

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 3, 2005

8:06 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Carl Gatto, Vice Chair
Representative Jim Elkins
Representative Bob Lynn
Representative Jay Ramras
Representative Berta Gardner
Representative Max Gruenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 97

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

- MOVED CSHB 97(STA) OUT OF COMMITTEE

HOUSE BILL NO. 79

"An Act making a supplemental appropriation for increased operating costs of the division of elections; and providing for an effective date."

- MOVED HB 79 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."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 97

SHORT TITLE: OATHS; NOTARIES PUBLIC; STATE SEAL

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/21/05	(H)	READ THE FIRST TIME - REFERRALS
01/21/05	(H)	STA, JUD, FIN
01/26/05	(H)	FN1: (GOV) CORRECTED
02/03/05	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HB 79

SHORT TITLE: APPROP: DIVISION OF ELECTIONS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/18/05	(H)	READ THE FIRST TIME - REFERRALS
01/18/05	(H)	STA, FIN
02/03/05	(H)	STA AT 8:00 AM CAPITOL 106

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

WITNESS REGISTER

ANNETTE KREITZER, Chief of Staff
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions on behalf of the administration during the hearing on HB 97.

SCOTT CLARK, Notary Commission Administrator
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions on behalf of the administration during the hearing on HB 97.

PATRICIA BRAY

Anchorage, Alaska

POSITION STATEMENT: Testified on behalf of herself during the hearing on HB 97.

LAURA GLASIER, Director

Division of Elections

Office of the Lieutenant Governor

Juneau, Alaska

POSITION STATEMENT: Presented HB 79 on behalf of the division; outlined a portion of a sectional analysis during the hearing on HB 94.

ACTION NARRATIVE

VICE CHAIR CARL GATTO called the House State Affairs Standing Committee meeting to order at [8:06:07 AM](#). Present at the call to order were Representatives Gatto, Elkins, Lynn, and Gardner. Representatives Seaton, Ramras, and Gruenberg arrived as the meeting was in progress.

HB 97-OATHS; NOTARIES PUBLIC; STATE SEAL

VICE CHAIR GATTO announced that the first order of business was HOUSE BILL NO. 97, "An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state, to notarizations, to verifications, to acknowledgments, to fees for issuing certificates with the seal of the state affixed, and to notaries public; and providing for an effective date."

[8:07:59 AM](#)

ANNETTE KREITZER, Chief of Staff, Office of the Lieutenant Governor, said attempts have been made through legislation to make changes to the notary statutes, which have not been changed since 1961. She noted that [House Bill 439] was one such bill last year, but ended up dying on the House floor. The proposed legislation - HB 97 - would allow the notary administrator to move to a more web-based system for education and would bring the notary statutes up to current practice. In response to a question from Vice Chair Gatto, she confirmed that HB 97 would streamline government.

[8:11:09 AM](#)

MS. KREITZER directed attention to a notary statute comparison [included in the committee packet], which outlines the general concepts of the bill.

[8:11:48 AM](#)

REPRESENTATIVE LYNN moved to adopt the committee substitute (CS) for HB 97, Version 24-GH1008\G, Bannister, 1/28/05, as a work draft. There being no objection, Version G was before the committee.

[8:12:20 AM](#)

REPRESENTATIVE GRUENBERG referred to language that had been in a bill the previous year, which read as follows:

Sec 44.50.071. Handbook. The lieutenant governor may produce a handbook for commissioned notaries public on the Internet and shall, upon request, distribute the handbook to each person who is commissioned a notary public under this chapter. The handbook must contain a summary of the provisions of this chapter and the regulations adopted under this chapter.

[8:13:53 AM](#)

MS. KREITZER confirmed that the language that dealt with handbooks in House Bill 439 was left out. She noted that Representative Gruenberg felt strongly about including language in the bill that mandates that the administration provide handbooks. She explained, "We are moving to a web-based system; we don't wish to be constricted in how we present handbooks to notaries." She said there are 12,000 notaries in the state, and she thinks publishing 12,000 handbooks is a waste of money. She stated that she would rather see the administration provide printed materials to commissioned notaries public upon request.

[8:15:32 AM](#)

MS. KREITZER said the word "shall" is problematic. She said the committee could decide to add the language back, but the administration would oppose it.

