

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

March 15, 2005

8:04 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 John Harris

COMMITTEE CALENDAR

HOUSE CONCURRENT RESOLUTION NO. 4

Encouraging the establishment of a methamphetamine watch program.

- MOVED HCR 4 OUT OF COMMITTEE

HOUSE BILL NO. 94

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

- MOVED CSHB 94(STA) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 36(JUD)

"An Act relating to absentee ballots."

- HEARD AND HELD

HOUSE BILL NO. 114

"An Act relating to the retaining of certain privileges of a parent in a relinquishment and termination of a parent and child relationship proceeding; relating to eligibility for permanent fund dividends for certain children in the custody of the state; relating to child in need of aid proceedings and juvenile delinquency proceedings; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 152

"An Act amending the definition of the term 'state agencies' as it presently applies to the provisions of law that establish the Telecommunications Information Council and as it applies under Executive Order No. 113; relating to information systems in the legislative branch and to the Telecommunications Information Council; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HCR 4

SHORT TITLE: METH WATCH PROGRAM

SPONSOR(S): REPRESENTATIVE(S) RAMRAS

03/04/05 (H) READ THE FIRST TIME - REFERRALS
03/04/05 (H) STA, JUD
03/15/05 (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

02/08/05 (H) Heard & Held
02/08/05 (H) MINUTE(STA)
02/10/05 (H) STA AT 8:00 AM CAPITOL 106
02/10/05 (H) Heard & Held
02/10/05 (H) MINUTE(STA)
02/17/05 (H) STA AT 8:00 AM CAPITOL 106
02/17/05 (H) Heard & Held
02/17/05 (H) MINUTE(STA)
02/19/05 (H) STA AT 10:00 AM CAPITOL 106
02/19/05 (H) Bills Previously Heard/Scheduled
03/08/05 (H) STA AT 8:00 AM CAPITOL 106
03/08/05 (H) Heard & Held
03/08/05 (H) MINUTE(STA)
03/15/05 (H) STA AT 8:00 AM CAPITOL 106

BILL: SB 36

SHORT TITLE: ABSENTEE BALLOTS

SPONSOR(S): SENATOR(S) THERRIAULT

01/11/05 (S) PREFILE RELEASED 1/07/05
01/11/05 (S) READ THE FIRST TIME - REFERRALS
01/11/05 (S) STA, JUD
01/20/05 (S) STA AT 3:30 PM BELTZ 211
01/20/05 (S) Heard & Held
01/20/05 (S) MINUTE(STA)
02/01/05 (S) STA AT 3:30 PM BELTZ 211
02/01/05 (S) Moved CSSB 36(STA) Out of Committee
02/01/05 (S) MINUTE(STA)
02/02/05 (S) STA RPT CS 3DP 1NR
NEW TITLE
02/02/05 (S) DP: THERRIAULT, WAGONER, HUGGINS
02/02/05 (S) NR: ELTON
02/08/05 (S) JUD AT 8:30 AM BUTROVICH 205
02/08/05 (S) Moved CSSB 36(JUD) Out of Committee
02/08/05 (S) MINUTE(JUD)
02/10/05 (S) JUD RPT CS 3DP 1NR
NEW TITLE
02/10/05 (S) DP: SEEKINS, THERRIAULT, HUGGINS
02/10/05 (S) NR: FRENCH
03/02/05 (S) TRANSMITTED TO (H)
03/02/05 (S) VERSION: CSSB 36(JUD)
03/03/05 (H) READ THE FIRST TIME - REFERRALS
03/03/05 (H) STA, JUD
03/15/05 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

JANE PIERSON, Staff
to Representative Jay Ramras
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HCR 4 on behalf of
Representative Ramras, sponsor.

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

POSITION STATEMENT: Answered questions during the hearing on HB
94.

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

POSITION STATEMENT: Answered questions on behalf of the
division during the hearings on HB 94 and SB 36.

SENATOR GENE THERRIAULT
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 36, as sponsor.

RANDY RUEDRICH, Chair
Alaskan Republican Party
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 36.

ACTION NARRATIVE

CHAIR PAUL SEATON called the House State Affairs Standing
Committee meeting to order at [8:04:15 AM](#). Present at the call
to order were Representatives Gatto, Elkins, Lynn, Ramras,
Gardner, and Seaton. Representative Gruenberg arrived as the
meeting was in progress.

HCR 4-METH WATCH PROGRAM

[8:07:42 AM](#)

CHAIR SEATON announced that the first order of business was
HOUSE CONCURRENT RESOLUTION NO. 4, Encouraging the establishment
of a methamphetamine watch program.

[8:07:51 AM](#)

JANE PIERSON, Staff to Representative Jay Ramras, Alaska State Legislature, introduced HCR 4 on behalf of Representative Ramras, sponsor. She stated that communities across America are suffering from the plague of methamphetamine ("meth") production and usage. She said "Meth watch" is the first national effort in curbing the spread of meth; it will provide a critical step in educating communities about the drug. Ms. Pierson said "Meth watch" is a voluntary program that started in Kansas as a public/private partnership in 2001. Currently, 11 states have implemented the program, and 22 states are looking into doing so. The goals of the program are: to engage retailers, law enforcement, state and local agencies, and other key partners to reduce the precursor products for illicit manufacturing of methamphetamines; to increase community awareness; and to assist local communities in addressing the problem. She emphasized the important link between education of citizens and the capture of meth manufacturers. She said all public awareness initiatives would be tailored to targeted audiences. She added that specific programs can be tailored to child protective workers, utility workers, cable operators, and various community "first responders."

[8:09:30 AM](#)

MS. PIERSON listed the different ways that the program is promoted. She reported that since implementing the program, Kansas has reported benefits, including the reduction in the number of meth labs and unifying grant programs to fund and educate communities. She said there are prerequisites to receiving funding. Communities applying for grants shall prioritize meth prevention and education, have past experience in community coalition building, and be part of an existing coalition that includes medical and public health officials, educators, youth-serving community organizations, and members of law enforcement. She said that the bill will: authorize professional prevention staff to develop research and science-based prevention strategies for the community to be served; demonstrate the ability to operate a community-based meth prevention and education program; establish prevalence through the use of community needs assessments; and establish goals and objectives based on need assessment.

MS. PIERSON stated that the appropriate money for fiscal year (FY) 2006-07 should be asked for from the general fund and Department of Health and Social Services for grants under AS 47.30.520 through AS 47.30.620.

8:11:15 AM

REPRESENTATIVE GARDNER noted that the committee packet contains a press release from Kansas, dated September 17, that lists workshops that have been done in various states. She noted that the press release includes mention that Alaska has asked the Kansas Department of Health and Education for assistance in setting up a meth watch program. She pointed out that there is another press release in the committee packet dated February 20, 2005, that lists Alaska as one of the states that has already been assisted in implementing a meth watch program. She asked Ms. Pierson if she knows where Alaska is in the process of setting up a program.

8:11:54 AM

MS. PIERSON replied that Prince of Wales Island has instigated a meth awareness program that is not the official meth watch program.

REPRESENTATIVE GATTO asked what a meth awareness program is.

MS. PIERSON replied that the program would: make people aware of the drug and its effects; teach people what signs to look for to detect a meth lab in their community; and educate children, teachers, and retailers.

8:12:43 AM

REPRESENTATIVE GATTO commented that reducing the number of labs may not necessarily go hand in hand with reducing the amount of meth that enters a community. He explained, "It's a free market, and if somebody goes out of business, somebody [else] takes up the slack."

8:13:13 AM

MS. PIERSON, in response to a question from Representative Gatto, said she thinks the system is two-fold, because it would reduce the supply of the precursor chemicals and bring the awareness into the community of what is happening.

