

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 8, 2005

8:02 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

OTHER LEGISLATORS PRESENT

Representative Kurt Olson

COMMITTEE CALENDAR

HOUSE BILL NO. 90

"An Act requiring warrants drawn by the Department of Administration against the state treasury to be negotiable instruments."

- MOVED HB 90 OUT OF COMMITTEE

EXECUTIVE ORDER 113

- HEARD AND HELD

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 90

SHORT TITLE: STATE TREASURY WARRANTS

SPONSOR(s): STATE AFFAIRS

01/21/05	(H)	READ THE FIRST TIME - REFERRALS
01/21/05	(H)	L&C, STA
02/02/05	(H)	L&C AT 3:15 PM CAPITOL 17
02/02/05	(H)	Moved Out of Committee
02/02/05	(H)	MINUTE(L&C)
02/04/05	(H)	L&C RPT 5DP
02/04/05	(H)	DP: LYNN, KOTT, LEDOUX, GUTTENBERG, ANDERSON
02/08/05	(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
02/03/05	(H)	Heard & Held
02/03/05	(H)	MINUTE(STA)
02/08/05	(H)	STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

KIM GARNERO, Director
Division of Finance
Department of Administration
Juneau, Alaska

POSITION STATEMENT: Answered questions on behalf of the department during the hearing on HB 90.

MICHELLE PREBULA, Cash Manager
Treasury Division
Department of Revenue
Juneau, Alaska

POSITION STATEMENT: Answered questions on behalf of the division during the hearing on HB 90.

KEVIN BROOKS, Deputy Commissioner
Office of the Commissioner
Department of Administration
Juneau, Alaska

POSITION STATEMENT: Testified on behalf of the department during the hearing on EO 113.

LAURA GLASIER, Director
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Reviewed a new sectional analysis and answered questions on behalf of the division, during the hearing on HB 94.

ACTION NARRATIVE

CHAIR PAUL SEATON called the House State Affairs Standing Committee meeting to order at [8:02:08 AM](#). Present at the call to order were Representatives Gatto, Elkins, Gardner, Gruenberg, and Seaton. Representative Lynn and Ramras arrived as the meeting was in progress.

HB 90-STATE TREASURY WARRANTS

CHAIR SEATON announced that the first order of business was HOUSE BILL NO. 90, "An Act requiring warrants drawn by the Department of Administration against the state treasury to be negotiable instruments."

[8:04:35 AM](#)

REPRESENTATIVE GRUENBERG, speaking on behalf of the House State Affairs Standing Committee, sponsor of HB 90, stated that the proposed legislation is the same as House Bill 373 from last year and would codify the supreme court's decision in National Bank of Alaska v. Univentures 1231 site 824 P.2d 1377 Alaska 1992. The bill would make treasury warrants negotiable instruments within the meaning of AS 45.03.104(a) in the Uniform Commercial Code. Representative Gruenberg explained that this will cure in statute a problem that had to be litigated up to the supreme court to ensure that treasury warrants were not dishonored in the technical commercial sense, so that financial institutions were not left "holding the bag" when people would

negotiate [treasury warrants] and the state would refuse to honor them.

[8:06:52 AM](#)

REPRESENTATIVE GRUENBERG, in response to a question from Representative Gardner, said he is not aware of anyone who would oppose this legislation. He said last year's bill passed through the House and resided in the Senate Rules Committee, where, he surmised, time ran out. In response to a comment by Representative Gatto, he said he hopes the House will pass the bill and it will make it through the Senate. He said [HB 90] is good business.

[8:07:49 AM](#)

KIM GARNERO, Director, Division of Finance, Department of Administration, noted that since the supreme court decision the state has administered its warrants as negotiable instruments, thus, no administrative changes would be necessary as a result of HB 90. She offered to answer questions from the committee.

[8:08:52 AM](#)

MICHELLE PREBULA, Cash Manager, Treasury Division, Department of Revenue, in response to a question from Representative Gatto, provided a brief description of her job and noted that there is a staff of six, including herself. In response to Chair Seaton regarding whether anything has been left out of the proposed legislation, she said she thinks HB 90 will do what the division wants it to and is a good bill.

[8:10:17 AM](#)

MS. GARNERO noted that two years ago the legislature passed House Bill 109, which changed the warrant clearing process for stale dated warrants. She said, "This will be the final tweak necessary for it."

