that the intent is to fully enforce the statute.

REPRESENTATIVE MEYER said Amendment 4 was fine with him.

CHAIR McGUIRE removed her objection, and asked whether there were any further objections. There being none, Amendment 4 was adopted.

[3:31:41 PM](#)

REPRESENTATIVE GARA moved to report CSHB 33(L&C), as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 33(JUD) was reported from the House Judiciary Standing Committee.

AMENDMENT(S)

The following amendment to CSHB 33(L&C) was adopted during the hearing. [The shorter amendments are provided in the main text.]

Amendment 1 [original punctuation provided]:

Page 1, line 5:
Delete "an"
Insert "a designated state"

Page 1, line 7:
Delete "an"
Insert "a designated state"

Page 1, line 8:
Following "businesses, the":
Insert "designated state"

Following "shall":
Insert the following new material:
"(1) notify the department that the
designated state agency intends to adopt the proposed
regulation or has received a petition under
AS 44.62.220 to adopt the proposed regulation;
(2)"

Page 1, line 9, following "section":
Delete ", "
Insert "; and
(3)"

Page 1, line 10, following "section":
Delete ", and notify the department that the
agency intends to"
Insert "."

Page 1, lines 11 - 12:
Delete all material.

Page 1, line 13:
Delete "An"
Insert "A designated state"

Page 2, line 1, following "of the":
Insert "designated state"

Page 2, line 15:
Delete "an"
Insert "a designated state"

Page 2, line 23, following "the":
Insert "designated state"

Page 3, line 3:

Delete "agencies"

Insert "a designated state agency"

Page 3, line 5, following "regulations":

Delete "of"

Page 3, line 6, following "(1)":

Insert "of"

Page 3, lines 8-17:

Delete all material and insert:

"(2) of the Alaska Energy Authority;

(3) of the Department of Environmental Conservation that are adopted under the authority of AS 46.03.050 - 46.03.900, AS 46.04, AS 46.08 - AS 46.14, AS 46.35, or AS 46.45;

(4) of the Local Boundary Commission; or

(5) mandated by federal law as a condition for participating in or implementing a federally subsidized or assisted program, or for obtaining or maintaining state primacy in a federal program."

Page 3, line 18:

Delete "an"

Insert "a designated state"

Page 3, following line 25:

Insert the following new material:

"(2) designated state agency" means the

(A) Department of Commerce, Community, and Economic Development;

(B) Department of Environmental Conservation;

(C) Department of Health and Social Services; and

(D) Department of Labor and Workforce Development;"

Page 3, line 26:

Delete "(2)"

Insert "(3)"

Page 3, line 30:

Delete "(3)"

Insert "(4)"

Page 4, line 1, following "regulation;":
Delete "or"

Page 4, line 2:
Delete "(4)"
Insert "(5)"

Page 4, line 4:
Delete "(5)"
Insert "(6)"

Page 4, line 7, following "employees;":
Insert "or"

Page 4, lines 8 - 9:
Delete all material.

Page 4, line 10:
Delete "(C)"
Insert "(B)"

Page 4, line 15:
Delete "an"
Insert "a designated state"

Page 4, line 16, following "section,":
Insert the following new material:
 "(1) "designated state agency" has the
meaning given in AS 44.62.218, enacted by sec. 1 of
this Act;
 (2)"

[End of Amendment 1 - CSHB 33(JUD) was reported from the House
Judiciary Standing Committee.]

HB 94 - ELECTIONS

[3:32:09 PM](#)

CHAIR McGUIRE announced that the next order of business would be HOUSE BILL NO. 94, "An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration and voter registration records, voter registration through a power of attorney, voter registration using scanned documents, voter residence, precinct boundary and polling place designation and modification, recognized political parties,

voters unaffiliated with a political party, early voting, absentee voting, application for absentee ballots through a power of attorney, or by scanned documents, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, initiative, referendum, recall, and definitions in the Alaska Election Code; relating to incorporation elections; and providing for an effective date." [Before the committee was CSHB 94(STA), which had been amended on 3/21/05.]

[Because of their length, some amendments discussed or adopted during the meeting are found at the end of the minutes for HB 94. Shorter amendments are included in the main text.]

[3:32:41 PM](#)

AMY PAIGE thanked the committee for working on the state's election laws, and mentioned that she'd been involved in the recent U.S. Senate seat recount. She asked the committee to support the proposed amendment that provides for a standard procedure of conducting a hand count of a precinct that accounts for at least 5 percent of the voters. Such an amendment would assure those who are not on the winning side of an election that things were run fairly. Equally as important, she added, would be to keep the ability to challenge a vote count - in other words, ask for a recount - within reach of ordinary citizens, and she urged the committee to not raise the rates of the deposit required for recounts. Raising those rates as one of the proposed amendment suggests would put recounts out of reach of ordinary citizens, she opined, and would "be ... a backward step in a democratic society." She predicted that providing for an automatic hand count will lessen the likelihood that people will ask for recounts.

[3:34:38 PM](#)

TIM JUNE relayed that he was a house district candidate in the last election and had asked for a recount of his race. He relayed that he wanted to address the amendment labeled 24-GH1048\G.12, Kurtz, 2/11/05, which read:

Page 8, following line 12:

Insert a new bill section to read:

"* **Sec. 15.** AS 15.20.450 is amended to read:

Sec. 15.20.450. Requirements of deposit and recount cost. The application must include a deposit in cash, by certified check, or by bond with a surety approved by the director. The amount of the deposit

is \$2,500 [\$300] for each precinct, \$10,000 [\$750] for each house district, and \$50,000 [\$10,000] for the entire state. If the recount includes an office for which candidates received a tie vote, or the difference between the number of votes cast was 20 or less or was less than .5 percent of the total number of votes cast for the two candidates for the contested office, or a question or proposition for which there was a tie vote on the issue, or the difference between the number of votes cast in favor of or opposed to the issue was 20 or less or was less than .5 percent of the total votes cast in favor of or opposed to the issue, the application need not include a deposit, and the state shall bear the cost of the recount. If, on the recount, a candidate other than the candidate who received the original election certificate is declared elected, or if the vote on recount is determined to be four percent or more in excess of the vote reported by the state review for the candidate applying for the recount or in favor of or opposed to the question or proposition as stated in the application, the entire deposit shall be refunded. If the entire deposit is not refunded, the director shall refund any money remaining after the cost of the recount has been paid from the deposit. If the cost of the recount exceeds the amount of the deposit, the recount applicant shall pay the remainder upon notification by the state of the amount due."

Renumber the following bill sections accordingly.

Page 21, line 4:

Delete "secs. 20 - 43"

Insert "secs. 21 - 44"

MR. JUNE relayed that what he found was that there is a significant inherent error in the [AccuVote-Optical Scan ("AccuVote")] machines, which, he suggested, should really be called "approximateVote" machines. He elaborated:

During the recount in my race, some 6,000 ballots from District 5 were recounted, ... and the Division of Elections ... came up with 31 more ballots that were not counted accurately the first time through at the precinct level. So that's essentially a 0.5 percent error. And we had a number of races this time ... where they were within 40 to 70 votes, and we will

continue in the future to have a number of close races.

So my point is, I think that we all share the same goals: we want a ballot count to be accurate, we want it to be precise, we want it to be repeatable, we want election costs to be reasonable, and we want to ensure the public's trust. ... I think that as the system is laid out now, I don't think it's being abused. ... I was the only candidate that did request a recount, although probably four candidates should have done that, and I think that had they known the inherent errors in the system, they probably would have. And I think right now, the problem is, we have the trigger set, in statute, at 20 votes or 0.5 percent [for] when the state pays for the recount.

And I think that there's a problem in that if the inherent error in the system ... [is what the trigger mechanism is set at], then we're going to tend to not have [an] accurate or precise result, and so ... I would suggest that it might be good to consider the state automatically recounting if a race is within 1 percent, just to give that margin of error. And in statistics, there are two types of error. There are errors of precision, and errors of accuracy. And to describe the two, a precision hunter goes rabbit hunting, a rabbit pops up, he shoots him right between the eyes, the rabbit falls dead; in errors of accuracy, three statisticians go hunting for a rabbit, the first one shoots two inches to the right and misses the rabbit, the second one shoots two inches to the left and misses the rabbit, the third one yells out, "We got him." ...