8:13:37 AM

REPRESENTATIVE RAMRAS commented that the work with [the Department of Health and Social Services (DHSS)] on HCR 4 is

being done in conjunction with HB 149, which deals with the supply of pseudoephedrine. Additionally, he indicated an increase of penalties "for child endangerment and for manslaughter for cooking up a bad batch of meth." He noted that [the Division of Juvenile Justice in DHSS] already has extensive school programs. He mentioned juvenile court, intervention, and substance abuse programs. He added, "So we anticipate that this meth watch would be the education component and it's not designed to create funding for another position in law enforcement."

REPRESENTATIVE RAMRAS stated that meth is cooked up in little kitchens in people's homes, and often children are in those homes - sometimes even participating in the making of the meth. He indicated that urban areas may retail the meth, whereas rural areas have the small labs. He named the Matanuska-Susitna (Mat-Su) Valley and North Pole as area in the state where the problem is more severe.

[8:15:56 AM](#)

REPRESENTATIVE GARDNER asked if, under current law, a retailer can refuse to sell pseudoephedrine to people.

MS. PIERSON replied that she didn't know if a retailer could refuse the sale, but he/she could call the police. She mentioned that Kansas has a reporting form.

[8:16:51 AM](#)

REPRESENTATIVE GRUENBERG directed attention to page 2, lines 20-26, which read as follows:

BE IT RESOLVED that the Alaska State Legislature urges the Department of Health and Social Services to take the lead in establishing a meth watch program in Alaska, to apply for available grants from the federal government, and to request appropriation of matching funds by the Alaska State Legislature if necessary, to encourage other eligible entities to apply for funding from both government and private sources, to assist community organizations in applying for funding and implementing local meth watch programs, and to help educate Alaskans about methamphetamine abuse and the presence of meth labs in their communities.

REPRESENTATIVE GRUENBERG noted that AS 44.29.020 sets forth the duties of DHSS and "doesn't seem to have anything specifically that covers this." She noted that HB 141 had already been heard by the House Judiciary Standing Committee, and he suggested that an amendment be offered to that bill which would incorporate "the substance of lines 20-26 on page 2 that would assign to [DHSS] the ability to carry out just what you have on here." He added, "I think that would fit under the title of the bill, and then you would have the authorization you need as well as this resolution."

[8:18:24 AM](#)

REPRESENTATIVE LYNN asked if the resolution would be sent to anyone other than DHSS.

[8:20:04 AM](#)

REPRESENTATIVE GRUENBERG explained that the resolution will be filed by the governor and then the sponsor can distribute it wherever he wishes. He explained, "We don't have to distribute it specifically. That kind of thing usually is in a joint resolution where it goes to members of Congress or the secretary of state or something like that. But this is something that you can just distribute wherever you wish."

REPRESENTATIVE LYNN stated his support for the resolution.

[8:21:10 AM](#)

REPRESENTATIVE LYNN moved to report HCR 4 out of committee with individual recommendations and the accompanying fiscal notes. There being no objections, HCR 4 was reported out of the House State Affairs Standing Committee.

HB 94-ELECTIONS

[8:21:53 AM](#)

CHAIR SEATON announced that the next 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."

CHAIR SEATON announced that the committee substitute (CS) for HB 94, Version 24-GH1048\Y, Kurtz, 2/28/05 was adopted as a work draft [during the March 8 House State Affairs Standing Committee meeting], and therefore was before the committee.

[The motion to adopt Amendment 4, as amended, was left pending at the March 8, 2005, House State Affairs Standing Committee meeting.]

[8:22:47 AM](#)

REPRESENTATIVE GRUENBERG asked that the committee table Amendment 4 [as amended].

CHAIR SEATON announced that, there being no objection, Amendment 4 [as amended] was tabled.

[8:23:49 AM](#)

REPRESENTATIVE GRUENBERG moved Amendment 5, labeled 24-GH1048\Y.7, Kurtz, 3/14/05, which read as follows:

Page 1, line 3, following the second occurrence of "voter registration":

Insert "and absentee ballot requests"

Page 1, following line 11:

Insert new bill sections to read:

*** Section 1.** AS 13.26.332 is amended to read:

Sec. 13.26.332. Statutory form power of attorney. A person who wishes to designate another as attorney-in-fact or agent by a power of attorney may execute a statutory power of attorney set out in substantially the following form:

GENERAL POWER OF ATTORNEY

THE POWERS GRANTED FROM THE PRINCIPAL TO THE AGENT OR AGENTS IN THE FOLLOWING DOCUMENT ARE VERY BROAD. THEY MAY INCLUDE THE POWER TO DISPOSE, SELL,

CONVEY, AND ENCUMBER YOUR REAL AND PERSONAL PROPERTY, AND THE POWER TO MAKE YOUR HEALTH CARE DECISIONS. ACCORDINGLY, THE FOLLOWING DOCUMENT SHOULD ONLY BE USED AFTER CAREFUL CONSIDERATION. IF YOU HAVE ANY QUESTIONS ABOUT THIS DOCUMENT, YOU SHOULD SEEK COMPETENT ADVICE.

YOU MAY REVOKE THIS POWER OF ATTORNEY AT ANY TIME.

Pursuant to AS 13.26.338 - 13.26.353, I, (Name of principal) _____, of _____ (Address of principal) _____, do hereby appoint _____ (Name and address of agent or agents) _____, my attorney(s)-in-fact to act as I have checked below in my name, place, and stead in any way which I myself could do, if I were personally present, with respect to the following matters, as each of them is defined in AS 13.26.344, to the full extent that I am permitted by law to act through an agent:

THE AGENT OR AGENTS YOU HAVE APPOINTED WILL HAVE ALL THE POWERS LISTED BELOW UNLESS YOU

DRAW A LINE THROUGH A CATEGORY; AND

INITIAL THE BOX OPPOSITE THAT CATEGORY

- (A) real estate transactions ()
- (B) transactions involving tangible personal property, chattels, and goods ()
- (C) bonds, shares, and commodities transactions ()
- (D) banking transactions ()
- (E) business operating transactions ()
- (F) insurance transactions ()
- (G) estate transactions ()
- (H) gift transactions ()
- (I) claims and litigation ()
- (J) personal relationships and affairs ()
- (K) benefits from government programs and military service ()
- (L) records, reports, and statements ()
- (M) delegation ()
- (N) voter registration and absentee ballot requests ()
- (O) all other matters, including those specified as follows: ()

IF YOU HAVE APPOINTED MORE THAN ONE AGENT, CHECK ONE OF THE FOLLOWING:

- () Each agent may exercise the powers conferred separately, without the consent of any other agent.
- () All agents shall exercise the powers conferred jointly, with the consent of all other agents.

TO INDICATE WHEN THIS DOCUMENT SHALL BECOME EFFECTIVE, CHECK ONE OF THE FOLLOWING:

- () This document shall become effective upon the date of my signature.
- () This document shall become effective upon the date of my disability and shall not otherwise be affected by my disability.

IF YOU HAVE INDICATED THAT THIS DOCUMENT SHALL BECOME EFFECTIVE ON THE DATE OF YOUR SIGNATURE, CHECK ONE OF THE FOLLOWING:

- () This document shall not be affected by my subsequent disability.
- () This document shall be revoked by my subsequent disability.

IF YOU HAVE INDICATED THAT THIS DOCUMENT SHALL BECOME EFFECTIVE UPON THE DATE OF YOUR SIGNATURE AND WANT TO LIMIT THE TERM OF THIS DOCUMENT, COMPLETE THE FOLLOWING:

This document shall only continue in effect for _____ () years from the date of my signature.

NOTICE OF REVOCATION OF THE POWERS
GRANTED IN THIS DOCUMENT

You may revoke one or more of the powers granted in this document. Unless otherwise provided in this document, you may revoke a specific power granted in this power of attorney by completing a special power of attorney that includes the specific power in this document that you want to revoke. Unless otherwise provided in this document, you may revoke all the powers granted in this power of attorney by completing a subsequent power of attorney.