[8:16:41 AM](#)

REPRESENTATIVE GRUENBERG reread the language. He said he understands Ms. Kreitzer's concern. He suggested having the language state that if a handbook is printed, then it would be distributed. He added, "The main thing is to do it on the Internet."

[8:17:54 AM](#)

SCOTT CLARK, Notary Commission Administrator, Office of the Lieutenant Governor, suggested changing the language to say, "publish information on the Internet" and specify to provide that information, rather than using the word "handbook".

[8:18:16 AM](#)

VICE CHAIR GATTO asked if it would be better to use the term "electronic media" or something that is not limiting, rather than using the word "Internet".

[8:18:36 AM](#)

MS. KREITZER said the bill drafters would take care of that. She directed attention to a handout [included in the committee packet] showing notary statute comparisons between current law and proposed legislation. She noted that the age an applicant must be would be changed from 19 to 18, which would be consistent with the residency requirement in AS 01.10.055. The applicant must also legally reside in the U.S. All applicants may not be convicted/incarcerated felons or have been so within 10 years. Ms. Kreitzer noted that concerns were raised last year on this issue.

[8:21:19 AM](#)

VICE CHAIR GATTO surmised that there are various levels of felonies and some would "disenfranchise a person."

[8:21:36 AM](#)

REPRESENTATIVE LYNN stated that he agrees with the requirement that an applicant must legally reside in the U.S. He said he worked on a bill last year regarding this issue, and he said there was much discussion then about how to determine if a person is indeed a legal alien.

[8:22:32 AM](#)

MR. CLARK said there will be an application to determine that. In response to a follow-up question from Representative Lynn, he said the applicant will be taken at his/her word when he/she claims to be a legal resident.

[8:23:28 AM](#)

MS. KREITZER, in response to a question from Vice Chair Gatto, clarified that the 10-year period for convicted felons was a result of past discussion with the former House State Affairs Standing Committee. She listed the classes of felonies.

[8:24:22 AM](#)

MR. CLARK explained, "If we ... set this idea to the time that they're convicted, there's a possibility that they could qualify while they're still in prison. So, that's why it's tied to post-incarceration."

[8:24:51 AM](#)

MS. KREITZER returned to the review of the handout. She noted that the current term for notaries public will continue to be four years. The proposed legislation would create a limited governmental notary public commission, which would be for state, federal, and municipal employees. She said state employee notaries will continue until they leave their state employment. Ms. Kreitzer said the \$40 application fee for non-state employee notaries would continue; however, the fee for certificates would be increased from \$2 to \$5 each.

[8:26:08 AM](#)

MR. CLARK passed around examples of the certificates. He said they are currently used for two purposes: verifying facts about boards and commission members so that the state can sell bonds, and verifying that documents passing between countries are official.

[8:26:59 AM](#)

MS. KREITZER, regarding notary bonds, said the amount of the bond would not change, but limited government notaries would be excluded from the bond requirement. The bill would also require that the lieutenant governor keep the bonds for two years.

[8:27:31 AM](#)

MS. KREITZER directed attention to the second page of the notary statute comparison handout. She said the new commission type being created to deal with limited governmental notaries and those commissions is currently available for municipal and federal employees, in addition to state employees. She stated, "If you're a notary public and you serve the public, then you can bill for your services. If you are a governmental notary, you are not to bill for your services."

MS. KREITZER highlighted commission revocation. She noted that, currently, it happens by the Administrative Procedure Act, which is a cumbersome procedure for the public. The proposed legislation would allow the lieutenant governor to forward a complaint to the administrative hearing office if he/she believes the complaint is sufficient.

MR. CLARK, in response to a question from Vice Chair Gatto regarding frivolous complaints, said most of the complaints received are against notaries and approximately 75 percent of them turn out to be misunderstandings about notarization rules.

[8:30:09 AM](#)

MS. KREITZER said [HB 97] would help the administration by providing a clear procedure for how to deal with those complaints when they occur. Regarding notary data, she said the bill proposes collecting additional information from the applicants, which would remain confidential. The information that is currently being collected would stay public: the notary public's name, mailing address, surety information, and commission date. There would be no changes in status for noncommissioned notary publics under the proposed legislation.