MR. JUNE continued:

We have to realize that averaging and accuracy sometimes produce their own errors. And one other point that I would like to say is that the cost of the recount [is] not just the \$750 for the district, but also, what's inherent in that, is the cost to travel to Juneau a number of times, it's anywhere from two weeks to two months of either the candidate's time or hiring staff to monitor the recount, [you] ... generally hire [an] election attorney to either [be] there or at least [be] at your disposal for the

questions that come up, and also any staff time that might be added. So the recount actually ran, for me, into probably a couple of thousand dollars beyond the \$750. ... So I think that there is certainly not a great incentive to do it recklessly. And I'd say we all share the same hopes.

And I guess, too, I would like to briefly encourage you to support the [proposed] amendment that would have a built-in hand recount of at least one precinct. My district is composed of 18 precincts in District 5, they range anywhere from 35 people in Tatitlek to 894 people in Cordova. Now, the Division of Elections, during the recount, had a policy that if they couldn't machine count the ballot and come within 3 votes of what the precinct totals were, then they would automatically have to hand recount. Now, using their own standard, which I think was a fairly good standard, they ended up hand recounting 5 out of 18 precincts that they couldn't match up within 3 votes.

MR. JUNE mentioned testimony heard in prior meetings regarding the supposed accuracy of the current system, and pointed out that according to the experience he had, the system is not as accurate as it has been purported to be. He concluded by asking the committee to take the time to consider this issue further.

[3:41:00 PM](#)

MR. JUNE, in response to a question, explained that the deposit required is a per district fee, and that the aforementioned G.12 amendment would raise the deposit for a house district race recount to \$10,000.

CHAIR McGUIRE closed public testimony on HB 94.

[3:41:53 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt the amendment labeled [24-GH1048\I.1, Kurtz, 1/17/05], which read:

Page 9, following line 29:

Insert a new bill section to read:

"* **Sec. 12.** AS 15.15.032 is amended by adding a new subsection to read:

(d) If the director provides for voting by use of electronically generated ballots, the director

shall provide ballots in English and may provide ballots in one or more languages other than English."

Renumber the following bill sections accordingly.

Page 31, line 7:

Delete "secs. 26 - 49"

Insert "secs. 27 - 50"

REPRESENTATIVE GRUENBERG said that the I.1 amendment [which later became known as Amendment 8] would give the director of the Division of Elections the authorization to provide for voting by use of electronically generated ballots, "the touch screens," and for ballots in one or more languages other than English. The aforementioned would not be required, but simply allowed.

CHAIR MCGUIRE suggested instead that the committee take up a different amendment first. She then referred to two amendments - one suggested by Representative Gruenberg, and the other suggested by the Division of Elections - that proposed changes similar to each other.

REPRESENTATIVE GRUENBERG made a motion to adopt the amendment labeled 24-GH1048\I.11, Kurtz, 4/7/05. [Amendment I.11 is provided at the end of the minutes for HB 94.]

CHAIR MCGUIRE objected.

REPRESENTATIVE GRUENBERG said that the amendment labeled I.11 will allow for numerical identifiers to be used, and defines a numerical identifier as either a date of birth, the last four digits of a social security number, an Alaska driver's license number, an Alaska identification card number, or a voter identification number.

CHAIR MCGUIRE asked Ms. Glaiser to explain how the Division of Elections' suggested amendment [which later became known as Amendment 2 and is provided at the end of the minutes for HB 94] differs from the amendment labeled I.11.

LAURA GLAISER, Director, Central Office, Division Of Elections, Office of the Lieutenant Governor, first explained that there is currently a lawsuit involving the [division] and the cruise ship industry, and then relayed that the proposed changes from "date of birth" to "a numerical identifier" are the same in both suggested amendments, but mentioned that she is not sure how

else they differ aside from drafting styles. She offered, however, that the division's suggested amendment has been specifically drafted to address issues raised in the aforementioned litigation; thus she would be more comfortable if the committee were to adopt the division's version of the amendment.

[3:46:48 PM](#)

REPRESENTATIVE GRUENBERG, in response to comments, suggested that his staff might be able to explain the differences between the two amendments.

PETER NAOROZ, Staff to Representative Max Gruenberg, Alaska State Legislature, relayed that he'd sent the division's suggested amendment to Legislative Legal and Research Services and asked that that amendment be "put it into our form" without any substantive changes; what came back was the amendment labeled I.11. He mentioned, for example, that the division's suggested amendment proposes to remove "that" from the end of a particular subsection and insert it at the beginning of each subsequent paragraph, and characterized this as a difference in drafting styles.

REPRESENTATIVE GARA noted that both amendments require that some kind of numerical identifier be provided, and both define what constitutes an acceptable numerical identifier in the same way.

REPRESENTATIVE GRUENBERG offered his belief that the amendment labeled I.11 does not differ substantively from the division's suggested amendment.

MS. GLAISER, in response to a question, indicated that she objects to the adoption of the amendment labeled I.11 because she knows that the division's version of the amendment does address the issues raised in the aforementioned litigation, particularly with regard to whether the circulator has received payment or has agreed to receive payment for the collection of signatures on a petition.

CHAIR MCGUIRE maintained her objection to the amendment labeled I.11.

REPRESENTATIVE GRUENBERG withdrew the amendment labeled I.11.

CHAIR MCGUIRE made a motion to adopt the Division of Elections' suggested amendment as Amendment 2 [text provided at the end of

the minutes for HB 94]. There being no objection, Amendment 2 was adopted.

[3:53:29 PM](#)

CHAIR MCGUIRE referred to Amendment 3, which read [original punctuation provided]:

Page 12, following line 5:

Insert a new bill section to read:

****Sec. 18.** AS 15.20.450 is amended to read:

Sec. 15.20.450. Requirements of deposit and recount cost. The application must include a deposit in cash, by certified check, or by bond with a surety approved by the director. The amount of the deposit is **\$2,500** [\$300] for each precinct, **\$10,000** [\$750] for each house district, and **\$50,000** [\$10,000] for the entire state. If the recount includes an office for which candidates received a tie vote, or the difference between the number of votes cast was 20 or less or was less than .5 percent of the total number of votes cast for the two candidates for the contested office, or a question or proposition for which there was a tie vote on the issue, or the difference between the number of votes cast in favor of or opposed to the issue was 20 or less or was less than .5 percent of the total votes cast in favor of or opposed to the issue, the application need not include a deposit, and the state shall bear the cost of the recount. If, on the recount, a candidate other than the candidate who received the original election certificate is declared elected, or if the vote on recount is determined to be four percent or more in excess of the vote reported by the state review for the candidate applying for the recount or in favor of or opposed to the question or proposition as stated in the application, the entire deposit shall be refunded. If the entire deposit is not refunded, the director shall refund any money remaining after the cost of the recount has been paid from the deposit."

Renumber the following bill sections accordingly.

MS. GLAISER explained that Amendment 3 would raise the amount of the deposit required to conduct a recount. The amount would be \$2,500 for each precinct, \$10,000 for each house district, and \$50,000 for the entire state. The recounts from the last [general] election have highlighted their costs, and the amounts

proposed via Amendment 3 reflect those actual costs. She said the division is not wedded to those specific numbers but would like to see the amounts raised from what they currently are and have been since 1986.

[3:55:26 PM](#)

CHAIR McGUIRE made a motion to adopt Amendment 3.

REPRESENTATIVE GARA objected, and remarked that there is a certain expense associated with conducting an election, and society just pays that expense as a matter of course - it's part of the cost of being a society. Telling a candidate who loses an election by 1 percent or 2 percent that he/she should just assume that the computers counted all the votes correctly and that he/she has to pay the entire cost of conducting a recount will keep a candidate without a lot of money from ever double checking the accuracy of the vote count. He offered his understanding that California experienced obvious computer errors in vote counting during its last gubernatorial election, and pointed out that sometimes computer errors are very subtle. He posited that one should be suspicious in the computer age and not just assume that computers will always be accurate. Additionally he remarked that he doesn't think that the recount process has been abused, rather that the majority those who have asked for a recount have had legitimate reasons for doing so. He offered his belief that most house candidates won't be able to raise the amount required under Amendment 3.

REPRESENTATIVE GARA, in response to a question, mentioned that he would be proposing an amendment that will provide for spot checks by the division to verify that the computers are counting votes accurately.