NOTICE TO THIRD PARTIES

A third party who relies on the reasonable representations of an attorney-in-fact as to a matter relating to a power granted by a properly executed statutory power of attorney does not incur any liability to the principal or to the principal's heirs, assigns, or estate as a result of permitting the attorney-in-fact to exercise the authority granted by the power of attorney. A third party who fails to honor a properly executed statutory form power of

attorney may be liable to the principal, the attorney-in-fact, the principal's heirs, assigns, or estate for a civil penalty, plus damages, costs, and fees associated with the failure to comply with the statutory form power of attorney. If the power of attorney is one which becomes effective upon the disability of the principal, the disability of the principal is established by an affidavit, as required by law.

IN WITNESS WHEREOF, I have hereunto signed my name this ____ day of _____, ____.

Signature of Principal
Acknowledged before me at

on _____.

Signature of Officer or Notary

* **Sec. 2.** AS 13.26.344 is amended by adding a new subsection to read:

(p) In a statutory form power of attorney, the language conferring general authority with regard to voter registration and absentee ballot requests shall be construed to mean that the principal authorizes the agent to register the principal to vote or request an absentee ballot for the principal."

Page 1, line 12:

Delete "**Section 1**"

Insert "**Sec. 3**"

Renumber the following bill sections accordingly.

Page 3, line 8:

Following "written"

Insert "general power of attorney or a written special"

Delete "specifically"

Page 4, lines 16 - 17:

Delete "as set out in AS 15.07.050"

Page 7, line 12:

Delete "person"

Insert "individual"

Page 7, line 13:

Delete "person"

Insert "individual"

Page 7, line 14, following "written":

Insert "general power of attorney or a written special"

Page 7, line 15:

Delete "specifically"

Delete "person"

Insert "individual"

Page 25, line 7:

Delete "secs. 23 - 46"

Insert "secs. 25 - 48"

REPRESENTATIVE GRUENBERG said Amendment 5 is "the old Amendment 3," to which committee members had expressed concern that the term "voting" was too broad. He directed attention to page 2, line 25 [as numbered on the amendment], which read: "(N) voter registration and absentee ballot requests". He said that is narrowly defined on page 4, lines [21-25, as numbered on the amendment], which read: "that the principal authorizes the agent to register the principal to vote or request an absentee ballot for the principal." Representative Gruenberg said the principal is the person who exercises the power of attorney, while the agent is the "holder" of the power of attorney. In addition, he noted that page 5 [as numbered on the amendment] shows a change [which would be inserted on page 3, line 8, and on page 7, line 14, of Version Y] to make it clearer that both a general and a special power of attorney would be authorized.

[8:25:30 AM](#)

CHAIR SEATON asked if there was any objection to Amendment 5.

[8:26:14 AM](#)

REPRESENTATIVE GRUENBERG, in response to Representative Gatto, explained that the original bill specified a "special power of attorney" and Amendment 5 "basically just says you can also use a general [power of attorney]." Representative Gruenberg said, to his knowledge, the Division of Elections does not object [to Amendment 5].

[8:26:50 AM](#)

ANNETTE KREITZER, Chief of Staff, Office of the Lieutenant Governor, revealed that she has worked closely with the director of the Division of Elections. She confirmed that the term had been too broad, and she said Representative Gruenberg has narrowed it per the request of the division. She stated that [the Office of the Lieutenant Governor] supports [Amendment 5].

[8:27:32 AM](#)

CHAIR SEATON asked again if there was any objection to the motion. There being none, Amendment 5 was adopted.

[8:27:46 AM](#)

REPRESENTATIVE GRUENBERG moved Amendment 6, labeled 24-GH1048Y.6, Kurtz, 3/14/05, which read as follows:

Page 5, lines 17 - 30:

Delete all material and insert:

"* **Sec. 7.** AS 15.10.090 is repealed and reenacted to read:

Sec. 15.10.090. Notice of precinct boundary or polling place designation and modification. The director shall give full public notice if a precinct is established or abolished, if the boundaries of a precinct are designated, abolished, or modified, or if the location of a polling place is changed. Public notice must include

(1) whenever possible, sending written notice of the change to each affected registered voter in the precinct;

(2) providing notice of the change

(A) by publication on three different days in a local newspaper of general circulation in the precinct; or

(B) if there is not a local newspaper of general circulation in the precinct, by posting written notice in three conspicuous places as close to the precinct as possible; at least one posting location must be in the precinct;

(3) posting notice of the change on the Internet website of the division of elections; and

(4) providing notification of the change to the appropriate municipal clerks, community councils, tribal groups, presiding officers, Native villages, and village regional corporations established under 43 U.S.C. 1606 (Alaska Native Claims Settlement Act)."

CHAIR SEATON moved Amendment 1 to Amendment 6, labeled 24-GH1048\Y.10, Kurtz, 3/14/05, which read as follows:

Page 1, line 17:
Delete "and"

Page 1, line 21, following "Settlement Act)":
Insert "; and
(5) inclusion in the official election pamphlet"

Page 1, following line 21:
Insert new material to read:
"Page 23, following line 15:
Insert a new bill section to read:
* **Sec. 47.** AS 15.58.020 is amended to read:
Sec. 15.58.020. Contents of pamphlet. Each election pamphlet must contain
(1) photographs and campaign statements submitted by eligible candidates for elective office in the region;
(2) information and recommendations filed under AS 15.58.050 on judicial officers subject to a retention election in the region;
(3) a map of the house district or districts of the region;
(4) sample ballots for house districts of the region;
(5) an absentee ballot application;
(6) for each ballot proposition submitted to the voters by initiative or referendum petition or by the legislature,
(A) the full text of the proposition specifying constitutional or statutory provisions proposed to be affected;
(B) the ballot title and the summary of the proposition prepared by the director or by the lieutenant governor;
(C) a neutral summary of the proposition prepared by the Legislative Affairs Agency;
(D) statements submitted that advocate voter approval or rejection of the proposition not to exceed 500 words;
(7) for each bond question, a statement of the scope of each project as it appears in the bond authorization;

(8) a maximum of two pages of material submitted by each political party;

(9) additional information on voting procedures that the lieutenant governor considers necessary;

(10) for the question whether a constitutional convention shall be called,

(A) a full statement of the question placed on the ballot;

(B) statements not to exceed 500 words that advocate voter approval or rejection of the question;

(11) under AS 37.13.170, the Alaska permanent fund annual income statement and balance sheet for the two fiscal years preceding the publication of the election pamphlet;

(12) under AS 15.10.090, notice of

(A) the establishment or abolition of a precinct;

(B) the designation, abolition, or modification of precinct boundaries; and

(C) a change in the location of a polling place."

Renumber the following bill sections accordingly."

REPRESENTATIVE GRUENBERG objected for discussion purposes.

CHAIR SEATON asked Ms. Glaiser to address Amendment 1 to Amendment 6.

[8:30:47 AM](#)

LAURA GLAISER, Director, Division of Elections, Office of the Lieutenant Governor, said the amendment would allow the division to include in the official election pamphlet "only those polling place changes that we make at the time." She said the precinct boundary modifications are done before the division goes to publication on the official election pamphlet. She explained that some polling place changes are emergencies and need to be made closer to the election. Regarding the fiscal implications, she noted that there are currently "filler pages"; therefore, there would be no additional costs. She offered further details.

CHAIR SEATON said the reason he is offering the amendment is that the official election pamphlet is where most people look to

find information on voting, and "this would include it in there."

[8:32:07 AM](#)

REPRESENTATIVE GRUENBERG removed his objection to Amendment 1 to Amendment 6.

MS. GLAISER, in response to a questions from Representative Gatto, explained the difference between a page intentionally left blank and filler pages and offered examples. She said she can't speak to the development of the official election pamphlet. She said, "There are areas where there's basic information ... applicable to all people who may be interested, and we would do our best to finesse that and make it make sense to the people who are using the election pamphlet." In response to a question from Chair Seaton, she confirmed that there is a table of contents in the front of the pamphlet.

[8:33:56 AM](#)

CHAIR SEATON asked if there was any further objection to Amendment 1 to Amendment 6. There being none, Amendment 1 to Amendment 6 was adopted.