[8:31:33 AM](#)

REPRESENTATIVE LYNN recalled that when he was on active duty in the military, he frequently acted as a notary public of the commissioned officers. He said he is now in retired reserve, and he asked if he could still [perform notary duties].

[8:32:07 AM](#)

MR. CLARK responded that one of the problems with the whole concept of a noncommissioned notary public is that "we have no involvement in either post masters, or the court, or commissioned military officers"; therefore, he said he could not

answer Representative Lynn's question. He added, "Nor can we authenticate the notarizations that are performed by those notaries." He offered an example.

[8:33:26 AM](#)

MR. CLARK, in response to a remark by Representative Elkins regarding electronic notarization, stated, "That whole concept is going to happen, but I don't think that any state is very advanced right now in making that happen." He noted that the pilot programs for electronic notarization, in those states that have them, have failed.

[8:34:44 AM](#)

VICE CHAIR GATTO complimented the state on its technological advances.

[8:35:11 AM](#)

MR. CLARK said the most important result of the bill would be its move toward web-based processes.

[8:37:23 AM](#)

REPRESENTATIVE GRUENBERG directed attention to Amendment 1, labeled [24-GH1008\G.1, Chenoweth, 2/3/05], which read as follows:

Page 4, line 13, following "(or County of _____)":

Insert "or Municipality of _____) "

Page 4, line 25, following "(or County of _____)":

Insert "or Municipality of _____) "

Page 5, line 8, following "**(or County of** _____)":

Insert "**or Municipality of** _____) "

Page 5, line 23, following "(or County of _____)":

Insert "or Municipality of _____) "

Page 6, line 6, following "(or County of _____)":

Insert "or Municipality of _____) "

Page 6, line 19, following "(or County of _____) ":

Insert "or Municipality of _____) "

The committee took a brief at-ease.

REPRESENTATIVE GRUENBERG explained that the term "judicial district" has been used for a long time, and he said he would like to add "municipality".

[8:39:31 AM](#)

MS. KREITZER, after clarification from Representative Gruenberg, said the administration would have no problem with that.

[8:39:39 AM](#)

REPRESENTATIVE GRUENBERG moved Amendment 1. There being no objections, Amendment 1 was adopted.

[8:39:53 AM](#)

REPRESENTATIVE GRUENBERG introduced [Conceptual] Amendment 2, [labeled 24-GH1008\G.2, Chenoweth, 2/3/05], which read as follows:

Page 17, following line 11:

Insert:

"Sec. 44.50.073. Handbook. The lieutenant governor may produce a handbook for commissioned notaries public on the Internet and shall, upon request, distribute the handbook to each person who is commissioned a notary public under this chapter. The handbook must contain a summary of the provisions of this chapter and the regulations adopted under this chapter."

REPRESENTATIVE GRUENBERG asked Mr. Clark and Ms. Kreitzer for suggestions on how to improve Amendment 2. After incorporating some changes recommended by Mr. Clark, Ms. Kreitzer, and committee members, Conceptual Amendment 2 [treated as amended] read as follows:

Page 17, following line 11:

Insert:

"Sec. 44.50.073. Published summary. The lieutenant governor may publish information for commissioned notaries public by electronic means and shall, upon request, distribute to each person who is commissioned a notary public under this chapter information containing a summary of the provisions of this chapter and the regulations adopted under this chapter."

[8:44:16 AM](#)

MS. KREITZER said that's acceptable as a conceptual amendment. She said she thinks one purpose of not using the term "handbook" is because it puts the administration in a box regarding how the information is delivered. Ms. Kreitzer expressed willingness to work with the committee further on this bill.

[8:46:50 AM](#)

REPRESENTATIVE GRUENBERG stated his understanding that the legislature passed legislation for electronic transactions in AS 09.80.010. He said he wondered if the Office of the Notary Public could take a look at that.

[8:47:36 AM](#)

MS. KREITZER said this issue is being studied and, although it may seem like an easy one on the surface, it is not. For notaries public, it's more difficult to have electronic notarizations. She said consideration is being made to look in statute and take out any impediments to the legislature's consideration of the matter in the future when technology has advanced.