CHAIR McGUIRE mentioned that the cost of recounts is eventually borne by the citizens of Alaska, and said she is wondering what the fiscal burden to the state will end up being if the deposit amount remains the same and the division has to conduct spot checks. She said she agrees with the point that they ought to be sure that the state's elections are conducted fairly and ethically and with the most advanced computer technology; however, the question must also be asked, at what point is it [no longer] fair to ask the public to pick up the tab for recounts and computer checks?

[3:59:36 PM](#)

REPRESENTATIVE GARA offered his belief that the deposit required for a recount should be affordable yet still expensive enough to ensure that candidates will think twice before asking for one. The amounts proposed in Amendment 3 are too much, he opined, and will ensure that only the wealthiest of candidates can afford a recount. He indicated that he would be willing to double the amount currently required for house districts - raising it from \$750 to \$1,500 - and raise the amount for the entire state to account for the amount of inflation since 1986.

REPRESENTATIVE ANDERSON asked whether a deposit is refundable should a candidate that asks for a recount prevail.

MS. GLAISER said that if it is found that there was a certain percentage of error in the vote counting or if the race is overturned, then the deposit is refunded. She noted that when a recount is conducted, any ballots received after the initial vote is tabulated are also counted, as well as the ballots of voters who marked their ballots so poorly that the computer rejected them.

REPRESENTATIVE ANDERSON asked how many times a recount has resulted in a race being overturned.

MS. GLAISER mentioned two races. With regard to the issue of how much of a deposit should be paid for a recount, she said that the goal in raising the amounts isn't to be punitive, but rather to be fiscally responsible, for the amounts to reflect that the state does incur costs when it conducts a recount. She then detailed some of what is involved in conducting a recount.

CHAIR MCGUIRE relayed that she isn't comfortable with the amounts currently in Amendment 3 because they seem a bit high, and that she wants the voters to feel that the system is free of corruption. She offered her belief that the ability to ask for a recount is a fundamental part of a democratic system.

[4:05:24 PM](#)

CHAIR MCGUIRE set Amendment 3 aside.

CHAIR MCGUIRE referred to Amendment 4, which read [original punctuation provided]:

Page 29, line 12:

Following "after a general election"

Delete "at which a governor was elected"

Page 29, line 20:
Following "general election"
Delete "**at which a governor was elected**"

Page 29, line 23:
Following "GENERAL ELECTION];"
Insert "or"

Page 29, lines 29 - 30:
Following "**general election:**"
Delete "**or at the most recent general election at
which a governor was elected**"

Page 30, line 2:
Following [SENATOR AT THAT GENERAL ELECTION;OR]
Insert "or"

Page 30, following line 7:
Delete "**or at the most recent general election at
which a governor was elected**"

Page 30, line 11:
Following "**registered in the state**"
Delete "**on March 31 of the most recent
election year**"
Insert "**in the month that the director
performs verification of party status as set out in AS
15.60.008(c)**"

REPRESENTATIVE GRUENBERG referred to the testimony Representative Seaton provided [on 4/6/05] regarding this amendment, and said there are some portions of Amendment 4 that he agrees with.

CHAIR MCGUIRE made a motion to adopt Amendment 4.

REPRESENTATIVE GRUENBERG objected, and made a motion to amend Amendment 4, to delete the change proposed to page 29, line 12. He indicated that the amendment to Amendment 4 will address one of Representative Seaton's concerns [as expressed on 4/6/05].

REPRESENTATIVE GARA opined that the amendment to Amendment 4 makes sense, and that Representative Seaton's other suggested changes to [what is now] Amendment 4 make sense as well.

REPRESENTATIVE GRUENBERG restated his motion to amend Amendment 4, to delete the changes proposed to page 29, line 12; to page 29, lines 29-30; and to page 30, following line 7.

CHAIR McGUIRE objected to the amendment to Amendment 4. She said she wants to have a fair system in place for third parties; that she wants the system to apply equally to all parties; and that she wants "the door to swing both ways," so that there are more opportunities to qualify as a third party on the ballot while also allowing the division to determine whether a third party is truly viable. She asked Ms. Glaiser to comment on whether deleting the aforementioned proposed changes in Amendment 4 will result in "the door" only swinging open the one way and not the other.

[4:09:36 PM](#)

MS. GLAISER offered her understanding that when the bill left the House State Affairs Standing Committee, it offered a "fair way" to qualify. Amendment 4 would "tighten it down," she remarked, and make it consistent, with the bar - or the judgment/marking year - being the "gubernatorial" year.

CHAIR McGUIRE asked what happens if a party qualifies in the "U.S. senatorial year." Would one have to wait until the next "senatorial year?"

MS. GLAISER said no, the marker would be the gubernatorial year. Thus, if a candidate for U.S. Senate qualified in a "U.S. Senate year" and ran as a third party that garnered 3 percent of the votes, then that party would exist from the time the election is certified and verified, and would not lose qualification until the next gubernatorial year wherein the party does not have a candidate that again qualifies at 3 percent threshold.

CHAIR McGUIRE asked Ms. Glaiser whether she supports the amendment to Amendment 4.

MS. GLAISER said the division could administer [the statute] either way; it is a policy call for the legislature to make regarding how to allow access to third parties.

REPRESENTATIVE GARA offered his belief that Amendment 4 does not address that issue of [third-party qualifications] substantively; rather, it is just a housekeeping measure. He said he has a simple way to deal with the issue of how to "make

sure that small parties get to participate in the system but not arbitrarily draw lines that favor one party over another party."

CHAIR McGUIRE asked, "Is it the difference between two years or four years?"

MS. GLAISER said that was her understanding. As the bill left House State Affairs Standing Committee, one could qualify for two years unless one was running for the U.S. House of Representatives in a gubernatorial year, and then he/she would be "locked in" for four years, until the next gubernatorial year.

CHAIR McGUIRE opined that [Amendment 4] is not just a technical change; rather, it's a policy call about whether a third party should qualify every two years or every four years.

MS. GLAISER noted also that registered voters can constitute a third party. For example, the Republican Moderate Party did not have a candidate that qualified in any recent U.S. Senate, U.S. House of Representative, or gubernatorial race; that party's whole marker is based on the number of registered voters, and Amendment 4 will ensure that a group of voters can attain party status at any time and retain that status as long as the party qualified as of May 31. She indicated that the points addressed via the amendment to Amendment 4 constitute a policy call.

[4:15:10 PM](#)

REPRESENTATIVE GARA said he does want to discuss which parties will be allowed on the ballot, adding that his preference would be to let small parties be on the ballot. He offered his understanding that "this amendment" simply allows the changes proposed on page 29-30 of the bill to work as intended.

CHAIR McGUIRE removed her objection to the amendment to Amendment 4.

REPRESENTATIVE GRUENBERG explained that he no longer wishes to delete from Amendment 4 the change proposed to page 29, line 12.

REPRESENTATIVE GRUENBERG again restated the motion to amend Amendment 4, to delete the changes proposed to page 29, lines 29-30, and to page 30, following line 7. There being no objection, Amendment 4 was amended.

CHAIR McGUIRE asked whether there were any further objections to Amendment 4, as amended. There being none, Amendment 4, as amended, was adopted.

[4:18:27 PM](#)

[Following was a brief discussion regarding which proposed amendment would be addressed next as Amendment 5.]

CHAIR McGUIRE [made a motion to adopt] the following as Amendment 5, which read [original punctuation provided]:

Page 18, line 24:

Following "**Preparation of petition.** (a)"

Insert "If the application is certified, the [THE]"

Page 24, line 23:

Following "throughout the state"

Insert "or throughout the senate or house district of the official sought to be recalled."

MS. GLAISER said that when the latest version of the bill was drafted, language was unintentionally left out; Amendment 5 addresses that error.

CHAIR McGUIRE asked whether there were any objections to Amendment 5. There being none, Amendment 5 was adopted.

[4:20:19 PM](#)

REPRESENTATIVE GARA made a motion to adopt Amendment 6, which read [original punctuation provided]:

Page 29, line 19

Delete "three"

Insert "two"

Page 29, line 28

Delete "three"

Insert "two"

Page 30, line 6

Delete "three"

Insert "two"

REPRESENTATIVE COGHILL objected for the purpose of discussion.