[8:34:09 AM](#)

REPRESENTATIVE GRUENBERG moved Am 2 to Am 6, labeled 24-GH1048\Y.9, Kurtz, 3/14/05, which read as follows:

Page 1, line 11:
Delete "on three different days"
Insert "once"

[8:34:31 AM](#)

CHAIR SEATON objected for discussion purposes.

[8:34:38 AM](#)

REPRESENTATIVE GRUENBERG indicated that the amendment would return language back to the way it originally was. He asked Ms. Glaiser to explain.

[8:35:27 AM](#)

MS. GLAISER said current law requires the division to send a notice to every voter when a polling place changes, but it does not require that the division advertise at all. She said the division always placed an advertisement in local papers to notify voters of the polling places closer to election day. She said, "That's one section of law: [AS] 15.10.020." She explained that [Amendment 2 to Amendment 6] would change AS 15.10.090, which is about precinct boundary and polling place designations. She said the state used to advertise three times, on three different days, but never sent a notice to the voters. She stated, "We're adding the notice requirements here; we're sending a letter now, ... with this amendment. That will cost approximately \$6,000 - \$8,000. However, we're now reducing the notice requirements to one day, and ... the understanding is that that publication that we do in newspapers closest to an election, for polling places, addresses that." She said the intent is not to do a notice every time the division has a polling place modification, but instead to [give] notice [to] people of a polling place location. She said there will be a savings, and she'll work today to get the committee the exact numbers. She noted that when a form of this amendment was before the committee, the fiscal note was approximately \$23,000.

[8:37:19 AM](#)

REPRESENTATIVE GRUENBERG stated his understanding that it will be a very significant reduction.

MS. GLAISER said she can't promise [how significant], but she reiterated that there would be a reduction.

[8:37:35 AM](#)

CHAIR SEATON removed his objection. He asked if there was any further objection. There being none, Amendment 2 to Amendment 6 was adopted.

[8:37:54 AM](#)

REPRESENTATIVE GRUENBERG noted that there appeared to be some ambiguous language on [page 1], line 19 [as numbered on Amendment 6], which is the use of the term "presiding officers". He said it is unclear what is meant by that term, and he offered to remove it or address it in the House Judiciary Standing Committee.

[8:38:54 AM](#)

CHAIR SEATON said he would prefer a motion to remove the term.

[8:39:10 AM](#)

REPRESENTATIVE GRUENBERG moved [Conceptual] Amendment 3 to Amendment 6 as follows:

On page 1, line 19 of Amendment 6

Delete "presiding officers"

[8:39:46 AM](#)

CHAIR SEATON asked if there was any objection to [Conceptual] Amendment 3 to Amendment 6. There being none, it was so ordered.

[8:40:06 AM](#)

REPRESENTATIVE GRUENBERG noted for the record that at a recent meeting of the Mountain View Community Council, that council unanimously supported [paragraph] (4), [text previously provided within Amendment 6].

[8:40:11 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Amendment 6, as amended. There being no objection, Amendment 6, as amended, was adopted.

[8:40:29 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Amendment 7, labeled 24-GH1048\Y.8, Kurtz, 3/14/05, which read as follows:

Page 5, following line 30:

Insert a new bill section to read:

"* **Sec. 8.** AS 15.15.030(6) is repealed and reenacted to read:

(6) The names of the candidates for each office shall be set out in the same order on ballots printed for use in each house district. The director shall randomly determine the order of the names of the candidates for state representative for each house district. The director shall rotate the order of placement of the names of candidates for governor, lieutenant governor, United States senator, United

States representative, and state senator on the ballot for each house district."

Renumber the following bill sections accordingly.

Page 25, line 7:

Delete "secs. 23 - 46"

Insert "secs. 24 - 47"

[8:40:43 AM](#)

CHAIR SEATON objected for discussion purposes.

[8:40:48 AM](#)

REPRESENTATIVE GRUENBERG said the state prints a different ballot in each House election district, because there are different candidates for each House race. He noted that [the amendment] would affect everybody on the ticket except House candidates. He offered further details. He said this system would be less expensive and easier for the Division of Elections.

[8:43:14 AM](#)

MS. GLAISER confirmed, "This would zero out what would have been a potential fiscal note." Should there be 3 candidates in a state Senate race, she noted, one person would never be rotated to the top, because there are basically only two rotations available in a Senate district. Furthermore, [Amendment 7] would create more proofing burden on the division; however, she said the division can handle it. She added, "If you truly believe that rotation ... is the purest form, then the House members are not allowed to enjoy that benefit under this amendment. ... The rotation is not pure or complete; ... it's shortened." She said it's the policy call of the legislature.

[8:44:58 AM](#)

CHAIR SEATON explained the reason for rotation. He said there can be a significant advantage to being first on the ballot, and he noted that many options were considered [last year].

[8:46:32 AM](#)

MS. GLAISER, in response to a question from Representative Lynn, said the current process of random draw would be used for the House.

[8:46:53 AM](#)

REPRESENTATIVE GRUENBERG noted, "There are three sentences to the amendment." The first sentence says the ballot would be set for each House district. The second sentence, he noted, addresses Representative Lynn's question; it says that the director [of the division] shall randomly determine the order of the names of the candidate for state representative for each House district. He added, "They also now do it for all the statewide candidates, randomly, starting in district 1." The third sentence, he concluded, says the director of the division shall rotate the order of placement of names for the statewide candidates and state Senator candidates on the ballot for each House district.

[8:47:50 AM](#)

REPRESENTATIVE RAMRAS said, "I want to oppose this." He said he likes the traditional method of scanning down a ballot to look for a candidate alphabetically. He asked if there is a legal challenge that would make him want to favor the amendment.

[8:48:31 AM](#)

MS. GLAISER responded that there is no current litigation in which the division is involved regarding ballot rotation, but there has been in the past. She stated her understanding that the random draw change to the current ballot rotation method was offered as a cost savings measure. She gave further details.

[8:49:30 AM](#)

CHAIR SEATON stated his understanding that the division doesn't currently list alphabetically.

[8:49:37 AM](#)

MS. GLAISER explained that all 26 letters are put in a box and she selects each letter in a random draw. She said sometimes that can be completed before the filing deadline. That information becomes available online and candidates take interest in finding out the results.

8:50:45 AM

CHAIR SEATON pointed out that the reason that candidates look at the division's web site to find out who is going to be listed first is because there is a perceived difference of being first on the ballot as being to some advantage. He said, "This amendment doesn't take care of House races, but it does take care of all of the other races. At least no one candidate would appear at the top of all ballots - even in Senate races." In response to a question from Representative Gruenberg, he said there are people who could testify on the bill. He asked committee members if they needed to hear further testimony regarding the bill and concluded [after no audible response] that they did not.

8:51:55 AM

CHAIR SEATON, speaking to his previous objection, said he thinks the amendment "clarifies some of the situations for most of the races" without [adding] a fiscal note. He noted that one of the reasons that ballot rotation was looked at as being somewhat problematic was that "we were looking at sample ballots and you would get a sample ballot in and you might not be able to take the sample ballot into the polling place; however, this cures that, because there's a sample ballot in your official election ballot for every House district, so you can take your sample ballot in and it will be identical ... to the ballot [on which] you're voting."

CHAIR SEATON removed his objection [to Amendment 7]. He asked if there was any further objection.

CHAIR SEATON recognized Representative Gatto's objection [that was not audibly stated].

8:53:32 AM

REPRESENTATIVE GRUENBERG, in response to a question from Representative Gatto, explained how he created the sample page [included in the committee packet, stapled behind Amendment 7].

REPRESENTATIVE GATTO observed that someone who had been at the bottom of the list twice in a row could be there a third time, since it would be random.

[8:54:50 AM](#)

REPRESENTATIVE GRUENBERG replied that's true. He stated that [Amendment 7] would repeal and reenact an existing statute that says the director [of the Division of Elections] randomly chooses the order for each election.

