

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

February 10, 2005

8:12 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. 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

EXECUTIVE ORDER 113

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

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

WITNESS REGISTER

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

POSITION STATEMENT: Presented a sectional analysis for the committee substitute for HB 94, Version G.

JIM SYKES, Election Specialist
Green Party of Alaska
No address provided

POSITION STATEMENT: Offered opinion regarding Sections 43-45 of HB 94.

LINDA MURPHY, Clerk
Kenai Peninsula Borough
Kenai, Alaska

POSITION STATEMENT: Stated her concerns regarding Sections 2, 4, and 12 of HB 94.

MYRL THOMPSON
Wasilla, Alaska

POSITION STATEMENT: Testifying on behalf of himself, asked questions pertaining to the recall language of HB 94, and answered questions from the committee.

CHRISTINE MARASIGAN, Staff
to Representative Gabrielle LeDoux
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified on behalf of Representative LeDoux in regard to Sections 13 and 20 of HB 94.

ACTION NARRATIVE

CHAIR PAUL SEATON called the House State Affairs Standing Committee meeting to order at [8:12:45 AM](#). Present at the call to order were Representatives Gatto, Lynn, Gardner, Gruenberg, and Seaton. Representatives Elkins and Ramras arrived as the meeting was in progress.

HB 94-ELECTIONS

[8:14:20 AM](#)

CHAIR SEATON announced that the first 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."

[8:14:42 AM](#)

LAURA GLASIER, Director, Division of Elections, Office of the Lieutenant Governor, directed attention to the sectional analysis. [There are two sectional analyses included in the committee packet; the one to which Ms. Glasier refers during this meeting is the one created for the committee substitute (CS) for HB 94.] Ms. Glasier reviewed the following: Section 41, regarding recall and manner of signing and withdrawing names from a petition; Section 42, regarding recall and certification of circulators; and Section 43, regarding recall and display of grounds for and against recall.

[8:18:12 AM](#)

MS. GLASIER, in response to a question from Representative Gardner regarding Section 42, explained that accountability reports were done under the old law and corrections were made. She indicated that a petition can be out for a year and no more corrections can be made after a petition has been submitted.

[8:19:11 AM](#)

MS. GLASIER directed attention to Section 44, regarding recognized political party status. She said those committee members who were in the House State Affairs Standing Committee last year may remember that this section was much bigger, and she explained that much of it was "swept into House Bill 414." The issue of fluctuation in status is dealt with here. She offered further details.

[8:22:17 AM](#)

REPRESENTATIVE GATTO asked if a party could put a candidate forward in anticipation of meeting [the requirements in Section 44 in time for the election].

[8:22:36 AM](#)

MS. GLASIER answered no. She added, "But a candidate ... can choose to run not from a party; they can choose to run as a group, and there are statutes that would apply to a candidate that would want to run in that manner." She said Alaska is open to allowing candidates to choose with whom they affiliate and how they want to be shown on a ballot. In response to a question from Representative Gatto regarding reprinting ballots, she surmised that if that were necessary, a court would tell the division how to proceed.

[8:23:53 AM](#)

CHAIR SEATON asked if the May 31 date in Section 44 would also apply to a party that has lost recognition and gained it back. He clarified that the language in Section 44 specifies it is the "first election year" in which the party seeks recognition, and a group that had once been a party would not be seeking that recognition for the first time.

[8:24:35 AM](#)

MS. GLASIER said she doesn't know the answer to that question.

[8:25:46 AM](#)

REPRESENTATIVE GRUENBERG opined that, because the party had reverted to being a group and would have to go through the process again, [Section 44] would apply.

[8:26:10 AM](#)

CHAIR SEATON reiterated that the language specifies "first election year".

[8:26:30 AM](#)

REPRESENTATIVE GARDNER proposed that the group could be considered a first-time applicant using the same [party] name, because the group itself would not be comprised of exactly the same people.