REPRESENTATIVE GARA explained that Amendment 6 proposes to alter the portion of the bill that addresses which parties are allowed to appear on a ballot. He offered his belief that if current law is allowed to remain in place, then at the next general election, only the Republican Party of Alaska, the Alaska Democratic Party, and the Alaskan Independence Party candidates will appear on the next ballot. He relayed that he's heard that small parties have said that the current law is unfair, and that he concurs. As currently written, CSHB 94(STA) will give [parties] more opportunities to qualify to get on the ballot, but by keeping the current 3 percent threshold, some third parties will get on the ballot and some won't. Therefore, from a fairness standpoint, he opined, any third party that wishes to be on the ballot ought to be on it, and offered his belief that changing the threshold to 2 percent will allow such. He added, though, that he would also be in favor of having a 1 percent threshold.

[4:24:59 PM](#)

CHAIR MCGUIRE noted that the 3 percent threshold has been around for a number of years.

MS. GLAISER remarked that the question of whether to change the current threshold is a policy call, but mentioned that it is an issue that is currently being litigated.

REPRESENTATIVE COGHILL said he is probably open to [Amendment 6], but remarked that some sort of threshold will ensure that people are willing to step forward and be counted as a group, adding that he is more inclined to apply the threshold to registration numbers rather than voting numbers. He said, "We have made it very easy for people to step back and say, 'I'm going to manipulate parties by being undeclared or nonpartisan,' and then the people who will step forward and put themselves in a party are really putting a philosophy forward." He suggested that lowering the threshold might pull undeclared and nonpartisan voters into a third party, and so he is willing to go with a 2 percent threshold; he cautioned, however, that [later on] there might be a push to drop that threshold even lower, which could result in having large numbers of parties on the ballot. In conclusion he said that if [Amendment 6] has the effect of increasing the number of nonpartisan and undeclared voters, then the change would be taking [Alaska] in the wrong direction.

MS. GLAISER, in response to questions, said she does not anticipate [Amendment 6] having a fiscal impact, and that she would provide members with a handout that lists [the thresholds] used by other states.

REPRESENTATIVE GRUENBERG concurred that a lot of people tend to be unaffiliated with a political party, and remarked that if the goal is to get such people involved in the political process, then perhaps basing the threshold on a percentage of those that actually vote in a general election might be another way of accomplishing that.

MS. GLAISER noted that CSHB 94(STA) proposes to base the calculation on the number of voters registered during a "gubernatorial year" general election, and surmised that Representative Gruenberg's suggestion would be to base the calculation on the number of people who actually vote at that election.

REPRESENTATIVE ANDERSON opined that from a statewide perspective, there is big difference between 2 percent and 3 percent, and that contrary to Ms. Glaiser's comment, lowering the threshold will have a fiscal impact. He expressed a preference for maintaining the current 3 percent threshold.

[4:34:14 PM](#)

REPRESENTATIVE GARA opined that basing the calculation on the number of registered voters in a party would make it easier and would be a fair approach.

CHAIR MCGUIRE referred to the aforementioned handout regarding third party thresholds in other states, and noted that it illustrates that some states have a threshold as high as 20 percent in any statewide election, some have a threshold of 5 percent in a presidential election year, some states have a threshold of 1 percent, some states have a threshold of 2 percent, and South Dakota has a threshold of 2.5 percent.

REPRESENTATIVE GRUENBERG, described his recent election experience, and relayed that Jim Sykes - Green Party of Alaska candidate - spoke to him about the threshold and offered that it should be lowered because it would be the right thing to do.

[Chair McGuire turned the gavel over to Representative Anderson.]

REPRESENTATIVE ANDERSON said he would object to Amendment 6 so as to have a vote on the motion.

REPRESENTATIVE GARA referred to election statistics that showed "legitimate candidates" who received 2 percent of the vote, and related his belief that 2 percent is not an arbitrary number; instead, it's fair because its applicable to the legitimate candidates and the number of votes they receive. In contrast, a threshold of 3 percent would allow only some of the existing parties to be on the ballot. He reiterated it's fair to include the 2 percent range to help small parties get on the ballot.

[4:40:56 PM](#)

A roll call vote was taken. Representatives Coghill, Kott, Gruenberg, and Gara voted in favor of Amendment 6. Representative Anderson voted against it. Therefore, Amendment 6 was adopted by a vote of 4-1.

[4:41:30 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 7, labeled 24-GH1048\I.2, Kurtz, 3/16/05, which read:

Page 29, lines 11 - 12:

Delete "meets the definition of political party except following the verification immediately"

Insert "qualifies as a political party until after the first verification"

REPRESENTATIVE ANDERSON objected for discussion purposes.

REPRESENTATIVE GRUENBERG explained that Amendment 7 would clarify the language on page 29, lines 11-12, such that it would then read, "the director may not withdraw recognized political party status from a political group that no longer qualifies as a political party until after the first verification."

MS. GLAISER indicated that the division is in favor of Amendment 7.

REPRESENTATIVE ANDERSON, after ascertaining that there was no further debate, withdrew his objection to Amendment 7 and announced that Amendment 7 was adopted.

[4:44:02 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 8 [text previously provided]. He explained that Amendment 8 allows electronically generated ballots to be provided in languages other than English.

REPRESENTATIVE ANDERSON objected for discussion purposes.

MS. GLAISER relayed that the division doesn't feel that Amendment 8 is necessary, since the division already has the statutory authority to provide audio translations in other languages.

REPRESENTATIVE ANDERSON agreed.

[4:48:30 PM](#)

A roll call vote was taken. Representatives Gruenberg and Gara voted in favor of Amendment 8. Representatives Anderson and Kott voted against it. Therefore, Amendment 8 failed by a vote of 2-2.

[4:49:05 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 9, labeled 24-GH1048\I.6, Kurtz, 3/31/05, which read:

Page 10, following line 14:

Insert a new bill section to read:

"* **Sec. 13.** AS 15.20.030 is amended to read:

Sec. 15.20.030. Preparation of ballots, envelopes, and other material. The director shall provide ballots for use as absentee ballots in all districts. The director shall provide a secrecy sleeve in which the voter shall initially place the marked ballot, and shall provide an envelope with the prescribed voter's certificate on it, in which the secrecy sleeve with ballot enclosed shall be placed. The director shall prescribe the form of and prepare the voter's certificate, envelopes, and other material used in absentee voting. **If more than one first class mail stamp is required, the director shall ensure that the ballot and return envelope state, in bold type, the amount of postage required to return the ballot by first class United States mail.** The voter's certificate shall include a declaration, for use when required, that the voter is a qualified voter in all respects, a blank for the voter's signature, a

certification that the affiant properly executed the marking of the ballot and gave the voter's identity, blanks for the attesting official or witnesses, and a place for recording the date the envelope was sealed and witnessed."

Renumber the following bill sections accordingly.

Page 31, line 7:

Delete "secs. 26 - 49"

Insert "secs. 27 - 50"

REPRESENTATIVE ANDERSON objected for discussion purposes.

REPRESENTATIVE GRUENBERG recalled that there was a problem in the last election regarding votes not being counted because of insufficient postage. Amendment 9 says that the division shall notify people how much postage is required.

MS. GLAISER said that in the past, when the division has done what Amendment 9 proposes, because different post offices charge varying amounts, some ballots were returned even though they had the amount of postage specified by the division. Therefore, in the most recent election, the division simply notified voters that it was their responsibility to determine what the correct amount of postage would be.

REPRESENTATIVE ANDERSON surmised that the division is of the belief that Amendment 9 will be too restrictive for the division and will lead to complaints.

MS. GLAISER noted that larger municipalities may include more ballots and that some voters would not always include all of them; therefore, the division would not be able to adequately determine the amount of postage needed for any particular municipality.

REPRESENTATIVE GRUENBERG withdrew Amendment 9.

[4:52:43 PM](#)

REPRESENTATIVE GARA made a motion to adopt Amendment 10, which read [original punctuation provided]:

Page 12, line 5

Insert a new bill section to read:

"* **Sec. 17.** AS 15.20.081 is amended by adding a new subsection to read:

(j) No person other than the absentee ballot applicant may mark the applicant's choice of party affiliation or primary ballot on an application, or highlight or otherwise mark the ballot in a way that suggests choice of one party or ballot over another, except as follows:

(1) party affiliation and ballot choices may be listed in an application as authorized by the Division, and

(2) the applicant may expressly, either in writing or by other communication, authorize another person to assist them by marking these portions of the application."

Renumber the following bill sections accordingly.

REPRESENTATIVE ANDERSON objected for discussion purposes.