[8:55:39 AM](#)

CHAIR SEATON, in response to a follow-up question from Representative Gatto, explained that the capital letters on the sample page attached to Amendment 7 stand in place of candidate names.

[8:55:45 AM](#)

MS. GLAISER, in response to a request for further clarification from Representative Gatto, explained that the letters of the alphabet correspond with the first letter of the candidate's name. If three candidates have the same letter to their last names, the second letter in the name would be used to alphabetize.

[8:58:43 AM](#)

REPRESENTATIVE GATTO withdrew his objection to Amendment 7.

[8:58:48 AM](#)

CHAIR SEATON asked if there was any further objection. There being none, Amendment 7 was adopted.

[8:59:00 AM](#)

CHAIR SEATON moved Amendment 8, labeled 24-GH1048\Y.2, Kurtz, 3/9/05, which read as follows:

Page 24, following line 13:

Insert a new bill section to read:

"* Sec. 49. AS 15.60.010(23) is amended to read:

(23) "political party" means an organized group of voters that represents a political program and that

(A) [THAT] nominated a candidate for governor who received at least three percent of the total votes cast for governor at the preceding general election at which a governor was elected [OR HAS

REGISTERED VOTERS IN THE STATE EQUAL IN NUMBER TO AT LEAST THREE PERCENT OF THE TOTAL VOTES CAST FOR GOVERNOR AT THE PRECEDING GENERAL ELECTION];

(B) [IF THE OFFICE OF GOVERNOR WAS NOT ON THE BALLOT AT THE PRECEDING GENERAL ELECTION BUT THE OFFICE OF UNITED STATES SENATOR WAS ON THAT BALLOT, THAT] nominated a candidate for United States senator who received at least three percent of the total votes cast for United States senator at the preceding general election or at the most recent general election at which a governor was elected; [THAT GENERAL ELECTION OR HAS REGISTERED VOTERS IN THE STATE EQUAL IN NUMBER TO AT LEAST THREE PERCENT OF THE TOTAL VOTES CAST FOR UNITED STATES SENATOR AT THAT GENERAL ELECTION; OR]

(C) [IF NEITHER THE OFFICE OF GOVERNOR NOR THE OFFICE OF UNITED STATES SENATOR WAS ON THE BALLOT AT THE PRECEDING GENERAL ELECTION, THAT] nominated a candidate for United States representative who received at least three percent of the total votes cast for United States representative at the preceding general election or at the most recent general election at which a governor was elected; [THAT GENERAL ELECTION] or

(D) has registered voters in the state equal in number to at least two [THREE] percent of the total number of voters registered in the state on March 31 of the most recent election year [VOTES CAST FOR UNITED STATES REPRESENTATIVE AT THAT GENERAL ELECTION];"

Renumber the following bill section accordingly.

[8:59:20 AM](#)

REPRESENTATIVE GRUENBERG objected for discussion purposes.

[8:59:29 AM](#)

CHAIR SEATON said [Amendment 8] clarifies political parties - when they occur and how they are certified by the director of the Division of Elections. He directed attention to page 24, lines 9-13, [subsection (e)] of Version Y, which read as follows:

(e) The director may not withdraw recognized political party status from a political group that no

longer meets the definition of political party except following the verification immediately after a general election at which a governor was elected. The director shall notify the political group in writing of the withdrawal of recognition.

CHAIR SEATON indicated that that language speaks to when the political party status is withdrawn. He said:

What this bill does is it addresses that you can qualify as a political party by getting 3 percent of the governor's race, the U.S. Senator race, or a U.S. House race at the time the governor's elected; and if you did that until after the next gubernatorial election, you're a political party. Or, if in the interim election, you have 3 percent of one of the statewide races - a U.S. Senate or a U.S. House race - you can then qualify as a political party, and it will be through the governor's race, at which time that determination is made.

9:02:39 AM

There was some concern that other language made it so that it was four years from interim to interim. There was also concern that if you had someone in a political party that got 15 percent at a gubernatorial race, and then at the interim race you didn't have someone running, someone else could just declare themselves in your party, put their name in, and not ever advertise, not run, not get three percent, and then that would eliminate you as a political party before the next gubernatorial race.

Current law has it ... that 3 percent in the governor's race and then you're good through the next governor's race. We had a lawsuit that came forward ..., and the courts have determined that that was unreasonable to say it had to be the governor's race; that getting 3 percent in any statewide race should be enough to qualify you as a political party. The effect of this ... is that there's a bright clear line that political parties, if [they] qualify at either the gubernatorial race or the interim race, ... are a political party until after the next gubernatorial race.

[9:04:00 AM](#)

MS. GLAISER indicated that another way for a party to qualify is shown on page 2, lines [6-9, as numbered on Amendment 9], which read as follows:

(D) has registered voters in the state equal in number to at least two [THREE] percent of the total number of voters registered in the state on March 31 of the most recent election year [VOTES CAST FOR UNITED STATES REPRESENTATIVE AT THAT GENERAL ELECTION];"

[9:04:52 AM](#)

CHAIR SEATON explained that there is quite a bit of variation in the number of people who vote in a presidential year compared to a nonpresidential year; therefore, the 3 percent of people who voted in the last election is not nearly as directive of what a political party is as how many people are registered in the state.

[9:05:17 AM](#)

MS. GLAISER directed attention to a handout in the committee packet labeled, "Political Party Status/Percentage of Registered Voters," which showed - for the years 2000, 2002, and 2004 - the number of registered voters on the general election day, "3 percent of those who voted for U.S. Senate," and "the parties that would have qualified if that were the bar." If the number had been lowered to 2 percent in 2004, for example, three parties would have qualified: the Republican Party, the Democrat Party, and the Alaska Independent Party. She offered further explanation.

[9:06:45 AM](#)

CHAIR SEATON observed, "These are alternating qualifications, so in ... 2002 you would have four parties that qualified. Three of them would have qualified through 3 percent of someone running, and you would have an additional party that qualified by having 2 percent of the registered voters." He asked if that is correct.

[9:07:10 AM](#)

MS. GLAISER answered affirmatively.

CHAIR SEATON asked Ms. Glaiser for the division's thought regarding using the percentage of registered voters instead of the number of people who voted in a previous election.

MS. GLAISER said the division currently operates with those two opportunities for a party to seek and retain status; therefore, the division "could certainly operate with this amendment, as well."

[9:08:25 AM](#)

CHAIR SEATON asked Ms. Glaiser if she looked at "the current law, which is 3 percent of the people who voted in the past election, versus 2 percent of the registered voters.

[9:08:36 AM](#)

MS. GLAISER turned to the handout and the example for 2004, which shows that 3 percent of those who voted for U.S. Senate equaled 9,329, while 2 percent of the registered voters on 4/3 was 8,977. She observed that the numbers are fairly close. In the example for 2002, she pointed out, 3 percent of those who voted for governor was 6,986; however, 2 percent of those who registered to vote was 8,964. She noted that there would be variables in an election year where there is a greater draw, for example, during a presidential election year.

[9:09:38 AM](#)

CHAIR SEATON asked Ms. Glaiser to address the March 31 date for "the determination of the percent compared to the number of registered voters."

[9:09:49 AM](#)

MS. GLAISER said she was not able to provide an answer at that time. She said she would like to leave the March 31 date and perhaps work with the House Judiciary Standing Committee to ensure that that is the proper date. She indicated that she wants to pick a date that's reasonable and allows candidates to know whether the party that they would like to choose to run in is a qualified, recognized, political party, or whether they would need to choose to run as an Independent.

[9:11:04 AM](#)

CHAIR SEATON stated the intent is that someone who wants to run for an office under a party banner would know whether the party officially exists, or not, or whether he/she has to get a petition signature before filing. He offered further details.

[9:11:47 AM](#)

REPRESENTATIVE RAMRAS stated his support of Amendment 8.

[9:11:57 AM](#)

CHAIR SEATON asked if there was any objection to Amendment 8.