[8:10:44 AM](#)

REPRESENTATIVE GRUENBERG noted that [HB 90] was basically drafted by the administration.

[8:11:01 AM](#)

CHAIR SEATON, after ascertaining that there was no one to testify, closed public testimony.

[8:11:16 AM](#)

REPRESENTATIVE GARDNER moved to report HB 90 out of committee with individual recommendations and the accompanying fiscal note. There being no objection, HB 90 was reported from the House State Affairs Standing Committee.

EXECUTIVE ORDER 113

[8:12:29 AM](#)

REPRESENTATIVE SEATON announced that the next order of business was Executive Order 113.

[8:13:07 AM](#)

CHAIR SEATON explained that the committee would review the executive order (EO) and, if it disagrees with it, can put forth a resolution against it. He noted that he does not plan to have the committee make that decision today.

[8:13:53 AM](#)

KEVIN BROOKS, Deputy Commissioner, Office of the Commissioner, Department of Administration, explained that EO 113 transfers the duties and responsibilities of the Telecommunications Information Council (TIC) to the Department of Administration. He said the council was created in the late 80s and was comprised of the governor's chair, commissioners of all the departments, one member each from the House and Senate, and representatives from the court system, the university, and the general public. Early in its history, the council met on a regular basis; however, in recent years it has not met. As a practical matter, the affairs of the state related to telecommunications have been handled through the Department of Administration, Mr. Brooks said, and EO 113 recognizes what current practice is.

MR. BROOKS said he understands that there is some concern about the identification of the legislature as a state agency that would fall under the purview of the Department of Administration. He said he doesn't think that's the intent of EO 113. He said the origination of this action came during the

fall of this year; there were regulations that were slated to go before TIC for review.

MR. BROOKS noted that in the regular course of business, the department interacts with Pamela Varni, the executive director in Legislative Affairs Agency, and Curtis Clothier, the manager of Data Processing in the same agency. He explained that there's a process that goes through Ms. Varni and the Legislative Council. He said the committee could choose to clarify that the legislature is not a state agency under "this organization." Mr. Brooks offered to answer questions.

MR. BROOKS, in response to a question from Representative Gatto regarding whether a board that hasn't met for so long should be dissolved rather than transferred, explained that EO 113 would not transfer the board itself to the department, just the duties of the board. He noted that the administration has been active in working with state agencies. In response to a question from Chair Seaton, he clarified that EO 113 actually would dissolve TIC.

MR. BROOKS, in response to a question from Representative Gruenberg regarding why this process is being done through an executive order rather than through legislation, said the decision to do so was not made by the department.

CHAIR SEATON, after ascertaining that there was no one to testify, closed public testimony.

CHAIR SEATON noted that the committee packet holds two documents regarding EO 113: a legislative recommendation related to EO 113 and an unnamed House bill that the committee may want to consider. Both documents ask - should EO 113 be accepted - if the legislature wants to remove itself from the necessity of approval. He offered the example that the legislature may want to update its computers and would have to get approval from the administration. He said the legislature's only option to remove itself from the oversight of an agency is to do so through legislation, because it cannot do so through an executive order. He clarified that the unnamed bill is labeled, 24-LS0464\A, Craver, 1/27/05.

[8:27:16 AM](#)

REPRESENTATIVE GRUENBERG noted that the legislative recommendation seems to exclude other agencies as well, including the Permanent Fund Dividend Corporation and the Alaska

Housing Finance Corporation (AHFC). He recommended hearing from those agencies and finding out whether other agencies have similar wishes.

[8:28:09 AM](#)

CHAIR SEATON responded that if the committee wants to go forward to "rectify this situation" it must do so through legislation. He said he would like to get an idea if that is the committee's wish.

[8:29:04 AM](#)

REPRESENTATIVE GRUENBERG said he thinks the Legislative Council and other agencies dealing with the legislature would probably not want to be "under the executive order." He expressed the need to address the issue.

[8:30:12 AM](#)

CHAIR SEATON said he is not an expert regarding TIC. He reiterated that he would like some indication from the members of the committee that they would like to do something with either the unnamed bill or the legislative recommendation. He asked if there was anyone on the committee who does not want to do so. [No committee members voiced objection.] Chair Seaton told Representative Gruenberg that the current statute could be added to the packet.

[8:31:10 AM](#)

REPRESENTATIVE ELKINS queried whether the committee should also hear from the judicial branch.