REPRESENTATIVE GARA offered that Amendment 10 "cleans up the law." Currently a party or a political interest group can send out an absentee ballot application and pre-check the voter's party status. Furthermore, the law allows groups and parties to pre-checking which ballot a voter will use for the primary election. To clarify, he said that currently one party is sending out absentee ballot applications on which the person's party choice is pre-checked and on which the choice of primary ballot is pre-checked. He predicted that if an absentee ballot were to be sent out four times, a person would mark something different at least a couple of times because people are not that "wedded to parties in this state." He offered his belief that party choice is a First Amendment right and a sacrosanct right, and thus nobody should ever pre-check the voter's party or ballot choice. This amendment clarifies that doing so would be [unlawful] with the exception of doing so for those who need help voting.

REPRESENTATIVE ANDERSON offered a hypothetical example of a volunteer going door-to-door to register voters, and asked whether Amendment 10 would prohibit a person from gathering the voter's affiliated party information.

REPRESENTATIVE GARA indicated that it wouldn't as long as the voter volunteer's his/her party information. He offered his understanding that registrars already have the ability to gather

that information and are bound by legal standards. Amendment 10 merely clarifies that when parties send out the absentee ballot applications, they should be left blank and not pre-checked. He opined that the practice of pre-checking party and primary ballot choices needs to be stopped.

[Representative Anderson returned the gavel to Chair McGuire.]

4:58:03 PM

MS. GLAISER, in response to comments, said that regardless of whether [Amendment 10 is adopted], the voter maintains the ability to alter the pre-checked portion of his/her ballot if it is not correct. She relayed that the division is only concerned about a party or group taking action on those forms after the voter has signed it, because an absentee ballot application serves as a voter registration application.

CHAIR MCGUIRE turned the gavel over to Representative Anderson and would continue to chair the meeting in her absence.

REPRESENTATIVE COGHILL offered his understanding that the aforementioned absentee ballot applications were sent based on voter registration information and were therefore simply acknowledging the choices the voter had already made. He said he has no problem with applications that acknowledge a person's previous choice, though he objects to parties making "new choices" for the voter. He said he opposes Amendment 10.

REPRESENTATIVE GARA said it's not too hard for a voter to fill out the ballot by himself/herself, and the problem with pre-checking a ballot is that people are not necessarily wedded to parties. He said that by not adopting Amendment 10, the law allows any party to send a pre-checked ballot to an independent voter which predetermines his/her voting status. He opined that it would be simple to let the voters make their own choices, since filling out the application form is not that difficult.

REPRESENTATIVE ANDERSON maintained his objection.

5:02:19 PM

A roll call vote was taken. Representatives Gruenberg and Gara voted in favor of Amendment 10. Representatives Anderson, Coghill, and Kott voted against it. Therefore, Amendment 10 failed by a vote of 2-3.

5:02:53 PM

REPRESENTATIVE GARA moved to adopt Amendment 11, labeled 24-GH1048\I.9, Kurtz, 4/6/05, which read:

Page 10, following line 14:

Insert new bill sections to read:

*** Sec. 13.** AS 15.15.420 is amended to read:

Sec. 15.15.420. Duty to review the ballot counting. The director shall review the counting of the ballots with the assistance of and in the presence of the state ballot counting review board [APPOINTED REPRESENTATIVES FROM THE POLITICAL PARTIES].

*** Sec. 14.** AS 15.15.430 is amended to read:

Sec. 15.15.430. Scope of the review of ballot counting. (a) The review of ballot counting by the director shall include only [A REVIEW OF]

(1) a review of the precinct registers, tallies, and ballots cast; [AND]

(2) a review of absentee and questioned ballots as prescribed by law; and

(3) a hand count of ballots from one randomly selected precinct in each election district that accounts for at least five percent of the ballots cast in that district.

(b) If, following the ballot review set out in (a) of this section, the director finds an unexplained discrepancy in the ballot count in any precinct, the director may count the ballots from that precinct. If there is a discrepancy of more than one percent between the results of the hand count under (a)(3) of this section and the count certified by the election board, the director shall conduct a hand count of the ballots from that district. The director shall certify in writing to the state ballot counting review board and publish on the division's Internet website any changes resulting from a [THE] count performed under this subsection."

Renumber the following bill sections accordingly.

Page 31, line 7:

Delete "secs. 26 - 49"

Insert "secs. 28 - 51"

REPRESENTATIVE ANDERSON objected for discussion purposes.

REPRESENTATIVE GARA explained:

[Amendment 11] says that just to make sure the computer counting machines are doing an accurate job, that nobody's fooled around with the computer programming, that there's no accidental mishap with the computer programming, after an election we'll [hand count] 5 percent of the ballots in each district. ... Even though these computerized counting machines have only been around for a short while, there've been a lot of instances where they've miscounted votes.

REPRESENTATIVE GARA presented several examples in which the computer counting machines made gross errors. He pointed out that a law was passed last year requiring that all machines must produce a paper ballot, but he noted that the paper ballot will only help if the election is challenged and the ballots are recounted; if no one asks for a recount, "you really need to have 100 percent confidence that the machines did a good job." He reiterated that Amendment 11 would have 5 percent of the ballots in each district hand counted to ensure that the machines were working properly.

REPRESENTATIVE KOTT asked if the hand count would still be required if there was only one candidate running for an office.

REPRESENTATIVE GARA said he would accept a friendly amendment which said that if a person is running unopposed, then this provision wouldn't apply.

MS. GLAISER stated that the Division of Elections has no problem with Amendment 11. However, she noted:

A lot of the states that are looking at a hand count afterwards do not have the ... before-election testing that we do; we have a bipartisan state review board that ... tests every memory card, and then they're sent to the regions and each region has a bipartisan AccuVote review board that then tests the memory cards. ... Most states don't have [even] one level of testing, [whereas] we have two levels of testing.

REPRESENTATIVE ANDERSON noted that Amendment 11, in proposing to alter As 15.15.420 via a new Section 13, makes reference to a state ballot counting review board. He asked if this would be a new board.

MS. GLAISER replied that this would not be a new board. She explained that under current law, there is an existing board made up of members that are appointed from each party, and is therefore a bipartisan review board. She noted that additional party members can be appointed by a party to also be present during the review process, but offered her understanding that under Amendment 11, additional party members can no longer be appointed to oversee the review process. In response to a question, she stated that Amendment 11 would have a minimal fiscal burden on the division, but noted that a hand count would delay the final certification results of an election.

[5:09:53 PM](#)

REPRESENTATIVE GARA asked if the division is opposed to the section of Amendment 11 that pertains to the ballot counting review board.

MS. GLAISER replied that the division does not support or oppose it. She offered her understanding that when this bill was discussed in the House State Affairs Standing Committee, it was determined that not only is there an existing state ballot counting review board made up of members appointed by the political parties, but that also, during a review, other people [such as candidates] can ask a party to request that a particular additional person be present to watch the review.

REPRESENTATIVE GARA commented that he would be willing to delete that part of the amendment.

REPRESENTATIVE ANDERSON [made a motion to amend] Amendment 11, to delete the reference to the new Section 13, thus deleting the proposed alteration to As 15.15.420. There being no objection, Amendment 11 was amended.

REPRESENTATIVE COGHILL objected to Amendment 11, as amended. He said, "I think the department had demonstrated that the ... results of many of our hand counts have shown a high degree of accuracy, so I don't know that we need to do this."

REPRESENTATIVE GARA [made a motion to conceptually amend] Amendment 11, as amended, to state that it would not apply if the candidate on the ballot is running unopposed. There being no objection, Amendment 11, as previously amended, was again amended.

A roll call vote was taken. Representatives Kott, Gruenberg, and Gara voted in favor of Amendment 11, as amended. Representatives Anderson and Coghill voted against it. Therefore, Amendment 11, as amended, passed by a vote of 3-2.

[5:13:01 PM](#)

REPRESENTATIVE ANDERSON [made a motion to adopt] Amendment 12, labeled 24-GH1048\I.8, Kurtz, 4/1/05, which read:

Page 18, following line 29:

Insert new paragraphs to read:

"(3) a statement of costs to the state associated with certification of the initiative application and review of the initiative petition;

(4) an estimate of the cost to the state of implementing the proposed law;"

Renumber the following paragraphs accordingly.