[8:48:29 AM](#)

MR. CLARK noted that the proposed bill states that a notary public's signature must be in his/her own handwriting. He said that might be an impediment to electronic notarization. Some of the language regarding seals may also be an impediment, he added.

[8:49:03 AM](#)

REPRESENTATIVE GRUENBERG said he would be happy to work on the language with him.

[8:49:22 AM](#)

MR. CLARK said he needs more time to look at the entire bill and "model" bills, as well.

[8:49:25 AM](#)

VICE CHAIR GATTO said, "I think this bill moves more comfortably without complicating it with things that I did not initially see as part of this legislation."

[8:49:38 AM](#)

REPRESENTATIVE GRUENBERG said, "I believe that the title is broad enough to accomplish that."

[8:51:29 AM](#)

REPRESENTATIVE GRUENBERG requested that the committee give permission for Legislative Legal and Research Services to speak directly with Ms. Kreitzer and Mr. Clark.

VICE CHAIR GATTO asked if there were any objections [to that request]. [No objections were stated.]

[8:51:55 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Conceptual Amendment 2, as amended. There being no objection, it was so ordered.

[8:52:39 AM](#)

VICE CHAIR GATTO opened public testimony.

[8:52:49 AM](#)

PATRICIA BRAY, testifying on behalf of herself, noted that she has worked between Mexico and the U.S. on coordination of many bi-national projects and has taken a global dialogue on agriculture trade to the United Nation's world conference on women in China. She revealed that she has "a situation of identity theft," as well as "a personal situation with a notary." Ms. Bray thanked the House Rules Committee and the governor for considering this issue.

[8:54:09 AM](#)

MS. BRAY recalled that President George W. Bush has signed the Identity Theft Penalty Enhancement Act. She quoted a statement made by President Bush regarding identity theft. She indicated that the Act was a bi-partisan effort of Congress. Ms. Bray recommended that the House Rules Committee incorporate the rules and regulations under the national legislation into HB 97.

[8:57:17 AM](#)

VICE CHAIR GATTO, in response to remarks by Ms. Bray, told her that the issue of identity theft and electronic signatures may be addressed in the future, but he would like to limit the discussion to the notary public bill in the interest of time.

[8:57:36 AM](#)

MS. BRAY said she has evidence of a notary using her personal information on an official document without her permission. She said [HB 97] identifies the revocation of a notary public's right, which is important. She said, "A notary can take 25 years of someone's life and destroy it in two minutes." Ms. Bray talked about issues related to banking and national security.

[8:58:34 AM](#)

VICE CHAIR GATTO offered his understanding that Ms. Bray had spoken with the "notary office."

[8:59:01 AM](#)

MS. BRAY answered no. In response to a question from Vice Chair Gatto specifically asking if she had spoken with Mr. Clark, Ms. Bray answered yes. She mentioned oaths and affirmations and said, "There is a real need to tighten up or put in that a judge must have a current oath of office in effect to be operating in the judiciary, and Alaska does not have that situation existing."

[9:00:03 AM](#)

VICE CHAIR GATTO closed public testimony.

[9:00:13 AM](#)

REPRESENTATIVE GRUENBERG moved to report the committee substitute (CS) for HB 97, Version 24-GH1008\G, Bannister,

1/28/05, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 97(STA) was reported out of the House State Affairs Standing Committee.

[Vice Chair Gatto handed the gavel back to Chair Seaton.]

HB 79-APPROP: DIVISION OF ELECTIONS

9:00:54 AM

CHAIR SEATON announced that the next order of business was HOUSE BILL NO. 79, "An Act making a supplemental appropriation for increased operating costs of the division of elections; and providing for an effective date."

9:01:01 AM

LAURA GLASIER, Director, Division of Elections, Office of the Lieutenant Governor, noted that the companion bill to HB 79 was heard by and moved out of the Senate Finance Committee last week. She directed attention to a summary [included in the committee packet] detailing all the unexpected costs incurred by the division last year, which has made it necessary for the division to ask for supplemental funding.

9:02:28 AM

REPRESENTATIVE RAMRAS said he's been a voter since the age of 18. He commented on "the energy with which both of the parties approached the absentee ballot opportunity." He observed that it both enhanced the process and undermined it, and it seemed to put undue burden on [the division].