[8:26:50 AM](#)

CHAIR SEATON rebutted that even though the Republican Party, for example, changes its members, it doesn't mean that it is no longer the Republican Party. He asked Ms. Glaiser to consider whether the word "first" is necessary.

[8:28:29 AM](#)

MS. GLASIER directed attention to the sectional analysis and reviewed the following: Section 45, regarding the definition of re-registration; and Sections 46-49, regarding incorporation elections and repealers, clarifying language in Title 29, and defining "qualified voter" to have the same meaning as that in the AS 15.60.110 correction. She read further details from the corresponding sectional analyses.

[8:30:58 AM](#)

REPRESENTATIVE ELKINS recollected that there was a group that wanted to vote but couldn't during the last primary. He asked Ms. Glasier for details.

[8:31:21 AM](#)

MS. GLASIER responded that the court said a party could choose not only with whom it affiliated on a ballot, but also which voters could access its ballots. The division said it needed a reasonable time in which to set and order the ballots.

[8:32:26 AM](#)

REPRESENTATIVE ELKINS asked if a party could choose to include a party they had excluded at the last election.

8:32:55 AM

MS. GLASIER answered yes. She offered further details.

8:33:03 AM

MS. GLASIER returned to the sectional analysis and highlighted the following: Section 50, regarding applicability; Section 51, regarding transition; and Section 52, regarding an immediate effective date. In response to a correction pointed out by Representative Gruenberg, she confirmed that the language in Section 50 of the sectional analysis erroneously specifies Sections "19 through 42", but in order to match Version G should read "20 through 43".

8:34:31 AM

REPRESENTATIVE SEATON opened public testimony.

8:35:31 AM

JIM SYKES, Election Specialist, Green Party of Alaska, said he would like to suggest an amendment that he said would probably fit in Section 45 of the bill, relating to the definition of a political party. Mr. Sykes noted that the Green Party of Alaska has participated in the election process since it first acquired ballot status in 1990 and has received at least 3 percent of the vote in every election. He continued as follows:

But what the law had required prior to 2002 was to get 3 percent in the governor's race, and the governor's race only. We did get 3 percent in other statewide races, but we were decertified, and we challenged that in court. And in ... 2004, a court injunction was issued allowing our political party status to continue until the matter was sorted out; and it still hasn't been sorted out.

MR. SYKES said there are two ways a political party can retain recognition: one is through getting 3 percent of the vote, and the other is to get 3 percent of the number of registered voters. He said out of all the states that offer a ballot or vote test and a voter registration test, Alaska is the only state that has such a high requirement. He stated, "It is many more times difficult to register somebody to a political party than it is to get them to vote for you."

MR. SYKES said he is asking for a political party recognition that will stand the test of litigation. He said he believes the vote test of 3 percent is reasonable; however, it should apply to any statewide race. He read an excerpt from the injunction of October 30, 2004, as follows: "The Green Party did have a modicum of support during the 2002 election, although the candidate for governor did not receive the requisite 3 percent of the vote. Two other statewide candidates did receive over 6 percent of the vote." Mr. Sykes surmised that, originally, people may have perceived that the governor's race may have held the highest interest, but he indicated that that is not always the case.

[8:41:00 AM](#)

MR. SYKES said he is also asking for the lowering of the registration requirement from 3 percent to 1 percent. He offered examples of some other states' registration requirements. He noted that currently, on a nationwide level, there is the highest number of "independent registrations" ever. In Alaska, he reported, 51 percent of registered voters are not affiliated with any party. Mr. Sykes continued as follows:

Since 1996, the primary election has had different proposals and has been administered differently in almost every succeeding election, because of court challenges of one sort or another. And that has caused a lot of anger and voter confusion. And so, when people are considering registering to a political party, they are afraid that if they ... register to one of the smaller political parties ... they won't be able to either have the same rights as they would [in] a larger political party, or ... they will be forced to only vote for a tinier slate, as smaller political parties are not likely to present as large of a slate of candidates as a well-established one. And so, ... what may seem like an unrelated change in law over on the right hand has a very big effect over on the ... left hand.