Page 20, line 10:

Delete "AS 15.45.090(a)(5)"

Insert "AS 15.45.090(a)(7)"

Page 21, following line 16:

Insert new paragraphs to read:

"(3) a statement of costs to the state associated with certification of the referendum application and review of the referendum petition;

(4) an estimate of the cost to the state of voter approval or rejection of the act;"

Renumber the following paragraphs accordingly.

Page 23, line 12:

Delete "AS 15.45.320(a)(6)"

Insert "AS 15.45.320(a)(8)"

Page 27, following line 24:

Insert a new subparagraph to read:

"(C) a statement of the costs to the state of implementing the law proposed in an initiative, or of voter approval or rejection of the act that is the subject of a referendum;"

Reletter the following subparagraphs accordingly.

REPRESENTATIVE GRUENBERG objected for discussion purposes.

REPRESENTATIVE ANDERSON explained that Amendment 12 would require that the cost of an initiative or referendum be shown with the petition process and in the election ballot pamphlet; such would let the people signing the petition know what, if any, financial impact the passage of an initiative will have. Also, by adding this information to the election ballot pamphlet, all voters would have the same information prior to voting.

MS. GLAISER recommended that the phrase, "statement of costs", which is used twice in Amendment 12, be changed to, "statement of minimum costs", because she doesn't know if there can be a fair assessment of the true costs of a petition.

REPRESENTATIVE ANDERSON made a motion to conceptually amend Amendment 12 as recommended by Ms. Glaiser. There being no objection, Amendment 12 was amended.

MS. GLAISER pointed out that Amendment 12, as amended, does not deal with the costs associated with a recall. She remarked, "Perhaps you would like to amend AS 15.45.560, ... to prepare an estimate of the cost of doing a recall election."

REPRESENTATIVE ANDERSON made a motion to conceptually amend Amendment 12, as amended, to alter AS 15.45.560 such that the costs would be shown for recall elections. There being no objection, Amendment 12, as previously amended, was again amended.

[5:17:43 PM](#)

REPRESENTATIVE GARA commented that he liked the fiscal note provision of Amendment 12, as amended. However, he commented:

There are parts in here that I think are not good.... Often these initiatives are very political, and they often involve politics [on] ... the opposite side of the lieutenant governor's office and the attorney general's office, and in those cases, the lieutenant governor's office and the attorney general's office fight these things. ... I don't think it's fair for the state to tell people that there're going to be large costs associated with an initiative when it's the lieutenant governor and the attorney general sort of building those costs. And in various times throughout the history of the state, that's probably

happened. ... I don't think that part of the bill is helpful at all, and it might actually deter people from signing an initiative.

REPRESENTATIVE GARA noted that he supports the part of Amendment 12, as amended, that would require the publication of agency operation costs. However, he added, he does not support the inclusion of costs associated with the attorney general's office fighting the initiative.

ANNETTE KREITZER, Chief of Staff, Office of the Lieutenant Governor, stated that the intent [of Amendment 12, as amended] isn't to include legal costs, but rather just the minimum costs of gathering signatures and the costs of personnel evaluating the signatures.

REPRESENTATIVE ANDERSON concurred.

REPRESENTATIVE GARA surmised, then, that the costs to be listed would only be the costs associated with counting and verifying the signatures.

MS. KREITZER concurred.

REPRESENTATIVE ANDERSON commented that he understood that the costs referred to in Amendment 12, as amended, do not include legal costs.

REPRESENTATIVE GARA discussed a possible third amendment to Amendment 12, as amended, that would clarify that the costs referenced were those associated with counting and verifying signatures.

MS. GLAISER pointed out, however, that there are other costs besides those pertaining to verification, such as the printing of booklets and the training of the "petition committee."

MS. KREITZER commented that Amendment 12, as amended, should clarify that the costs of any challenge to an initiative which results in a lawsuit or results in extra staff time is not included.

REPRESENTATIVE ANDERSON made a motion to conceptually amend Amendment 12, as previously amended twice, to clarify that the costs referred to in the amendment would exclude legal costs or challenge costs. There being no objection, Amendment 12, as previously amended twice, was again amended.

REPRESENTATIVE GARA clarified, "This amendment ... is being amended so that we're not counting in the costs to the state of legal challenges, of legal review."

[5:23:16 PM](#)

The committee took an at-ease from 5:23 p.m. to 5:24 p.m.

REPRESENTATIVE GRUENBERG removed his objection to the motion to adopt Amendment 12, as amended.

REPRESENTATIVE ANDERSON asked whether there were any further objections. There being none, Amendment 12, as amended, was adopted.

[5:24:17 PM](#)

REPRESENTATIVE ANDERSON returned attention to Amendment 3 [text provided previously], which raises the amount of the deposits required for requesting a recount. He offered his understanding that Representative Gara and Chair McGuire believe that the proposed amounts are too high, and would inhibit folks from requesting recounts. He relayed that Chair McGuire has indicated to him that she would be amenable to raising the amount of deposit required for each precinct to \$1,000; for each House district to \$2,000, and for a state race to \$20,000 - that she believes these amounts are commiserate with the cost of living adjustments made since 1986.

REPRESENTATIVE ANDERSON made a motion to amend Amendment 3, to change the amount of deposit to \$1,000 for each precinct, to \$2,000 for each House District, and to \$20,000 for a state race.

REPRESENTATIVE GARA objected. He said that he'd made some calculations assuming an inflation rate of 3 percent per year, and concluded that he would feel more comfortable having the deposit set at \$750 for each precinct; \$1,500 for each House district; and \$15,000 for a state race. He commented that these seem to be achievable numbers.

REPRESENTATIVE GRUENBERG asked to divide the amendment into three parts.

REPRESENTATIVE ANDERSON agreed to do so, and made a motion to amend Amendment 3, to change the deposit required for a precinct recount to \$1,000.

REPRESENTATIVE GARA objected. He commented that \$1,000 for just a precinct seems like a huge amount of money.

REPRESENTATIVE GRUENBERG asked to make a friendly amendment to the amendment to Amendment 3, to change the wording to "up to \$1,000" at the Division of Elections' discretion.

REPRESENTATIVE ANDERSON stated that he would not accept such an amendment to the amendment to Amendment 3.

REPRESENTATIVE COGHILL said he objected to the amendment to the amendment to Amendment 3 because "we shouldn't put that over on the Division of Elections."

REPRESENTATIVE GRUENBERG asked if there has ever been a request for a recount on a precinct.

MS. GLAISER replied no.

[5:29:32 PM](#)

A roll call vote was taken. Representatives Anderson, Coghill, Kott, Gruenberg, and Gara voted in favor of the amendment to Amendment 3. Therefore, the amendment to Amendment 3 passed by a vote of 5-0.

REPRESENTATIVE ANDERSON made a motion to amend Amendment 3, as amended, to change the deposit required for a House District recount to \$2,000. There being no objection, Amendment 3, as previously amended, was again amended.

REPRESENTATIVE ANDERSON made a motion to amend Amendment 3, as previously amended twice, to change the deposit required for a statewide recount to \$20,000.

REPRESENTATIVE GARA objected for discussion purposes. He asked if the committee would be willing to change the amount to \$15,000.

REPRESENTATIVE ANDERSON agreed, and restated his motion to amend Amendment 3, as previously amended twice, to change the deposit required for a statewide recount to \$15,000. There being no objection, Amendment 3, as previously amended twice, was again amended.

REPRESENTATIVE ANDERSON asked if there were any objections to the adoption of Amendment 3, as amended. There being no objection, Amendment 3, as amended, was adopted.

[5:32:24 PM](#)

REPRESENTATIVE GARA made a motion to adopt Amendment 13, which read [original punctuation provided]:

Page 23, line 28

Following "recalled" insert ", 100 of whom will serve as sponsors"

Page 23, line 30

Delete "(A) will serve as sponsor; and"

Reletter the following bill sections accordingly.

REPRESENTATIVE ANDERSON objected for discussion purposes.

The committee took an at-ease from 5:33 p.m. to 5:34 p.m.

REPRESENTATIVE GARA explained that Amendment 13 pertains to recalls and provides that there will be 100 sponsors to a recall, while the others who sign are merely voters.

MS. GLAISER said that this legislation intended to have recalls, referendums, and initiatives all in synch such that any time an individual petitions the government, he/she would know what to expect. Under the current law, the recent recall was confusing in that there was a question as to whether 100 sponsors in addition to 10 percent of those who voted in the race in question were required. Characterizing Amendment 13 as helpful and good for the people, she indicated that it clarifies that among the 10 percent who sign, there are 100 sponsors.