9:04:42 AM

MS. GLASIER said it was an amazing year for division, which is small and provides a lot of service. There were 17 temporary people working. She said the division sent out 80 percent more by-mail absentee ballots [in 2004]. The polling place is not the first choice anymore. She remarked that there is a higher cost associated with making voting more accessible.

9:06:21 AM

MS. GLASIER, in response to a comment by Representative Gatto, said abuse of the system happens every election year, but it's

usually a senior citizen who forgets that he/she already voted by mail and then shows up to vote at the polls.

9:07:53 AM

MS. GLASIER, in response to a request for clarification from Representative Gatto, said the legislature gives the division two appropriations - one for the primary election and one for the general election - and the division has its operation costs. She explained that the division shifted its operating costs to cover elections, which has left the division with no money to operate through the Fiscal Year ending June 30, 2005.

9:09:30 AM

MS. GLASIER, in response to a question from Representative Gruenberg regarding why the division used independent counsel rather than using the Department of Law, explained that there was a great deal of concern about removing any appearance of political pressure or advice.

9:10:43 AM

MS. GLASIER, in response to a request from Representative Gruenberg, talked about the precedent for combining elections. She mentioned a time when a question that had to be asked of the citizens of Anchorage was added to the general election ballot.

9:11:34 AM

REPRESENTATIVE GRUENBERG surmised that the division had a contract or agreement with the municipality [of Anchorage] in the last election [November 2004], and he asked if that contract was "based on the previous contract or agreement."

9:12:05 AM

MS. GLASIER answered yes. In response to follow-up questions from Representative Gruenberg, she offered further details regarding the cost of the contract and when it might be billed.

9:12:50 AM

REPRESENTATIVE GRUENBERG asked how that money relates to the money that the division is seeking through HB 79. He asked if the money should be deducted from the amount being requested.

[9:13:09 AM](#)

MS. GLASIER emphatically answered no. She explained that when the municipality of Anchorage repays the state, that money will go into the general fund. She said the division doesn't have statutory program receipt authority.

[9:14:16 AM](#)

CHAIR SEATON, in response to questions from Representative Gruenberg, clarified that the money being requested through HB 79 would be appropriated from the general fund to the Office of the Lieutenant Governor.

[9:15:17 AM](#)

CHAIR SEATON, upon determining that no one wanted to testify, closed public testimony.

[9:15:41 AM](#)

REPRESENTATIVE GATTO asked what happens if the division reaches zero.

[9:16:35 AM](#)

MS. GLASIER said there is no contingency fund, but the division has never been broke while she has been director. In response to a follow-up question from Representative Gatto, she said there is legislation introduced that addresses other concerns regarding the division. She said the division didn't know when it came before the legislature last year that it would be entering into an agreement with the municipality of Anchorage, or it would have known to build in those costs. She offered other examples of unexpected costs.

[9:18:51 AM](#)

CHAIR SEATON reminded committee members that the Legislative Council and the Joint Committee on Legislative Budget is there to act [during the legislative interim]. Furthermore, he said he thinks that Ms. Glasier would be reticent to spend money that hadn't been allocated to her division, and "we would be reticent to have her even ... express that we think the administration should start spending money that we haven't appropriated."

[9:19:36 AM](#)

MS. GLASIER, in response to a question from Representative Ramras, revealed that she has been with the division for two years. In response to a follow-up question from Representative Ramras regarding whether the trend in nonconventional voting will increase, she noted that voting by mail has increased in the last year. However, she pointed out that the numbers are always higher in a presidential year. Another cause for higher voting by mail is the number of men and women overseas [in Iraq].

[9:22:13 AM](#)

MS. GLASIER, in response to a question from Representative Gruenberg regarding how much the division will need to make it through the year, said probably more than it is requesting. In response to a follow-up question from Representative Gruenberg, she confirmed that there would be a meeting in the next few days, and she believes she may be able to provide the necessary numbers then.

[9:23:27 AM](#)

REPRESENTATIVE GRUENBERG suggested holding the bill until then.

[9:24:04 AM](#)

CHAIR SEATON clarified that additional funds may be requested. He asked Ms. Glasier if [HB 79] would be the appropriate vehicle to which those additional funds should be attached.