MR. SYKES clarified that he would like his previously stated points incorporated into an amendment.

[8:43:50 AM](#)

MR. SYKES, in regard to the issue of re-registering political parties, said just because a political party has fallen below some threshold of recognition doesn't mean that the party has evaporated or that people have changed their party affiliation. He directed attention to Sections 43 and 44, which he indicated would put the division in a position of judging whether or not a political organization qualifies as a "political group" or "political party." He noted that both phrases are defined within AS 15.60.010. Mr. Sykes said he thinks there is the potential for litigation by groups that don't agree with the division's determination. He indicated that he would like to see legislation regarding this issue that is "clear and fair" and will "stand the test of litigation." He offered to answer questions from the committee.

[8:46:03 AM](#)

CHAIR SEATON said the committee would consider Mr. Sykes' recommendations for an amendment.

[8:46:23 AM](#)

REPRESENTATIVE GRUENBERG said he would put his name on Mr. Sykes' amendment and would be offering it.

[8:47:27 AM](#)

LINDA MURPHY, Clerk, Kenai Peninsula Borough, stated her support of the bill "in large parts." She clarified that she has concerns regarding: Sections 2, 4, and 12 of the bill. She stated that allowing people to vote or apply for an absentee ballot by power of attorney opens the door to voter fraud. She expressed her support of the right of citizens to participate in the election process; however, she said she also believes that with every right comes some measure of personal responsibility. She opined that preparing and executing a power of attorney is a much more onerous task than registering to vote or applying for an absentee ballot. She stated, "Currently, one may register to vote or request an absentee ballot in person, by mail, by [facsimile ("fax")], and - under this bill - via e-mail using a scanned form. And all forms for those functions are available on line." She said she supposes she could support the legislation fully if the provision were limited to a certain group of already registered voters, such as those residing outside the country, and the power of attorney was specific and valid for only a short period of time. However, she stated, "I

do not believe that this should ever apply to a voter's initial registration."

[8:49:16 AM](#)

REPRESENTATIVE GRUENBERG asked:

If a person can apply by mail or ... fax, and when they do send their actual ballot in they have to sign it and put down their identification ... on the outer envelope, then how is a power of attorney, which only allows the person to get the ballot, such a fraudulent-inducing measure when it allows many people much easier access to ... getting ballots?

[8:50:01 AM](#)

MS. MURPHY said she thinks it opens the door [to abuse] and she doesn't see any reason for this change in the law.

[8:51:08 AM](#)

REPRESENTATIVE GRUENBERG noted that many people in the military service give their spouse or parent a general power of attorney. He said those people with the power of attorney could have been "terrifically fraudulent," but there is no history of widespread fraud. He asked Ms. Murphy what evidence she has.

[8:52:37 AM](#)

MS. MURPHY responded that she is merely expressing a concern.

[8:52:52 AM](#)

REPRESENTATIVE GATTO agreed that very often when there is an opportunity for someone to abuse the law, they will, so he complimented Ms. Murphy for her thoughts.

[8:54:24 AM](#)

MYRL THOMPSON, testifying on behalf of himself, noted that he was the past chair for the Ogan Is So Gone recall and many of his questions pertain to the recall section of the bill. He directed attention to Section 35 [paragraph (4)], which read as follows:

(4) the designation of a recall committee consisting of three of the qualified voters [SPONSORS] who subscribed to the application and shall represent all sponsors and subscribers in matters relating to the recall; the designation must include the name, mailing address, and signature of each committee member

MR. THOMPSON noted that a requirement for date of birth is not there, and he stated his assumption that that information would have already been collected on the application.

CHAIR SEATON confirmed that is correct.

MR. THOMPSON mentioned Sections 5 and 6 and stated he is also assuming that anybody who signs the application itself can, in the future, collect signatures. He noted that it used to be there were 100 sponsors and they were the only ones to collect signatures.

[8:56:57 AM](#)

CHAIRS SEATON confirmed that is correct.