[9:12:08 AM](#)

REPRESENTATIVE GRUENBERG stated for the record that he would be happy to work with the division and Representative Seaton regarding any change to the March 31 date. Also, he wants to flag the question that was raised about the construction of the sentence on page 24, lines 9-11 [of Version Y]. He said the sentence is poorly drafted and he will work with the division in the House Judiciary Standing Committee to make that language clearer.

[9:12:57 AM](#)

CHAIR SEATON clarified that the language in question is Section (e), on page 24.

[9:13:11 AM](#)

REPRESENTATIVE GRUENBERG withdrew his objection [to Amendment 8].

[9:13:20 AM](#)

CHAIR SEATON stated that, there being no further objection, Amendment 8 was adopted.

[9:13:40 AM](#)

REPRESENTATIVE GARDNER moved to adopt Amendment 9, labeled 24-GH1048\F.16, Kurtz, 3/3/05, which read as follows:

Page 1, line 9, following "**recall**,":

Insert "the crime of unlawful interference with voting,"

Page 23, following line 15:

Insert a new bill section to read:

"* **Sec. 47.** AS 15.56.035(a) is amended to read:

(a) A person commits the crime of unlawful interference with voting in the second degree if the person

(1) has an official ballot in possession outside of the voting room unless the person is an election official or other person authorized by law or local ordinance, or by the director or chief municipal elections official in a local election;

(2) makes, or knowingly has in possession, a counterfeit of an official election ballot;

(3) knowingly solicits or encourages, directly or indirectly, a registered voter who is no longer qualified to vote under AS 15.05.010, to vote in an election; [OR]

(4) as a registration official

(A) knowingly refuses to register a person who is entitled to register under AS 15.07.030; or

(B) accepts a fee from an applicant applying for registration; or

(5) delivers to an individual a partially completed voter registration application form or a partially completed absentee ballot application form unless the individual has specifically requested assistance from the person in completing the form."

Renumber the following bill sections accordingly.

[9:14:32 AM](#)

CHAIR SEATON objected for discussion purposes. He asked, "If I wanted to mail a ballot to somebody, I couldn't have their name printed on the ... registration form. Is that correct?"

[9:14:45 AM](#)

REPRESENTATIVE GARDNER answered yes.

[9:14:50 AM](#)

REPRESENTATIVE RAMRAS stated what he likes best about HB 94 is that it's "a low common denominator bill"; it keeps making it

progressively easier for people to participate in the democratic process. Representative Ramras stated opposition to Amendment 9, because he said he thinks it discourages that common denominator.

A roll call vote was taken. Representatives Gardner and Gruenberg voted in favor of Amendment 9. Representatives Gatto, Lynn, Ramras, and Seaton voted against it. Therefore, Amendment 9 failed by a vote of 2-4.

[9:17:47 AM](#)

REPRESENTATIVE RAMRAS moved Conceptual Amendment 10, which read as follows [original punctuation provided, with some formatting changes]:

Page 13

***Sec.30.** AS 15.45.340 is amended by adding new subsections to read:

(b) A circulator may not receive payment or agree to receive payment [*that is greater than \$1 a signature*], and a person or an organization may not pay or agree to pay an amount [*that is greater than \$1 a signature,*] for the collection of signatures on a petition.

Page 14

Sec.32. AS 15.45.360 is repealed and reenacted to read:

[(8) if the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, the circulator, before circulating of the petition, prominently placed in the space provided under AS 15.45.320(6) the name of each person or organization that has paid or agreed to pay the circulator for collection signatures on the petition.]

Page 17

Sec.39. AS 15.45.580 is amended by adding new subsections to read:

(b) A circulator may not receive payment or agree to receive payment [*that is greater than \$1 a signature,*] and a person or an organization may not pay or agree to pay an amount [*that is greater than \$1 a signature,*] for the collection of signatures on a petition.

Page 18

Sec.41. AS 15.45.600 is repealed and reenacted to read:

[(8) if the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, the circulator, before circulating of the petition, prominently placed in the space provided under AS 15.45.560(5) the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition.]

[deleted language bracketed]

REPRESENTATIVE GRUENBERG objected for discussion purposes.

9:20:15 AM

REPRESENTATIVE RAMRAS stated that he thinks the voters spoke to the legislature when they asked for a modification of the ballot initiative process to three quarters of the districts with a minimum of 7 percent in each district. He indicated his concern is people may be passionate about putting an initiative on the ballot, but are not so passionate that they want to stand out on the street corner [to collect signatures], and those people try to influence the election process by paying people to solicit and collect those signatures. He stated, "If you're passionate enough to put ballot initiative out into the public forum, then you should be passionate enough to stand out there yourself and collect the ballot."

9:20:40 AM

REPRESENTATIVE GARDNER said she disagrees with [Amendment 10]. She said a person can feel very passionate about an issue, but cannot by him/herself, or with the help of a few acquaintances, collect enough signatures, because it's not possible to be in enough places in the state and spend enough time collecting those signatures. She said, "If you can do fundraising and get assistance from other concerned people to do it, I think that's a legitimate way of bringing the issue forward."

9:21:10 AM

REPRESENTATIVE GRUENBERG said Amendment 10 is difficult to understand, so he stated his opposition, "for the same reason."

[9:22:12 AM](#)

MS. GLAISER told Representative Ramras that he also needs "to pick up [AS] 15.45.110 and [AS] 15.45.130, if in fact you don't want circulators to be paid for initiative petitions." She also mentioned [AS] 15.45.340 and [AS] 15.45 360 and added, "The 300 chapter is referendum, and the 500 and [AS] 15.45.600 is for recall." Ms. Glaiser said it's required by law that a circulator declares that he/she has been paid. If the circulator turns in his/her books at the last minute and hasn't had that certification done, the result may be that that booklet is partially or completely invalidated. Ms. Glaiser mentioned a court case and said a judge told the Division of Elections to start removing barriers [in order to] make it easy and clear for a petition carrier to carry a petition through the process. The proposed legislation should make things easier. She said an amendment like [Amendment 10] would help the division qualify more signatures, because it's "one less bar."

[9:24:21 AM](#)

REPRESENTATIVE RAMRAS clarified that it is a conceptual amendment that he wants applied to any mention of payment throughout HB 94. He said he sees Representative Gruenberg's point that the numbering in the amendment doesn't correlate to the numbering in the bill.

[9:24:55 AM](#)

REPRESENTATIVE GRUENBERG reiterated that he has a problem with the amendment. He echoed Ms. Glaiser's comment that HB 94 is supposed to make the process easier and friendly for a voter. He said both the initiative process and recall process are important, the latter because it allows inept or corrupt officials to be recalled by the voters. If Amendment 10 passes, it would make the process more difficult.

[9:25:59 AM](#)

CHAIR SEATON said the dispersion of signatures throughout House districts was increased in the last election, which means that there are substantial costs by "people that are doing this on a statewide basis." He said he doesn't think \$1 will result in a profitable business of generating initiatives, but he does think [the \$1] does help to defray some of the costs. He stated his opposition to Amendment 10. He indicated that he would like to

make it easy for people to know which areas they have to fill out.

[9:27:32 AM](#)

REPRESENTATIVE LYNN said he agrees philosophically with [Representative Ramras] about paying people to gather signatures for an issue. He said it opens the door for large advocacy groups from out of the state to come to the state to work to get certain issues defeated. He stated his support of Amendment 10.

[9:28:17 AM](#)

CHAIR SEATON said he agrees that large sums of money can come from Outside; however, that wouldn't be a result of the \$1 amount.

[9:28:41 AM](#)

REPRESENTATIVE GATTO asked if a person could contract for a person to work for \$10,000 to collect signatures.

[9:28:57 AM](#)

MS. GLAISER responded as follows:

My understanding is there's nothing that prevents that, but if you are circulating a petition, you do have to declare and sign in as a circulator. And then, once as a circulator, this lies in effect. So, [for] that you're paid \$1 a [signature] - you know, it would still show up.