[8:31:38 AM](#)

CHAIR SEATON offered his understanding that the judicial branch is already excluded.

[8:31:51 AM](#)

MR. BROOKS responded that he thinks that's correct. He said he thinks the chief justice could choose to appoint someone to TIC.

[8:32:29 AM](#)

REPRESENTATIVE GRUENBERG noted that AS 44.19.506 already deals with the court system and directs the administrative director of courts to prepare an information system for the court system consistent with TIC.

[EO 133 was heard and held.]

HB 94-ELECTIONS

[8:33:04 AM](#)

CHAIR SEATON announced 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."

[8:33:21 AM](#)

LAURA GLASIER, Director, Division of Elections, Office of the Lieutenant Governor, directed the committee's attention to a new sectional analysis. She noted that all the highlighted sections appear just as they were in last year's House Bill 523.

[8:35:53 AM](#)

MS. GLASIER, in response to questions from Representative Gruenberg, reiterated that the highlighted sections would appear exactly as they were in the old bill. She pointed out which sections of House Bill 523 were not included: Section 4 became Senator Guess's Senate Bill 284; Sections 8-11 and 13-15 were part of House Bill 459 by Representatives Harris and Gara; Section 50 became Representative McGuire's House Bill 414; and Section 56 was a report to the legislature due by March 5, 2005, but was not included.

[8:39:39 AM](#)

CHAIR SEATON asked Ms. Glasier to provide the committee with a list of those items that were not included.

[8:39:45 AM](#)

MS. GLASIER turned to Section 8, regarding Independent presidential candidates, and offered details. [Sections 1-7 had previously been reviewed before the committee by Ms. Glasier during the 2/3/05 House State Affairs Standing Committee meeting.]

[8:40:46 AM](#)

MS. GLASIER, in response to a question from Representative Gatto, explained that current statute doesn't allow for Independents to run on a ballot, and Section 8 would change that.

[8:41:37 AM](#)

MS. GLASIER directed attention to Section 9, regarding ballot counting, and noted that the word "assure" was changed to "ensure". She offered details on Section 10, regarding early voting. She noted the changes specified in Section 11, regarding absentee voting by electronic transmission, and Section 12, regarding absentee voting by mail and electronic transmission.

[8:45:08 AM](#)

REPRESENTATIVE GRUENBERG said he would be offering an amendment regarding power of attorney to allow a general power of attorney. He noted the use of the word "**specifically**" on page 3, line 8, and language on page 4, lines 16-17, and page 7, lines 14-16. He said he would be offering an amendment in those places and any others that specifically authorize another person to apply for an absentee ballot on behalf of another person.

[8:46:45 AM](#)

MS. GLASIER, in response to Representative Gruenberg, said there is no other language in the bill that specifically requires a special power of attorney. In response to a question from Chair Seaton asking if the division has any problem with changing from a special power of attorney to allowing a general power of attorney, said the Department of Law suggested "this route."

She indicated that whatever would assist the voters would be best.

[8:47:14 AM](#)

REPRESENTATIVE LYNN asked if a person would be covered if he/she didn't know a general power of attorney was sufficient and got a special power of attorney.

[8:48:36 AM](#)

MS. GLASIER offered the following:

This section of statute would allow someone with a power of attorney -- a case that I can speak to is a mother who had general power of attorney for her son who was serving overseas, and she couldn't make a change to his address or mailing address and he was in special forces and could not make contact with the division ... and didn't have access to a voting officer.

[8:49:11 AM](#)

REPRESENTATIVE GRUENBERG summarized, "So, this would also allow the person with the power of attorney to register the absent voter."

[8:49:25 AM](#)

CHAIR SEATON clarified that Representative Lynn wanted to ensure that the specificity of Representative Gruenberg's [upcoming] amendment includes a general or specific power of attorney, so that one would not preclude the other.

[8:49:36 AM](#)

MS. GLASIER turned to Section 13, regarding absentee voting by mail and electronic transmission. In response to a question from Representative Gatto, she explained that although Sections 11 and 13 look similar, the one deals with AS 15.20.081, while the other deals with AS 15.20.066.

[8:51:28 AM](#)

MS. GLASIER, in response to a question from Representative Gatto regarding signatures in remote locations, offered examples,

including people who are in remote logging camps and can't get a witness.

[8:52:19 AM](#)

MS. GLASIER returned to the sectional analysis and offered details on: Section 14, regarding absentee voting by mail and electronic transmission; Section 15, regarding "by mail" voting; and Section 16, regarding standards for voting machines.