[8:57:07 AM](#)

MR. THOMPSON asked if people who didn't sign the application but intend to sign a petition itself would be able to pass petitions. He clarified that he thinks those people should be allowed to do so - he just doesn't know if that's currently allowable.

[8:57:47 AM](#)

CHAIR SEATON said he would ask the [division] when they return to the witness table.

[8:58:03 AM](#)

MR. THOMPSON noted that when [the Ogan Is So Gone petitions were circulated], the group in charge actually asked for more identifiers than were required by law at the time, in an effort to make the division's job easier. He said requiring a date of birth is a good rule, because it's easy for people to supply. He indicated that, for various reasons, about 10 percent of the people who signed the petition were not counted. A lot of those

people were registered voters and were upset that they had been eliminated. He identified one of the biggest problems was that many people were moving into the Matanuska-Susitna (Mat-Su) area and did not know that they had to re-register. Another example of who was not counted was women who had recently gotten married, but had not re-registered under their new name.

[9:00:15 AM](#)

CHAIR SEATON asked if Mr. Thompson is saying that people shouldn't have to make those changes to sign a petition, or that somewhere on the petition there should be a written notice that people need to have current registration.

[9:01:00 AM](#)

MR. THOMPSON responded that that really should be "up to the people collecting the signatures." In response to Chair Seaton, he said he doesn't see a fix to the problem. He noted that in regard to petitions, referendums, and recalls on a statewide level, this issue is not a problem, because everybody resides within the state. However, the problem occurs then the issues are broken down into House and Senate districts. Mr. Thompson concluded, "Other than that I think that the bill is good; it seems to clean up a lot of stuff, and I support it in most part."

[9:01:50 AM](#)

REPRESENTATIVE GRUENBERG said sometimes signatures and handwriting are difficult to decipher, and he suggested that perhaps there could be written on petitions a request to "please write clearly."

[9:03:35 AM](#)

MR. THOMPSON said people don't pay a lot of attention to things that are written.

[9:04:09 AM](#)

CHAIR SEATON said there's been talk about requiring certification that a person signing a petition has read the entire initiative.

[9:04:35 AM](#)

MR. THOMPSON responded, "It is written on there, and many people do read it, or ask to read it, or ask where it is. And sometimes they even ask additional explanations from the people passing the petition. So, I ... don't think anything in addition to that needs to be done."

[9:05:08 AM](#)

REPRESENTATIVE GATTO opined that it's incumbent on the person circulating the petition to consider whether a signature or other identifier will be passable in the eyes of the division. He asked if there are instances in which a petition is not circulated by a human being, but is, for example, left on a counter in a mom-and-pop store for customers to sign.

[9:06:16 AM](#)

MR. THOMPSON replied that, at least in the case of a recall, the petition has to be circulated by an individual who has to be present during the signing. Regarding signatures, he said many are illegible, so the printed name would suffice. In response to a follow-up question from Representative Gatto, he indicated that those who carry petitions check the signatures and other identifiers carefully, because if they don't, there is the potential for that signature to be discarded.

[9:07:58 AM](#)

CHRISTINE MARASIGAN, Staff to Representative Gabrielle LeDoux, Alaska State Legislature, testifying on behalf of Representative LeDoux, directed attention to [Section 13, line 20], which would change the number of witnesses required to sign a voter's by-mail absentee ballot. She stated that requiring that the person be a U.S. citizen places an undue hardship on those Alaskans who spend a significant time overseas. She offered three examples: a college student at university and studying abroad for a year; a seafood processor who leaves Alaska during the off-season to a remote location abroad; and an Alaskan who has to go overseas to care for a family member with a debilitating disease. She listed the places to which absentee ballots have been sent from her district alone. She concluded by stating, "Since Alaskans, by nature, are more adventurous, they go to places in the world where there might not be another U.S. citizen to sign on their absentee ballot."

[9:10:17 AM](#)

CHAIR SEATON asked, "Would there be any reason to have anybody even verify a signature ... if you can't verify that that is at least somebody?"