REPRESENTATIVE ANDERSON removed his objection and stated that Amendment 13 was adopted.

REPRESENTATIVE GARA made a motion to adopt Amendment 14, which read [original punctuation provided]:

Page 20, lines 2-3

Delete "(5) the signatures are of persons who were qualified voters on the date of signature;"

Page 23, lines 4-5

Delete "(5) the signatures are of persons who were qualified voters on the date of signature;"

Page 26, lines 19-20

Delete "(5) the signatures are of persons who were qualified voters on the date of signature;"

REPRESENTATIVE ANDERSON objected for discussion purposes.

REPRESENTATIVE GARA offered that an existing provision in the law requires people [who obtain signatures for recalls, referendums, and initiatives] to sign an affidavit, to swear under oath, that the signatures obtained are from qualified voters. However, the people gathering the signatures don't know whether such is true, and Amendment 14 proposes to delete that requirement.

REPRESENTATIVE KOTT asked if the division objects to Amendment 14.

REPRESENTATIVE GARA, in response to a different question, reiterated that those obtaining signatures don't know whether the signers are qualified voters, and it is only later in the process that the Division of Elections checks to confirm whether the signers are qualified voters. Therefore, he opined, [those gathering the signatures] shouldn't be asked to sign under oath, under penalty of perjury, to something that they can't really know.

MS. GLAISER related that the division has never prosecuted anyone who has sworn that he/she obtained the signatures only from qualified voters. However, circulators are trained to ask whether the signer is a qualified voter. She said that although she didn't know the legal ramifications of removing the language in question, she questions what the impact of doing so would be. She opined that [Amendment 14] drops the level of responsibility for the circulator; for example, the group gathering signatures for the recent recall made sure that everyone who signed the recall was a qualified voter.

REPRESENTATIVE GARA agreed that one would want [circulators] to make a good faith effort, but they can't know whether a signer is a qualified voter. If the division wants to require that the circulator ask the signer, that would be fine, he opined, but currently [circulators] are being asked, under penalty of perjury, that they know that the signer is a registered voter. For the past 20 years, [circulators] have signed under oath

without really knowing, and regardless of the care with which the signatures are gathered, the division still checks every signature.

REPRESENTATIVE GRUENBERG agreed with Representative Gara.

REPRESENTATIVE KOTT announced that he tends to support Amendment 14, since the only way to ensure that the person who signs the petition is a qualified voter is to have a [registered voter] listing from the division, and [the circulator] is not provided this listing.

REPRESENTATIVE COGHILL said he will support Amendment 14, but opined that the requirement should be that the person signing the petition affirms he/she is a qualified voter.

5:43:16 PM

REPRESENTATIVE COGHILL, in response to comments, asked whether it's the circulator or the signer who is held accountable if a signer is not a registered voter.

MS. GLAISER explained that a signature from an unqualified voter is merely disqualified.

REPRESENTATIVE COGHILL directed attention to page 19, lines 22-23, which says in part, "each petition shall be certified by an affidavit by the person who personally circulated the petition." He said that he struggles with the aforementioned language because it is saying that the circulator must comport with the law, although Amendment 14 would release the circulator from that. He specified that he is amenable to changing the law such that the person who signs the petition is [signing] an affidavit that he or she is [a qualified voter].

MS. GLAISER, in response to a question, explained that at the point where the person signs the petition, the onus is on the circulator. However, the language on page 19, line 31, states that to the best of the circulator's knowledge, the person signing the petition is who he/she purports to be.

REPRESENTATIVE GRUENBERG suggested adding the phrase, "to the best of the circulator's knowledge," to page 20, line 2.

REPRESENTATIVE GARA said it would be problematic to put the signer "on the hook," adding that circulators aren't trying to collect invalid signatures, but are just taking the signer's

word for it that he/she is a registered voter. He surmised that a circulator won't want to go to jail for perjuring himself/herself. Furthermore, he opined, many people believe that they are registered to vote when they sign a petition.

[5:47:56 PM](#)

REPRESENTATIVE ANDERSON inquired as to why the language "to the best of the circulator's knowledge" couldn't be part of the paragraphs (5) [referenced in Amendment 14].

MS. GLAISER suggested that if a circulator is paid to gather signatures, then he/she won't care whether the signer is a qualified voter. However, the state and those looking at whether a law is changed should care whether the signer of a petition is a qualified voter.

REPRESENTATIVE GARA [made a motion to amend] Amendment 14 such that it did not delete language, that instead, on page 20, lines 2-3; page 23, lines 4-5; and page 26, lines 19-20, the language would be changed to read: "(5) to the best of the circulator's knowledge, the signatures are of persons who are qualified voters on the date of signature;".

REPRESENTATIVE ANDERSON removed his objection, and asked whether there were any further objections to Amendment 14, as amended. There being none, Amendment 14, as amended, was adopted.

The committee took an at-ease from 5:50 p.m. to 5:52 p.m.

[5:52:36 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt [Conceptual] Amendment 15.

VANESSA TONDINI, Staff to Representative Lesil McGuire, House Judiciary Standing Committee, Alaska State Legislature, explained that Amendment 15 would add the requirement that the witness signing for someone submitting an absentee ballot would do so under oath, under penalty of perjury. She related that [the language would be inserted] in AS 15.20.081(d).

REPRESENTATIVE GARA objected for purposed of discussion.

MS. TONDINI clarified that Conceptual Amendment 15 [would pertain to page 11] line 26. She reminded the committee of [Conceptual Amendment 1], which was adopted on 3/21/05 and which

clarified that the individual who is voting is required to sign under oath, under penalty of perjury. She said that Chair McGuire had expressed the same concern with regard to witnesses, and wanted them to be held accountable as well. Therefore, under Conceptual Amendment 15, witnesses would be [required to sign under oath, under penalty of perjury].

REPRESENTATIVE GARA opined that one can't swear something without doing so in front of a notary. He informed the committee that there's the crime of unsworn falsification, such that if one says something false, even if it is not in front of a notary and even if it is not under oath, it's still a crime. He opined that the aforementioned existing crime could be utilized.

[5:55:12 PM](#)

The committee took an at-ease from 5:55 p.m. to 5:56 p.m.

REPRESENTATIVE ANDERSON relayed that Ms. Tondini has mentioned that this matter could instead be discussed at a later date.

REPRESENTATIVE GRUENBERG made a motion to amend Conceptual Amendment 15 such that: "If it can be done as perjury without a notary, then it be perjury; if it cannot, then it's unsworn falsification".

REPRESENTATIVE ANDERSON asked whether there were any objections to the amendment to Conceptual Amendment 15.

REPRESENTATIVE COGHILL objected, and offered his belief that if a person sent in a voter registration form and got witnesses to verify that that person is who he/she said he/she is but it is untrue, the state would probably not go after the witnesses. Thus the issue is a moot point, he concluded, and then withdrew his objection.

REPRESENTATIVE ANDERSON - treating the amendment to Amendment 15 as adopted - ascertained that there were no further objections to Conceptual Amendment 15, as amended. Therefore, Amendment 15, as amended, was adopted.

[Representative Anderson returned the gavel to Chair McGuire.]

CHAIR MCGUIRE surmised that Representative Coghill is probably right, but the act of being a witness for someone who is filling out a voter registration form should be taken seriously.

6:00:22 PM

REPRESENTATIVE GRUENBERG made a motion to adopt Conceptual Amendment 16, that the title be amended to reflect the changes the House Judiciary Standing Committee has made to the bill. There being no objection, Conceptual Amendment 16 was adopted.

6:02:10 PM

REPRESENTATIVE ANDERSON moved to report CSHB 94(STA), as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GARA objected for the purpose of discussion. He suggested that at some point in time, they should discuss the issue of providing for a ballot that puts all members of a primary race on the ballot so as not to force people to pick a particular party's ballot during a primary election.

REPRESENTATIVE GARA then removed his objection to the motion.

CHAIR MCGUIRE asked whether there were any further objections to reporting CSHB 94(STA), as amended, from committee. There being none, CSHB 94(JUD) was reported from the House Judiciary Standing Committee.

AMENDMENTS

The following amendments to CSHB 94(STA) were either discussed or adopted during the hearing. [Shorter amendments are provided in the main text.]