And to the point of how much money's involved: If you're gathering over 20,000 signatures at \$1 a signature, that would cost a group over \$20,000 - not save them money, but cost them money - to pay someone to gather signatures.

[9:29:32 AM](#)

A roll call vote was taken. Representatives Lynn and Ramras voted in favor of Amendment 10. Representatives Gardner, Gruenberg, Gatto, and Seaton voted against it. Therefore, Amendment 10 failed by a vote of 2-4.

[9:30:23 AM](#)

REPRESENTATIVE RAMRAS moved Amendment 11, labeled 24-GH1048\G.12, which read as follows:

Page 8, following line 12:

Insert a new bill section to read:

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

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

Renumber the following bill sections accordingly.

Page 21, line 4:

Delete "secs. 20 - 43"

Insert "secs. 21 - 44"

[9:30:37 AM](#)

REPRESENTATIVE GRUENBERG objected for discussion purposes.

9:30:46 AM

REPRESENTATIVE RAMRAS stated that it costs a lot of money to do recounts. He continued:

We have some folks that are paying the deposit, as it is now, and then ... the recount is done, and if it's not to their satisfaction, they don't step up and pay the full cost. As a result, it's costing the Division of Elections money. When the ... person who puts in the request and the deposit doesn't get the desired outcome, they walk away from their obligations. So, I think it's appropriate to increase ... the cost.

9:31:25 AM

MS. GLAISER responded that the Office of the Governor did offer legislation that included [the language of Amendment 11] in it. She clarified, "It was a bill that had part of what is now included in SB 36; this is picking up the rest of that and placing it in our bill as an amendment." She said the cost of running a statewide recount did reach almost \$40,000 "this year," and that was just "with an Accuvote and doing some part of a hand count." She said adding the touch screen will increase the cost of the state's conducting a recount. She said the division is not "wedded to the numbers." She said if there is a close margin in a race, there is no requirement for deposit in current law, and that would remain unchanged in the amendment.

9:32:42 AM

CHAIR SEATON asked, "If you don't win on the recount, do you then have to pay the cost?"

9:33:58 AM

MS. GLAISER referred to [the last portion of AS 15.20.450], which read as follows:

If, on the recount, a candidate other than the candidate who received the original election certificate is declared elected, or if the vote on recount is determined to be four percent or more in

excess of the vote reported by the state review for the candidate applying for the recount or in favor of or opposed to the question or proposition as stated in the application, the entire deposit shall be refunded. If the entire deposit is not refunded, the director shall refund any money remaining after the cost of the recount has been paid from the deposit.

9:34:44 AM

MS. GLAISER said the point is that the deposit falls short of the actual cost to the state.

9:34:58 AM

CHAIR SEATON offered his understanding [of Amendment 11] is that if there's a recount that comes out exactly the same as the original vote, the losing candidate has to pay the cost of the recount. He continued as follows:

I know that's not the intent, but before it was only a deposit, and now ... in this amendment it's a deposit and, if the cost exceeds that amount, then you're going to have to pay the amount due. And I just want to make sure that we have it so that if there's an automatic recount and it comes out exactly the same way, that the loser doesn't have to pay the cost of the recount, even though they weren't required to put a deposit in. But we've never had a thing where you have to pay the amount whether it's above the deposit as well.

9:35:59 AM

MS. GLAISER reiterated that this language was part of the governor's bill. She offered her understanding that the legal review did say that it was not going to change anything except for the language specifying that if it exceeds the amount of a deposit the additional costs would be paid. She said it's her understanding that what Chair Seaton is suggesting would not be the case under [Amendment 11].

CHAIR SEATON said sometimes things are unintentionally written, and he indicated that he was reading the language [to ensure that had not occurred].

9:36:32 AM

REPRESENTATIVE GATTO directed attention to line 14 [as numbered on Amendment 11], which read: "and the state shall bear the cost of the recount." Then he directed attention to the added language on [lines 21-23, as numbered on the amendment], which read: "If the cost of the recount exceeds the amount of the deposit, the recount applicant shall pay the remainder upon notification by the state of the amount due." He observed that the recount was zero, so the recount certainly would exceed the amount [of the deposit]. He asked, "Isn't that a conflict?"

[9:37:15 AM](#)

MS. GLAISER stated her understanding that "the sentences prior to that relieve that burden." She added that she is not an attorney.

[9:37:32 AM](#)

REPRESENTATIVE GATTO offered an example whereby two different attorneys could make two different arguments depending on which part of the language they cite. He said the language is not clear.

[9:38:16 AM](#)

REPRESENTATIVE GARDNER stated that it costs a lot of money to run an election, as well as to do a recount. Not only would [Amendment 11] raise the amount to a significant level, it wouldn't allow a candidate who is requesting a recount to know what the cost would be up front. She said for that reason alone she has to oppose [Amendment 11].

[9:39:11 AM](#)

REPRESENTATIVE GRUENBERG said he thinks it would be fair to hear from the public, because "this was not part of the original bill." He directed attention to the figure of "\$50,000" on line 7 [as numbered on the amendment], which he remarked is significantly more than the cost of the recount in the Tony Knowles/Lisa Murkowski race, which was \$35,000-\$40,000.

[9:40:10 AM](#)

MS. GLAISER reiterated that the addition of conducting a recount with the touch screen voting equipment is going to put excessive burden on the state. She said she was asked to look at a

reasonable cost. She added that the division does not have a record of anybody asking for a recount in a precinct, but that's the way the current law is read. She said it's a policy call, for the state to decide whether it wants to be reimbursed or cover the cost.

[9:41:23 AM](#)

CHAIR SEATON asked if a recount on a precinct would be done by the statewide staff or the district.

[9:41:34 AM](#)

MS. GLAISER replied that the law requires that the director conduct the recount. She said, "We would ... do whatever was the most reasonable, in order to conduct that recount." She stated that most recounts have been done in Juneau. She offered examples.

[9:42:20 AM](#)

CHAIR SEATON asked Ms. Glaiser to explain why she is anticipating that it will cost more to do a recount for the touch screen ballots.

[9:42:32 AM](#)

MS. GLAISER indicated that, based on feedback from other states, the process of conducting a recount for the touch screen ballots is time consuming, because the receipt is small and must be hand counted, versus "just running the ballots through and then doing a random sample hand recount." She reiterated that the division is offering the numbers, not as solid numbers, but to open the question: "Is ... it worth consideration?"

[9:43:19 AM](#)

REPRESENTATIVE GRUENBERG asked for an example of the dollar amount for a recount of a House district in an urban area.

[9:43:30 AM](#)

MS. GLAISER indicated that a recent recount cost \$7,000 - \$8,000.

[9:44:10 AM](#)

REPRESENTATIVE GRUENBERG stated his understanding that there was a recount done, not necessary to change the "total numerical winner," but to challenge the accuracy of the counting. He continued:

If the purpose of a requested recount is to achieve a reform in the system of counting ballots and conducting elections, why is it that only if the election results are changed, the ultimate winner would -- the money be not charged? Because, the requesting group could be seeking to get [a] more accurate count, rather than to necessarily change their result, and they could achieve a significant victory if they achieve that result, because, let's say there was widespread fraud in the way the election was conducted, although the other person might ultimately win by a vote or two. It's kind of a rhetorical question, but do you see what I'm trying to get at here?

[9:45:53 AM](#)

MS. GLAISER responded that it's a policy call of the legislature.

[9:46:01 AM](#)

CHAIR SEATON said the [deposit amounts] have been set high, which makes sense. He said, "It seems to me if we're setting a high enough figure to cover a substantial part of the cost - even if it's not 100 percent of the cost - we accomplish the state's goal of saying we're not going to get frivolous recounts, because people are going to have to pay a lot of money to do it. ... The open-ended nature of beyond the deposit is problematic for me." He said if other committee members have the same concern, he would entertain a motion for a conceptual amendment to strike that language added at the bottom of the amendment.