[9:10:42 AM](#)

MS. MARASIGAN questioned what other sort of verification is needed if the voter can be verified. In response to a question from Chair Seaton, she clarified that she is specifically questioning whether the witness needs to be a U.S. citizen.

[9:11:37 AM](#)

REPRESENTATIVE GRUENBERG referred to AS 09.63, regarding taking oaths. He recalled that there is a provision allowing foreign notaries public to notarize. He asked Ms. Marasigan if she thinks that if the witness is not a U.S. citizen, then he/she should be an official who's authorized to take oaths.

[9:12:55 AM](#)

MS. MARASIGAN said she doesn't know the answer, but is simply bringing up her comments as a way to address the issue of people from her hometown who spend a couple of months overseas in remote locations where it would be difficult to find a U.S. citizen to witness [a by-mail absentee ballot].

[9:13:27 AM](#)

CHAIR SEATON closed public testimony. He asked Ms. Glasier if it is true that those who have signed as applicants can then become collectors.

[9:14:24 AM](#)

MS. GLASIER answered yes. She referred to Section 36, which read as follows:

***Sec. 36.** AS 15.45 is amended by adding a new section to read:

Sec. 15.45.515. Designation of sponsors.

The qualified voters who subscribe to the application in support of the recall are designated as sponsors. The recall committee may designate additional sponsors by giving notice to the lieutenant governor of the

names, addresses, and dates of birth of those so designated.

MS. GLASIER noted that this is new section in law and was not in effect when Mr. Thompson and his group were conducting the [Ogan Is So Gone] recall.

[9:17:29 AM](#)

REPRESENTATIVE GATTO gave an example whereby a voter is in a remote area with no other U.S. citizen, and he asked if it would be possible for that voter to send several identifiers to the division.

[9:18:21 AM](#)

MS. GLASIER offered to see what other states do.

[9:18:43 AM](#)

CHAIR SEATON noted that if somebody is non-verifiable, then there's no use having a witness. He said, "So, there's no use even researching that, ... from my aspect." He asked the committee members if they would like the other two possibilities researched: considering using a foreign consulate and whether or not the change from two U.S. citizens to one is a substantial relief. He asked the committee to decide the merits of putting "all your identity papers in the mail" or "some other way of doing it."

[9:20:09 AM](#)

REPRESENTATIVE GARDNER said it seems that if a person is a qualified voter in a remote location, it would be easier to find another American than to go to a consulate. However, she said that if that person is truly in a remote location, then she thinks Representative Gatto's suggestion to send the extra information would work.

[9:21:11 AM](#)

MS. GLASIER, in response to a query by Chair Seaton, stated that on a voter registration form, a voter can provide either the full social security number, the last four digits [of the social security number], the Alaska driver's license, or the voter identification number. If the division has the last four digits of the social security number and date of birth of an overseas

voter, and that voter sends passport information, the division will not already have that information to check it against. Furthermore, she stated her belief that the idea for having a witness is to have "that one more check added to our system."

[9:23:22 AM](#)

MS. GLASIER, in response to a question from Chair Seaton, said when she began as director of the division, she received letters from rural Alaskans serving in construction camps, or work sites. Those people were with a spouse or another person and just wanted the reduction to one witness. She added, "Until today I hadn't heard the other side."

[9:24:58 AM](#)

MS. GLASIER, in response to an observation made by Chair Seaton, confirmed that having witness signatures from ten U.S. citizens wouldn't matter, because, unless they are Alaskan citizens, the division would not have the ability to verify those signatures.

[9:26:08 AM](#)

REPRESENTATIVE GRUENBERG suggested a possible way to solve the problem would be through the Uniform Recognition of Acknowledgements Act, which is found in AS 09.63.050-130. He said, "It is how the state government recognizes notarial acts done outside the state." He highlighted AS 09.63.050(5), which read as follows:

(5) a person authorized to perform notarial acts
in the place in which the act is performed.