[9:24:39 AM](#)

MS. GLASIER answered, "It could be in this vehicle or another vehicle." She added, "It could be included in the regular supplemental, as well." In response to a follow-up question from Chair Seaton, she said the additional funds are operating costs that were not included in the projection and affect the final number and what is needed. She reported that, as noted in part of the governor's transmittal letter, the projected date the division will be out of funds is by the end of February [2005].

[9:26:24 AM](#)

MS. GLASIER, in response to a question from Representative Gatto, said she has not explored what the results of running out at the end of the month would be, because she thinks that the appropriation will make it through. She said, "Sending people home in an election office 22- to 23-people strong throughout the state ... is a critical decision to make."

[9:26:57 AM](#)

REPRESENTATIVE ELKINS opined that it is important for the division to get the money being requested in [HB 79] now, and he encouraged the committee to move the proposed legislation.

[9:27:52 AM](#)

MS. GLASIER, in response to a question from Representative Gruenberg, said she would prefer the bill move out of committee today.

[9:28:17 AM](#)

REPRESENTATIVE GRUENBERG moved to report HB 79 out of committee with individual recommendations. There being no objection, HB 79 was reported out of the House State Affairs Standing Committee.

The committee took an at-ease from [9:29:10 AM](#) to [9:38:58 AM](#).

HB 94-ELECTIONS

[9:39:04 AM](#)

CHAIR SEATON announced that the last order of business was 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."

[9:39:17 AM](#)

REPRESENTATIVE GATTO moved adopt the committee substitute (CS) for HB 94, Version 24-GH1048\G, Kurtz, 1/31/05, as a work draft. There being no objection, Version G was before the committee.

[9:40:45 AM](#)

LAURA GLASIER, Director, Division of Elections, Office of the Lieutenant Governor, reviewed [the first] sectional analysis [written for HB 94 and included in the committee packet]. [A subsequent version exists in the committee packet, which pertains to CSHB 94(STA).] She noted that the bill title is very inclusive. Ms. Glasier explained that she had just received [Version G] and would try to match her sectional analysis with Version G. She pointed to Section 1, regarding voter residency.

[9:41:49 AM](#)

CHAIR SEATON clarified that Version G did not change anything from the governor's version [not included in the committee packet]; it just put the language into the format used by Legislative Legal and Research Services.

[9:42:05 AM](#)

MS. GLASIER noted that the phrase "temporary construction camps" was changed to "temporary worksites".

[9:43:10 AM](#)

MS. GLASIER, in response to Representative Gruenberg, said she highlighted in the sectional the issues that were carried over from previous legislation. Section 1, she said, came over unchanged. She moved on to Section 2, regarding the manner of registration, and explained that it would allow an individual with the express power of attorney "to allow the individual to register on behalf of the voter" and would add "scanning" as another means to transmit a voter registration application to the division.

[9:45:04 AM](#)

MS. GLASIER, in response to a question from Representative Gatto, said she was given legal advice that she could not accept

a scanned document as an attachment to an e-mail under current law.

[9:46:04 AM](#)

REPRESENTATIVE GATTO referred to the language [on page 3, lines 11-12 of Version G], which read as follows:

(4) [(3)] by facsimile transmission, scanning, or another method of electronic transmission that the director approves.

REPRESENTATIVE GATTO noted that the language states that the method be approved by the director, therefore he questioned why the director could not approve scanning.

[9:46:25 AM](#)

MS. GLASIER responded that statute is the "highest and best." She said, "I could have done that in an emergency regulation situation ..., but if we're going to accept it then it should be in our statutory authority."

[9:46:51 AM](#)

REPRESENTATIVE GRUENBERG noted that there is an article on powers of attorney in the probate code. He said, "It looks to me that what you're talking about could be put on a general power of attorney here, but ... it would specifically have to say, 'asking for a ballot'."

[9:47:50 AM](#)

MS. GLASIER indicated that that is her understanding of the advice she received from the Department of Law. She said the committee could choose to amend the power of attorney law in statute; she said she simply wants to "ensure that those voters can get a ballot."

[9:48:00 AM](#)

REPRESENTATIVE GRUENBERG asked Ms. Glasier if she would be willing to accept a general power of attorney asking for a ballot, or if she would prefer "something specifically on that power of attorney."