[8:54:24 AM](#)

REPRESENTATIVE GRUENBERG, regarding Section 16, spoke of the possibility of offering an amendment that would make voting available in other languages in appropriate areas only - specifically Yupik and Spanish.

[8:55:36 AM](#)

MS. GLASIER addressed Section 17, regarding qualifications for Independent candidates for President and Vice President, and the selection of electors.

[8:56:18 AM](#)

REPRESENTATIVE GARDNER asked what the rationale was for making a requirement for Independent candidates that would not be applied to other candidates.

[8:56:26 AM](#)

MS. GLASIER said the idea was not proposed by the committee, but was formulated during a committee meeting, and she deferred to Representative Gruenberg for further details.

[8:56:57 AM](#)

REPRESENTATIVE GRUENBERG said he would look into that.

[8:57:19 AM](#)

MS. GLASIER, in response to a follow-up question from Representative Gardner regarding why an Independent candidate would ever be treated differently, explained that the other parties have bi-laws filed with the division and have filed in the state, whereas often Independent candidates aren't from Alaska.

[8:57:52 AM](#)

CHAIR SEATON noted that [last year's House State Affairs Standing Committee] had decided that this would be a way to maintain contact with the person.

[8:58:34 AM](#)

MS. GLASIER turned to discussion of Section 18, regarding the interpretation of votes cast, Section 19, regarding duties of electors, Section 20, regarding petitions and the form of the applications, and Section 21, regarding petitions and designation of sponsors.

[9:01:56 AM](#)

REPRESENTATIVE RAMRAS mentioned a cruise ship ballot initiative regarding head tax and an investigator that was hired to validate signatures. He asked how "a change like this" would "affect that process."

[9:02:35 AM](#)

MS. GLASIER indicated that this change wouldn't affect the process whereby someone checks signatures. She explained, "This is an internal mechanism for the division when you're doing the data entry, to have ... two things - a printed name and a date of birth - helping to ensure that you can qualify that signature." The bill does not include any provision to investigate whether all the signatures are true.

[9:04:00 AM](#)

MS. GLASIER, in response to a request from Chair Seaton, defined "sponsor" as the first group of individuals that sign a petition where law sets out that there shall be at least 100 qualified voters. She added, "Those are usually considered the sponsors, and then three are usually named as a committee." This bill would make no changes as to the number of sponsors required or committee number.

[9:04:43 AM](#)

MS. GLAISER, in response to a question from Chair Seaton, walked through the application process for a petition and when the date of birth would be required. She noted that one concern that's

been heard is how it will be possible to discern if people were actually registered voters when they signed a petition, or if they were registered only by the time the booklets were submitted.

[9:06:01 AM](#)

REPRESENTATIVE RAMRAS said he respects the division's efforts to use the "lowest common denominator" to allow people to participate. Notwithstanding that, he expressed concern that adding another qualifier may perhaps be adding a chance that someone may not qualify if they forget to fill out one of them. He noted that the four qualifiers would be: signature, name, address, and date of birth, and he asked if someone would be disqualified if he/she only answered three out of four.

[9:07:25 AM](#)

MS. GLASIER said that person would be disqualified; however, having the date of birth could help identify a person better if, for example, his/her signature is not recognizable and the address is barely legible. She added that the division believes that asking for the date of birth is less intrusive than asking for a person's social security number.

[9:08:45 AM](#)

REPRESENTATIVE GRUENBERG said if it's true that a person who forgets to include his/her date of birth would be disqualified, then he shares Representative Ramras's concern.

[9:09:09 AM](#)

REPRESENTATIVE GATTO asked if voting information is private. He speculated that if the information given on an initiative is given to someone who is determined to overthrow an initiative, they would have access to some very private information.

[9:10:17 AM](#)

MS. GLASIER said the address, name, and whether the person is qualified as a signatory is available information. Regarding date of birth, she said that usually numbers are better than the written word.

[9:11:43 AM](#)

CHAIR SEATON said he can see why giving date of birth would help the division qualify more signatures. He also said he could foresee how someone may see a date on the line above and just put today's date rather than a date of birth and, thus, be disqualified. He stated that he is not certain where he would like to weigh in on this issue, because it's not clear-cut, and it requires balance. He suggested that the committee think on the issue until the next meeting.