REPRESENTATIVE GRUENBERG said he doesn't know if that would include foreign locations.

[9:28:19 AM](#)

CHAIR SEATON asked if that would put a burden on the department to accept the witness of another person or notary public.

[9:28:39 AM](#)

MS. GLASIER said she would "see how the federal laws lay down on this" before she responds to that question. She clarified that

she doesn't think it would be a burden, but wants to find out that it would be the right thing to do.

9:29:12 AM

REPRESENTATIVE GATTO expressed concern that any group that investigates signatures has a vested interest in how the initiative fares. He said he wants to ensure that those with access to the list can't use the list to oppose the initiative itself. In response to Chair Seaton, he mentioned the Cruise Ship Initiative and offered his understanding that the [cruise ship] industry hired CIA personnel to investigate the signatures on that initiative. He expressed fear that the industry now has the names of anyone who signed the initiative and can send "clear and specific correspondence" to those signers, explaining to them why the initiative is a bad idea and why they should oppose it.

9:32:00 AM

MS. GLASIER responded that the investigator hired by the cruise ship industry was formerly with the CIA. She continued as follows:

They had access to the sheets; they got to look, and there was a Division of Elections employee present at all times. They could not do anything with those signatures or make copies. They have since requested copies of all the petition books, but everything that's confidential that's on a petition book has been redacted from the books. So, what that really means for us is: we have to copy every single page, white out everything that shouldn't ... be had, and then copy it again, and then ... those copies are available. And there's a copying fee; they have to pay a fee for this.

The list that Representative Gatto's speaking of is off of the main frame computer, available to ... anyone to purchase, [and is] utilized for many different reasons, and it has the name of the person who signed the petition, and their address, and whether they were qualified or not. And I think we were talking about that here. And there's a code involved. You can say that ... what Representative Gatto says is true - that a person could purchase that list and then write a letter to them. In the same

vein, a voter registration list can be had for a dollar amount and with each person's party on it, and that is ... often used for a targeted mailing to get a voter to respond in one way or another. So, there's no ill will When you choose to sign a petition, you're ... stating ... either that you believe that the petition should go forward - that at least it should be on the ballot. It doesn't necessarily mean you're in support or against. I mean, I was always raised that you put a petition forward so that all people may speak to it; it doesn't necessarily mean that you would support it.

So, yes, those lists are available, and yet it could be written into law that they ... are no longer available. But they are utilized by both sides; often both sides are requesting that copy, and with Mr. Thompson, as he knows, it was requested by both sides: ... the person who was being recalled was interested in the list, as well as the ... people who had initiated the recall. They needed that list as well. So, ... it's a policy call, but it's been the policy of the division [that] no confidential information is released.

[9:35:21 AM](#)

CHAIR SEATON said he thinks most people signing a petition realize that their names will be verified and people will be allowed to see those names.

[9:35:41 AM](#)

REPRESENTATIVE GRUENBERG asked if there is anything in law that requires the division to redact.

[9:35:47 AM](#)

MS. GLASIER replied, "If you go to ... Senate Bill 284 and the protection of confidential information, then the answer is yes." In response to a question from Representative Gruenberg asking if there is any provision in law that allows a person to withdraw his/her name from a petition once he/she has signed it, she offered her belief that a person can withdraw the signature prior to the submission of the petition, but not afterwards. In response to a follow-up question from Representative Gruenberg, she said she has only been with the division for two years, and

in that time, [no one has requested to have his/her name pulled from a petition after its submission; therefore, she could not answer what the division's position would be in response to that occurrence.

[9:36:43 AM](#)

REPRESENTATIVE GARDNER noted that Section 24 describes the manner of withdrawing a name from a petition.

[9:37:07 AM](#)

REPRESENTATIVE GARDNER brought up a concern [expressed at a prior hearing on HB 94] regarding people accidentally signing the current date instead of their date of birth, and she suggested listing the date of birth in the first subject field.