Amendment I.11 [24-GH1048\I.11, Kurtz, 4/7/05] (moved, discussed, withdrawn):

Page 18, line 7:

Delete "date of birth"

Insert "a numerical identifier"

Page 18, line 21:

Delete "dates of birth"

Insert "numerical identifiers"

Page 18, line 31:

Delete "date of birth"

Insert "a numerical identifier"

Following "signature,":
Insert "date of signature,"

Page 19, line 1, following "petition;":
Insert "and"

Page 19, lines 2 - 4:
Delete "sufficient space at the bottom of each
signature page for the information required by
AS 15.45.130(8); and
(6)"

Page 19, lines 17 - 18:
Delete "date of birth"
Insert "numerical identifier"

Page 19, line 18:
Following "and address,":
Delete "and"
Following "voter's name":
Insert ", and by dating the signature"

Page 19, line 26:
Delete "The affidavit"
Insert "If the circulator received payment or
agreed to receive payment for the collection of
signatures on the petition, the affidavit must
acknowledge this, and include the name of each person
who has paid or agreed to pay the circulator for
collection of signatures on the petition. In
addition, the affidavit"

Page 20, line 5, following "AS 15.45.110(c);":
Insert "and"

Page 20, line 7:
Delete "; and"
Insert "."

Page 20, lines 8 - 12:
Delete all material.

Page 20, line 23:
Delete "date of birth"
Insert "a numerical identifier"

Page 21, line 8:

Delete "dates of birth"
Insert "numerical identifiers"

Page 21, line 19:

Delete "date of birth"
Insert "a numerical identifier"
Following "signature,":
Insert "date of signature,"

Page 21, line 20, following "the petition;":

Insert "and"

Page 21, lines 21 - 23:

Delete "sufficient space at the bottom of each signature page for the information required by AS 15.45.360(8); and (7)"

Page 22, lines 19 - 20:

Delete "date of birth"
Insert "numerical identifier"

Page 22, line 20:

Following "and address,":
Delete "and"
Following "voter's name":
Insert ", and by dating the signature"

Page 22, line 28:

Delete "The affidavit"
Insert "If the circulator received payment or agreed to receive payment for the collection of signatures on the petition, the affidavit must acknowledge this, and include the name of each person who has paid or agreed to pay the circulator for collection of signatures on the petition. In addition, the affidavit"

Page 23, line 7, following "AS 15.45.340(b);":

Insert "and"

Page 23, line 9:

Delete "; and"
Insert "."

Page 23, lines 10 - 14:

Delete all material.

Page 23, line 25:

Delete "date of birth"

Insert "a numerical identifier"

Page 24, line 19:

Delete "dates of birth"

Insert "numerical identifiers"

Page 24, line 27:

Delete "date of birth"

Insert "a numerical identifier"

Following "signature,":

Insert "date of signature,"

Page 24, line 28, following "petition;":

Insert "and"

Page 24, lines 29 - 31:

Delete "sufficient space at the bottom of each signature page for the information required by AS 15.45.130(8); and

(6)"

Page 26, lines 3 - 4:

Delete "date of birth"

Insert "numerical identifier"

Page 26, line 4:

Following "and address,":

Delete "and"

Following "voter's name":

Insert ", and by dating the signature"

Page 26, line 12:

Delete "The affidavit"

Insert "If the circulator received payment or agreed to receive payment for the collection of signatures on the petition, the affidavit must acknowledge this, and include the name of each person who has paid or agreed to pay the circulator for collection of signatures on the petition. In addition, the affidavit"

Page 26, line 22, following "AS 15.45.580(b);":

Insert "and"

Page 26, line 24:

Delete "; and"

Insert "."

Page 26, lines 25 - 29:

Delete all material.

Page 30, line 14:

Delete "a new paragraph"

Insert "new paragraphs"

Page 30, line 15, following "(40)":

Insert "numerical identifier" means a voter's date of birth, the last four digits of a voter's social security number, a voter's Alaska driver's license number, or a voter's Alaska identification card number or voter identification number;

(41)"

Amendment 2 (adopted) [original punctuation provided]:

Page 18, line 7:

Delete "date of birth"

Insert "a numerical identifier"

Page 18, line 21:

Delete "dates of birth"

Insert "numerical identifiers"

Page 18, line 31:

Delete "date of birth"

Insert "numerical identifier"

Following "**signature**"

Insert "**date of signature**"

Page 19, lines 17 - 18:

Delete "date of birth"

Insert "a numerical identifier"

Page 19, line 18:

Following "**and address**"

Delete "**and**"

Following "the voter's name"

Insert "**and dating the signature**"

Page 19, line 26:

Following "**substance**":

Delete "**that**"

Page 19, line 27:

Following "**(1)**":

Insert: "**that**"

Page 19, line 29:
Following **"(2)"**:
 Insert: **"that"**

Page 19, line 30:
Following **"(3)"**:
 Insert **"that"**

Page 19, line 31:
Following **"(4)"**:
 Insert **"that"**

Page 20, line 2:
Following **"(5)"**:
 Insert **"that"**

Page 20, line 4:
Following **"(6)"**:
 Insert **"that"**

Page 20, line 6:
Following **"(7)"**:
 Insert **"that"**

Page 20, lines 8 - 12:
Delete all material and insert:
 "(8) whether the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, and if so, the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition.

Page 20, line 23:
Delete "date of birth"
Insert "a numerical identifier"

Page 21, line 8:
Delete "dates of birth"
Insert "numerical identifiers"

Page 21, line 19:
Delete "date of birth"
Insert " a numerical identifier"
Following **"signature"**
 Insert **"date of signature"**

Page 22, lines 19 -20:
Delete "date of birth"
Insert "numerical identifier"

Page 22, line 20:
Following **"and address"**

Delete **"and"**
Following "the voter's name"
Insert **"and dating the signature"**

Page 22, line 28:
Following **"substance"**
Delete **"that"**

Page 22, line 29:
Following **"(1)":**
Insert: **"that"**

Page 22, line 31:
Following **"(2)":**
Insert: **"that"**

Page 23, line 1:
Following **"(3)":**
Insert **"that"**

Page 23, line 2:
Following **"(4)":**
Insert **"that"**

Page 23, line 4:
Following **"(5)":**
Insert **"that"**

Page 23, line 6:
Following **"(6)":**
Insert **"that"**

Page 23, line 8:
Following **"(7)":**
Insert **"that"**

Page 23, lines 10 - 14:
Delete all material and insert:
 **"(8) whether the circulator has received
payment or agreed to receive payment for the
collection of signatures on the petition, and if so,
the name of each person or organization that has paid
or agreed to pay the circulator for collection of
signatures on the petition.**

Page 23, line 25:
Delete "date of birth"

Insert "a numerical identifier"

Page 24, line 19:

Delete "dates of birth"
Insert "numerical identifiers"

Page 24, line 27:

Delete "date of birth"
Insert "a numerical identifier"
Following "**signature**"
Insert "**date of signature**"

Page 26, lines 3 - 4:

Delete "date of birth"
Insert "numerical identifier"

Page 26, line 4:

Following "**and address**"
Delete "**and**"
Following "the voter's name"
Insert "**and dating the signature**"

Page 26, line 12:

Following "**substance**":
Delete "**that**"

Page 26, line 13:

Following "**(1)**":
Insert "**that**"

Page 26, line 15:

Following "**(2)**":
Insert "**that**"

Page 26, line 16:

Following "**(3)**":
Insert "**that**"

Page 26, line 17:

Following "**(4)**":
Insert "**that**"

Page 26, line 19:

Following "**(5)**":
Insert "**that**"

Page 26, line 21:

Following "(6)":
Insert "that"

Page 26, line 23:
Following "(7)":
Insert "that"

Page 26, lines 25 - 29:
Delete all material and insert:
"(8) whether the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, and if so, the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition.

Page 30, line 14:
Delete "a new paragraph"
Insert "new paragraphs"

Page 30, line 15, following "(40)":
Insert "numerical identifier means a voter's date of birth, the last four digits of a voter's social security number, a voter's Alaska driver's license number, or a voter's Alaska identification card number or voter identification number;
(41)"

[End of amendments - CSHB 94(JUD) was reported from the House Judiciary Standing Committee.]

ADJOURNMENT

[6:03:27 PM](#)

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 6:03 p.m.