[9:14:00 AM](#)

MS. GLASIER, in response to a question from Representative Gardner, reiterated that the name, address, and whether or not a person is qualified, are the only things that the division releases. In response to a question from Representative Gatto, she confirmed that that information is released in a report through the division's database.

[9:16:03 AM](#)

MS. GLASIER, in response to further questions from Representative Gatto regarding the previously mentioned cruise ship ballot initiative, explained the steps that the division takes to ensure privacy.

[9:17:53 AM](#)

REPRESENTATIVE ELKINS interpreted that the division is trying to identify real people and eliminate fraud.

[9:18:22 AM](#)

CHAIR SEATON said many people's signatures are not legible, thus the number of identifiers are limited. If a person goofs and puts his/her mailing address, rather than the required residential address, that is another qualifier that's lost.

[9:18:53 AM](#)

MS. GLASIER noted, "Actually, in current law, we don't even have the printed name to work with. We get a signature and address on an application, which does make it difficult for us." The bill would add both the date of birth and the printed name.

[9:19:41 AM](#)

REPRESENTATIVE LYNN asked how the division identifies a duplicate signature.

[9:20:01 AM](#)

MS. GLASIER said during the data entry review and process, a signature will show as duplicate. She said there's no penalty, because people do forget.

[9:21:00 AM](#)

REPRESENTATIVE RAMRAS asked how long it takes to qualify all the signers for an initiative and what some of the other qualifiers in other states are.

[9:21:23 AM](#)

MS. GLASIER said she is not familiar with the other state's qualifiers, but she said she believes the division has 60 days to process a petition.

[9:21:53 AM](#)

REPRESENTATIVE RAMRAS remarked that the division works hard and it must take a long time to qualify so many signatures. He asked what the failure rate is regarding those signatures.

[9:22:31 AM](#)

MS. GLASIER said she would have to find out from her staff and get back to Representative Ramras.

[9:23:08 AM](#)

REPRESENTATIVE GRUENBERG noted that when a person registers to vote, he/she puts down a variety of identifiers, including the last four digits of the social security number. He opined that the policy of state should be to try to count a signature if at all possible, but he wants to be certain that people don't sign twice. Representative Gruenberg suggested choosing other forms of identification.

[9:24:48 AM](#)

MS. GLASIER pointed out that the date of birth will always be consistent, whereas other forms may not be.

[9:25:26 AM](#)

MS. GLASIER returned to discussion of the sectional analysis. She highlighted Section 22, regarding petitions and preparation of petitions.

[9:26:37 AM](#)

REPRESENTATIVE GRUENBERG turned to page 11, line 4 and noted that there is an addition of the phrase "the statement of" before "warning". He said he thinks that's good.

[9:27:14 AM](#)

MS. GLASIER turned to Section 23, regarding petitions and qualifications of circulators; Section 24, regarding petitions and withdrawing names from petitions; and Section 25, regarding petitions and certification of circulators.

[9:28:35 AM](#)

REPRESENTATIVE GATTO asked why anyone who is a resident of the state should be excluded from signing a petition.

[9:29:28 AM](#)

MS. GLASIER said it's a policy call. She offered her understanding that the reason that a person has the ability to carry a petition without being registered has to do with the U.S. Supreme Court decision, Buckley v. American Constitutional Law Foundation. She said the division's database only includes registered voters.

[9:32:22 AM](#)

REPRESENTATIVE LYNN said he has problem with a nonvoter forcing other people to vote on an issue by passing a petition around.

[9:33:31 AM](#)

CHAIR SEATON clarified that the person who is not qualified to vote is allowed to go around and ask qualified voters to sign a petition.

[9:34:07 AM](#)

REPRESENTATIVE RAMRAS said his concern, as one born and raised in Alaska, is that so many people from outside of the state come in with petitions.

[9:35:21 AM](#)

REPRESENTATIVE GRUENBERG directed attention to page 11, line 19, of the bill, which read as follows:

(3) a resident of the state as determined under AS 15.05.020.

REPRESENTATIVE GRUENBERG said he would pass around a copy of that part of statute, if anyone was interested to see it.

[9:36:11 AM](#)

MS. GLASIER returned to the sectional analysis and reviewed Section 26, regarding petitions and the display of proposed law. She offered details.

[9:38:38 AM](#)

REPRESENTATIVE GRUENBERG, in response to a question from Representative Gatto regarding language in the bill specifying that the director shall provide each election board with five copies of the proposed law being initiated, explained that that is interpreted as requiring five, but allowing for more than five.