[9:37:52 AM](#)

MS. GLASIER noted that another field could be added in between the current date field and the date of birth field, just to show them as separate. She said it's the job of the circulator of the petition to be checking that the correct information is filled out in the correct field. She confirmed that Mr. Thompson's Ogan Is So Gone recall group was very thorough in regard to collecting accurate information.

[9:39:14 AM](#)

MS. GLASIER, in response to a question from Chair Seaton, confirmed that the issue of whether people were registered before they signed a petition is not addressed in [HB 94]. She said the lieutenant governor would like to ensure that people are registered voters on the date they sign [a petition]. In response to a follow-up question from Chair Seaton, she said an amendment could be offered in the proposed legislation to address that issue.

[9:40:56 AM](#)

CHAIR SEATON requested Ms. Glasier prepare that amendment.

[9:41:04 AM](#)

REPRESENTATIVE RAMRAS mentioned a change in the requirement to get a petition on the ballot in the effort to "choke down the process a little bit so that a certain geographic region

couldn't have undue influence on the rest of the state." He directed attention to Section 31, regarding a circulator not receiving payment that is greater than \$1 a signature. Representative Ramras said he believes in a free market and is of the opinion that either a financial incentive shouldn't be allowed, or the restriction should be removed entirely. He said it's not the business of the state to be participating in allowing a certain value to be used as an inducement.

[9:42:54 AM](#)

MS. GLASIER said she doesn't even know the history of why that amount was set, but she surmised that it has to do with [the focus being on] people rising up and petitioning their government rather than money driving people to get a signature on a petition. As an administrator, she said it would certainly be easier if the division did not have to keep watch on how much somebody was paid.

[9:44:00 AM](#)

CHAIR SEATON surmised that there was probably a time when there was an outside group that wanted to get an initiative on the ballot and was willing to pay \$5 a signature. He indicated that the system could become a profit-making enterprise rather than a citizens' initiative.

[9:44:33 AM](#)

REPRESENTATIVE RAMRAS said some young people circulating initiatives are doing it for the money. He characterized the language in Section 31 as "grotesque" and "archaic," and he emphasized how much he is bothered by Section 31.

[9:45:53 AM](#)

REPRESENTATIVE GRUENBERG said if "it" were stricken, it would "materially chill the ability to put initiatives on the ballot." He noted that in other states people are in business concerning proposing or opposing referenda, recalls, and initiatives. He stated, "As a practical matter, it would be very difficult to get all kinds of petitions on the ballot, without having something like this there. And the real issue ... is whether the people should have a right to vote on a measure." Representative Gruenberg called the initiative process the "fourth branch of government"; it is the people's right to make their own law. It serves as a check on the legislative,

judicial, and executive branches of government and is "the last bastion of a real direct democracy that's left in this state." Representative Gruenberg said he would not support eliminating [Section 31], even though it is somewhat distasteful.

REPRESENTATIVE GRUENBERG said that to go the other direction may result in people paying people not to circulate petitions on the other side, so that it would "'snarf off' the ability of the ... relatively little guy or ... gal to get their petitions on the ballot." He likened it to buying up a patent so that it's not produced, which he said he doesn't support either.

[9:48:26 AM](#)

REPRESENTATIVE GARDNER responded as follows:

I have to say I wouldn't necessarily agree with the other line of not limiting the amount of money because ... it doesn't matter if somebody's paying \$5 for people not to, somebody will do it for [\$1]. They can't buy up the whole market of potential petition ... signature gatherers.

[9:48:58 AM](#)

REPRESENTATIVE ELKINS stated that, in all good faith, he cannot support [Representative Ramras]. He spoke of the recent marijuana initiative and the person who got it on the ballot who had "a ton of money." He said he can remember back in the 80s, when a "bottle return" bill was attempted in Alaska, and people were in the halls from all the United States [acting as proponents of the bill]. He indicated that [the current language in Section 31] is "a limit factor" on what can be paid, which keeps the people involved who really feel the desire in their hearts.