[9:48:30 AM](#)

MS. GLASIER replied that the legislature should decide.

[9:48:51 AM](#)

REPRESENTATIVE GRUENBERG surmised that the committee might consider language regarding the statutory power of attorney, and he said he would revisit the subject again.

[9:49:40 AM](#)

REPRESENTATIVE GARDNER stated: "I would concur with the previous speaker in that if we ... defined it that somebody has to give a power of attorney specifically addressing registration for voters, then anybody who fails to do that is disenfranchised effectively, under the statute, correct? And that's not our intent, at all."

[9:50:09 AM](#)

MS. GLASIER returned to the sectional analysis, to Section 3, regarding required information for voter registration. She said this section would remove dated language that refers to information proving residency that might be requested by the division. She offered further details. Ms. Glasier summarized Section 4, regarding procedure for registration, which would add "scanning" as another means to transmit a voter registration application to the division and add language to allow an individual with the express power of attorney to register on behalf of the voter. She noted that this was not in last year's House Bill 523.

MS. GLASIER turned to Section 5 [Section 6 in the sectional analysis to Version G], regarding preparation of the master register. She indicated that the House State Affairs Standing Committee last year incorporated a change suggested by Legislative Legal and Research Services to ensure the protection of voter information of those victims of domestic violence. She noted that Section 6 [Section 7 in the sectional analysis to Version G], regarding precinct boundary changes, would change language that currently requires the division to publish the notice of precinct boundary changes in a newspaper published in the House district to one that is available in the House district. If there is no such newspaper, the notice would have to be posted in a conspicuous place in a precinct. She offered further details.

[9:52:45 AM](#)

MS. GLASIER, in response to a question from Representative Gruenberg regarding whether Section 7 is exactly as it was adopted last year [in House Bill 523], answered no. She explained that it is as it was before last year's committee made changes and requirements on the division. She said, "The division believes that this language is sufficient notification."

REPRESENTATIVE GRUENBERG emphasized that [during the review of the sectional analysis] the committee needs to hear if the division changed even a comma.

[9:53:06 AM](#)

REPRESENTATIVE GATTO, regarding the requirement for notification in a daily newspaper, said some communities don't have any form of newspaper. He said the language is found on page 5, line 23.

[9:54:03 AM](#)

REPRESENTATIVE GRUENBERG said last year's House State Affairs Standing Committee worked on different language that cleared up that problem and he indicated that that language would be brought up for consideration once more.

[9:54:15 AM](#)

MS. GLASIER returned to the sectional analysis. She noted that Section 7 [Section 8 in the sectional analysis to Version G], regarding Independent presidential candidates, would allow the names of those running as Independents for president and vice president to be treated the same as those candidates representing a political party. In response to a question from Representative Gruenberg, she confirmed that [Section 5 in Ms. Glasier's sectional analysis, which is] Section 6 [of the sectional analysis to Version G], regarding the preparation of the master register, is the same as was in last year's House State Affairs Standing Committee's House Bill 523.

[9:55:46 AM](#)

MS. GLASIER directed attention to Section 8 [Section 9 in the sectional analysis to Version G], regarding ballot counting, and said the number of ballots returned to the elections supervisor

or designee for destruction must be reported to the election board.

[9:56:52 AM](#)

MS. GLASIER addressed [Section 9 in her sectional analysis, which is Section 10 in the sectional analysis to Version G], regarding early voting, and noted that it would require the director to designate locations for early voting by January 1 of an election year. She said this is a new section. She reported that [in the last election] there was an incredible interest in early voting sites, which put a strain on preparation. The division needs planning time to order the ballots and prepare each of the early voting sites.

[9:57:35 AM](#)

REPRESENTATIVE GRUENBERG questioned whether the January 1 date would give the division the flexibility it needs.

[9:58:13 AM](#)

MS. GLASIER responded that she doesn't want the flexibility, because, by making a commitment to prepare an early voting site, it then has everything it needs, including the staff available, the ballots, the voting booths, and all of the equipment. She said management within the division decided that January 1 was a fair date.

[HB 94 was heard and held.]

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [10:00:31 AM](#).