[9:47:57 AM](#)

REPRESENTATIVE GRUENBERG moved Conceptual Amendment 1 to Amendment 11, as follows:

Beginning on page 1, line 21 of Amendment 11:

Delete "If the cost of the recount exceeds the amount of the deposit, the recount applicant shall pay the remainder upon notification by the state of the amount due."

[9:48:08 AM](#)

CHAIR SEATON, after ascertaining that there was no objection from Ms. Glaiser, asked the committee if there was any objection to [Conceptual] Amendment 1 to Amendment 11. There being none, [Conceptual] Amendment 1 to Amendment 11 was adopted.

[9:48:59 AM](#)

REPRESENTATIVE GRUENBERG moved Amendment 2 to Amendment 11, as follows:

On page 1, line 7 of Amendment 11:

Delete \$50,000
Insert \$35,000

[9:49:28 AM](#)

REPRESENTATIVE GATTO objected. He said it's troubling, because he wants to vote against [Amendment 11] and has to decide whether to vote for the reduction.

[9:49:40 AM](#)

REPRESENTATIVE GRUENBERG withdrew Amendment 2 to Amendment 11.

[9:49:49 AM](#)

A roll call vote was taken. Representative Lynn voted in favor of Amendment 11 [as amended]. Representatives Gardner, Gruenberg, Gatto, Elkins, and Seaton voted against it. Therefore, Amendment 11, as amended, failed by a vote of 1-4.

[9:50:45 AM](#)

REPRESENTATIVE GRUENBERG moved to report CSHB 94, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objections, CSHB 94 (STA) moved out of the House State Affairs Standing Committee.

SB 36-ABSENTEE BALLOTS

9:51:46 AM

CHAIR SEATON announced that the last order of business was CS FOR SENATE BILL NO. 36(JUD), "An Act relating to absentee ballots."

9:51:47 AM

SENATOR GENE THERRIAULT, Alaska State Legislature, as sponsor of SB 36, stated that the bill would require all absentee ballot requests be delivered directly to the Division of Elections for confidential processing. He explained that [during the 2004 general election] those people who had requested absentee ballots were directed to mail their absentee ballots back to an address belonging to one of the political parties. He said it was unclear whether there was any kind of wrongdoing, but "when you have this situation where an individual party interjects itself in that flow of information between the voter and the Division of Elections, there is the possibility of shenanigans to take place." The proposed legislation would clarify that the application sent out is one that is approved by the director of the Division of Elections, which would ensure that the application only requests information that is required by state law, as well as allow the director to ensure that the right type of paper is being used. The bill would also clarify that the voter shall submit the application directly to the Division of Elections.

9:53:59 AM

SENATOR THERRIAULT directed attention to Sections 4 and 5, which deal with penalties for any recurrence of the activity that took place during the last election. He noted that in Section 2, at the request of the director of the Division of Elections, the amount of time [before the election] that the ballot request has to be in to the division was changed from 7 days to 10 days. Section 3 specifies the regulations that would be adopted to implement bill.

9:55:14 AM

REPRESENTATIVE GRUENBERG directed attention to page 2, line 19, and asked for the definition of "personal information".

9:55:49 AM

SENATOR THERRIAULT suggested that the director may know if there is a definition within the entire section of statute; however, he said the personal information requested on the absentee ballot is: date of birth, social security number, and "things of that nature." He said the intent was that all of that information is somehow concealed when the voter's absentee information is run through the mail.

[9:55:59 AM](#)

REPRESENTATIVE GRUENBERG responded that he understands that's the intent of the sponsor; however, he said he hopes the legislative history is clear, and the regulations would define what is meant by personal information.

[9:56:25 AM](#)

SENATOR THERRIAULT replied, "If they don't already have a definition that would fulfill that, or a general definition of applicability by the court system that fulfills that currently, they certainly would have the regulatory authority to do that."

REPRESENTATIVE GRUENBERG said that's sufficient.

[9:56:29 AM](#)

REPRESENTATIVE GARDNER offered an example whereby a student government at a high school is sponsoring a voter registration drive to encourage 18-year-olds to register. She asked if it would be a violation for the student government to take the completed applications and return them to the division en masse.

[9:57:01 AM](#)

SENATOR THERRIAULT said he thinks it would probably be allowable if those applications were "dropped off and then put right in the mail box." Conversely, if the applications were held for any length that may allow for the gleaning of information, he said that would be disallowed. In general, he clarified, the intent is that no outside person would have access to the information.

[9:58:00 AM](#)

REPRESENTATIVE GARDNER stated that she agrees with the thrust of the bill. She directed attention to [page 2], lines 22-23,

which specify that "the form is to be returned by the voter directly to the division, and not to another person providing the form". She said that language would preclude such things as student government from [collecting the information].

[9:58:21 AM](#)

SENATOR THERRIAULT said he thinks all schools have an outgoing mail basket in which the applications could easily placed.

REPRESENTATIVE GARDNER responded, "Right, but the student government people who are running the table couldn't say, 'We'll take it and we'll mail it for you,' under this bill."

SENATOR THERRIAULT surmised that the most direct route to the mail system is the best, but he added that he would have no problem with a student being directed to drop off the application at the front office after lunch, for example.

REPRESENTATIVE GARDNER indicated that if a teenager is asked to do that, "it goes into the abyss."

SENATOR THERRIAULT deferred further comment to the director of the Division of Elections.

[9:59:24 AM](#)

LAURA GLAISER, Director, Division of Elections, Office of the Lieutenant Governor, pointed out that Representative Gardner's question relates to voter registration, while the bill addresses changes regarding absentee ballot by-mail requests. She offered further details. She said any delay between the voter and the division is stressful and makes her sad, because there are people who do not get ballots. She noted that in a voter registrar process, the people in student government have to be a registrar, they are responsible to state, and they have undergone training. She revealed that there is no training related to an absentee by-mail drive, thus "that responsibility is absent."

[10:01:09 AM](#)

RANDY RUEDRICH, Chair, Alaskan Republican Party, stated his support of SB 36 in its current form.

[10:01:39 AM](#)

CHAIR SEATON closed public testimony.

[10:01:49 AM](#)

REPRESENTATIVE GRUENBERG said he doesn't think it should be illegal if someone carries the application to the post office, particularly regarding Representative Gardner's example. He said he thinks the committee should consider "some accommodation for something like that," for ease of collection.

[10:02:28 AM](#)

CHAIR SEATON asked Ms. Glaiser to address the concern previously stated by Representative Gardner regarding [page 2, lines 22-23].

[10:02:56 AM](#)

MS. GLAISER noted that this question was raised in the Senate Judiciary Standing Committee, and she offered her understanding that the Division of Elections is not "voter police." She explained that the division is not going to hunt down "someone who has done someone a favor and dropped an application into the mail." She said the bill would address what was a widespread problem, which she indicated was that "tens of thousands" [of absentee by-mail applications] went through another source.

[10:03:33 AM](#)

CHAIR SEATON indicated his agreement.

[10:03:58 AM](#)

SENATOR THERRIAULT outlined that the possibility of trouble can occur when an organized group is doing the collecting. He offered an example.

[10:05:02 AM](#)

REPRESENTATIVE GARDNER redirected attention to page 2, line 23. She offered an example of a wife mailing an application for her husband. She said she thinks the language needs amending.

[10:05:38 AM](#)

SENATOR THERRIAULT asked Representative Gardner if she thinks someone would actually bring a charge against the wife.

[10:05:50 AM](#)

REPRESENTATIVE GARDNER indicated her concern is that the legislature not write legislation that may have those consequences, even if they may be unlikely.

[10:06:02 AM](#)

SENATOR THERRIAULT stated that he personally does not think this issue is a problem.

[10:06:05 AM](#)

REPRESENTATIVE GATTO directed attention to a sentence on page 1, beginning on line 12, which read: "The voter shall submit the application directly to the division of elections." He said that sounds like the person has to walk into the division to submit the application.

[10:06:32 AM](#)

CHAIR SEATON announced that SB 36 was heard and held.

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [10:06:43 AM](#).