[9:50:30 AM](#)

CHAIR SEATON stated his concern about removing the dollar amount, because he doesn't think the legislature wants to create a business in the state of people proposing legislation just to generate their business. Notwithstanding that, he noted that the legislature has just added, through constitutional amendment requirements, that people go out into 3/4 of the 40 districts to gather signatures, which is a cost to them. He said, "I think it's a balancing act that we have to look at."

[9:51:33 AM](#)

REPRESENTATIVE RAMRAS suggested that it should be made inflation-adjusted or a per-capita amount should be offered. He noted that the cruise ship initiative collected only 28,000 signatures. He noted that in California, many of the initiatives originate in the urban centers of Los Angeles and San Francisco. He said Alaska has chosen to do things differently than California and has spread out the requirements across the state. He indicated that that recent change is contrary to what the State of Alaska should be "messing around with." Representative Ramras revisited his previously stated recommendations.

[9:53:27 AM](#)

REPRESENTATIVE GATTO noted that, as a resident of the state, he is entitled to vote; yet he cannot vote unless he is a registered voter. He asked if there is some reason why an Alaskan resident even has to register to vote.

[9:54:28 AM](#)

MS. GLASIER responded that she is not qualified to answer.

[9:55:21 AM](#)

CHAIR SEATON proffered that it's important to make sure someone is qualified to vote and votes only once. If nothing was on file, there would be no way to identify people.

[9:55:31 AM](#)

REPRESENTATIVE GRUENBERG said he doesn't know any state that doesn't require citizens to register; it prevents fraud in voting. He noted that some states have same-day registration, which materially assists people and increases the number of people who can vote.

CHAIR SEATON said, "This is a discussion that I want the two of you to develop a little further in a subcommittee."

[9:56:45 AM](#)

REPRESENTATIVE GARDNER moved Amendment 2, which read as follows:

Page 6, following line 21:

Insert new bill sections to read:

*** Sec. 10.** 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. 11.** 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 21, line 4:

Delete "secs. 20 - 43"

Insert "secs. 22 - 45"

[9:59:04 AM](#)

MS. GLASIER, in response to a question from Representative Gardner, clarified that the state review board doesn't do a hand count unless it sees there's been a problem; however, it could do so.

[9:59:13 AM](#)

REPRESENTATIVE GARDNER said [Amendment 2] would require the Division of Elections, with the help of the state review board, to hand count one precinct in each district and, if the discrepancy is more than 1 percent, to count the entire district to confirm that the accounting is accurate and consistent. In response to a question from Chair Seaton, she confirmed that she is talking about each House district.

[9:59:49 AM](#)

REPRESENTATIVE GRUENBERG noted that the amendment would remove appointed representatives from the political parties from having to be present at the review; however, he offered his understanding that that they could still choose to be present.

[10:00:33 AM](#)

REPRESENTATIVE GARDNER responded that appointed representatives from the political parties are defined as the state ballot counting review board, thus it is redundant language.

[10:00:44 AM](#)

MS. GLASIER stated that it's true that the state ballot counting review board is a bi-partisan board. She stated her belief that appointed representatives from the political parties means that, in addition to a state review board, there are often members of a party who are present during the state review process; they are present in addition to the review board. Regarding a hand count of ballots, she said there still are districts that conduct hand counts only and do not have machines. By 2006, she reported, there will be a touch screen voting machine in every district. Some districts may choose not to use them. The question, she clarified, is whether the division would be asked to "hand count verify a hand count precinct," because, she explained, the hand count precinct accounts for at least 5 percent of the ballots. She said, "What we chose to do, in an agreement with the recount group, was we pulled out all hand count precincts first - we didn't verify what had already been hand counted - and the only things that were randomly selected were those that were machine count precincts."

[10:03:04 AM](#)

MS. GLASIER noted, "If this is required, there will be a fiscal note, because ... it will take longer for the state review board to complete its work." She offered further details.

CHAIR SEATON asked Ms. Glasier to get that estimate to the committee.

[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 [10:03:42 AM](#).