[9:39:10 AM](#)

REPRESENTATIVE GRUENBERG spoke of regional voting centers in other states. He explained it's a new concept that lets people vote anywhere in the city, and it's simple, cheap, and easy for voters. He noted that Ms. Glasier was smiling in response to his comments.

[9:40:34 AM](#)

MS. GLASIER highlighted Section 27, regarding referendums and the form of applications, and Section 28, regarding the referendum and the designation of sponsors.

[9:41:35 AM](#)

REPRESENTATIVE GARDNER noted that Section 27 requires that the three designated sponsors must provide their name, mailing address, and signatures, while Section 28 requires that the additional sponsors also provide their date of birth. She asked for an explanation.

[9:42:11 AM](#)

MS. GLASIER clarified that it was just an oversight on her part; in the printed law, the designated sponsors must also provide their date of birth.

[9:42:35 AM](#)

REPRESENTATIVE GARDNER asked if that should be added to the language in Section 27, paragraph (4) of the bill.

[9:42:56 AM](#)

MS. GLASIER said it could be added; however, the legal drafters of the bill thought that the way it was written was sufficient.

[9:43:28 AM](#)

MS. GLASIER returned to the sectional analysis. She reviewed: Section 29, regarding referendums and preparation of petitions; Section 30, regarding referendums and qualifications of circulators; Section 31, regarding referendums and circulation; Section 32, regarding referendums and manners of signing and withdrawing names from petitions; Section 33, regarding referendums and certification of circulators; and Section 34, regarding referendums and the display of the act being referred.

[9:46:25 AM](#)

REPRESENTATIVE GATTO, referring to his previous discussion of the number of copies required, opined that it is inconsistent to say a specific number on one line and mean "at least," while using the words "at least" before another number on another line.

[9:47:09 AM](#)

REPRESENTATIVE GRUENBERG said it's not necessary to make the language the same, but he wouldn't oppose doing so.

[9:47:44 AM](#)

REPRESENTATIVE LYNN concurred.

[9:48:10 AM](#)

REPRESENTATIVE GATTO moved Conceptual Amendment 1, to add "at least" before any required number of copies [found in Sections 26, 34, and 43].

CHAIR SEATON clarified Conceptual Amendment 1.

CHAIR SEATON asked if there was any objection to Conceptual Amendment 1. No objections were stated; therefore, Conceptual Amendment 1 was so ordered.

[9:51:31 AM](#)

MS. GLASIER returned to the sectional analysis. She highlighted: Section 35, regarding recall and the form of the application; Section 36, regarding the recall and designation of sponsors; Section 37, regarding the recall and preparation of petitions; Section 38, regarding the recall and the statement of warning; Section 39, regarding the qualifications of circulators; and Section 40, regarding recall and circulation.

[9:54:06 AM](#)

REPRESENTATIVE GATTO questioned the word "penalties" in Subsection 40 of the sectional analysis.

[9:54:33 AM](#)

MS. GLASIER explained that it refers to Section 40, [subsection (d)], which read as follows:

(d) A person or organization that violates (b) or (c) of this section is guilty of a class B misdemeanor.

[9:55:05 AM](#)

REPRESENTATIVE GRUENBERG asked if a person paid a circulator \$2, [when Section 40, subparagraph (b) prohibits accepting payments greater than \$1], would each dollar be a separate offense?

[9:56:12 AM](#)

MS. GLASIER said she would defer that question to an attorney.

[9:56:47 AM](#)

CHAIR SEATON asked Representative Gruenberg to check and get back to the committee at the next meeting regarding that language.

[9:57:07 AM](#)

REPRESENTATIVE GRUENBERG said he doesn't recall whether class B misdemeanors have a fine. He noted that normally it is a group that distributes petitions, and a group would be considered an organization. Organizations, he continued, are not imprisoned. He said he would review the issue.

[9:58:03 AM](#)

REPRESENTATIVE GATTO said whenever there's a way for someone to defeat the law, there's someone there to try it.

CHAIR SEATON said, "We really need to look at the two potentials and what those could lead to - both the individual circulator, as well as the state."

[9:58:26 AM](#)

MS. GLASIER responded, "That would appear in initiative and referendum sections of law, as well, so any corrections we make, we want to be inclusive."

[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 [9:59:28 AM](#).