

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 1, 2005

3:32 p.m.

MEMBERS PRESENT

Senator Gene Therriault, Chair
Senator Thomas Wagoner, Vice Chair
Senator Charlie Huggins
Senator Kim Elton

MEMBERS ABSENT

Senator Bettye Davis

COMMITTEE CALENDAR

SENATE BILL NO. 36

"An Act relating to applications requesting the delivery of absentee ballots by mail."

MOVED CSSB 36(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 36

SHORT TITLE: ABSENTEE BALLOT APPLICATIONS

SPONSOR(S): SENATOR(S) THERRIAULT

01/11/05	(S)	PREFILE RELEASED 01/07/05
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)

WITNESS REGISTER

Dave Stancliff
Staff to Senator Therriault
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Explained changes in \G version of SB 36

Laura Glaiser, Director
Division of Elections

P.O. Box 110017
Juneau, AK 99811-0017

POSITION STATEMENT: Commented on and supported changes to \G version SB 36

ACTION NARRATIVE

CHAIR GENE THERRIAULT called the Senate State Affairs Standing Committee meeting to order at [3:32:43 PM](#). Present were Senators Elton, Huggins, Wagoner and Chair Therriault.

SB 36-ABSENTEE BALLOT APPLICATIONS

CHAIR THERRIAULT announced SB 36 to be up for consideration and that there was a proposed committee substitute (CS). He asked Senator Wagoner for a motion to adopt the proposed CS.

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SENATOR THOMAS WAGONER motioned to adopt CSSB 36, \G version, as the working document. There being no objection, it was so ordered.

CHAIR THERRIAULT asked Mr. Stancliff to explain the proposed changes.

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DAVE STANCLIFF, staff to Senator Therriault, explained that the following changes were suggested at the previous hearing:

- On page 1, line 8, the deadline for the Division of Elections receiving an application for absentee ballots was changed from 7 days to 10 days
- On page 2 a new subsection (j) was added on lines 6 - 16. It requires the division director to adopt three new regulations:
 1. The information may only contain information required under regulations adopted by the director.
 2. All information on ballot request solicitations must be concealed while in transit to the division.
 3. Requires that the director approve any absentee ballot request forms that are not generated by the division.

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MR. STANCLIFF advised that those were the components that were included in statute and some of the details would be addressed in the new regulations the division adopted.

Finally, the appropriate type of penalty was discussed. The new Section 3 establishes that it is a class C felony for persons convicted of interfering with voting in more than one instance.

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Section 4 establishes that a person that is convicted of interfering with voting is charged with a class A misdemeanor. The reasoning is that the penalty is stiffer on the second conviction.

MR. STANCLIFF said he was available to answer questions.

CHAIR THERRIAULT noted that both Laura Glaiser with the Division of Elections and Annette Kreitzer with the Lt. Governor's Office were available to testify if there were questions.

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He noted that Section 3 (a) and Section 4 (a) each refer to a person, but then Section 3 subsection (a) paragraph (4) and Section 4 subsection (a) paragraph (5) each make reference to a political group or political party.

He said he questioned referencing a person and then later referring to a group, but the drafter told him that the "a person" covers both a single person and a group.

He then asked whom the fine would be assessed against if a political group were found to be at fault and would there be any jail time assessed. The drafter said that because a group is a body of people there wouldn't be jail time; the courts could issue a fine.

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CHAIR THERRIAULT referenced Section 2 and pointed out that specific language was included in subsection (j) that says the director shall adopt regulations that cover certain items that are outlined in paragraphs (1), (2), and (3).

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SENATOR ELTON referenced Section 3 and said that because of the way political groups or political parties are defined elsewhere under the title, he was concerned that major parties could be sanctioned, but others, such as the Republican Moderate Party, might be excluded from sanction if they engaged in the illegal behavior. Also, he wasn't sure that groups such as People for the Ethical Treatment of Animals or Trustees for Alaska would be subject to the same penalties because they aren't actually political groups. He questioned why some people should be excluded from the penalty component while others weren't.

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CHAIR THERRIAULT replied it's assumed that those groups are more sophisticated and should know better so they're held to a higher standard. If that causes difficulty, he said, they could include language that is broader or add paragraph (5) to capture smaller parties and groups.

SENATOR WAGONER said the issue might be irrelevant because the Republican Moderate Party might not be recognized as a party any more. That's because a party must receive three percent of the vote in the previous election to remain a valid political party.

CHAIR THERRIAULT replied that's what Senator Elton means. Because they aren't officially recognized, they wouldn't be included in the category, but they might have an absentee ballot effort. He noted that Ms. Glaiser was stepping forward to provide explanation.

LAURA GLAISER, director, of the Division of Elections, read the definition of political party and political group contained in AS 15.60.010. She advised that, "In the division, a political group means a group organized of voters, which represents a political program and does not qualify as a party." If a political party no longer qualifies as a political party, the division views them as a political group.

CHAIR THERRIAULT remarked the combination casts the net wide enough to apply to both political parties and the smaller political groups.

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MS. GLAISER emphasized that she wasn't speaking as an attorney, but they do interpret the language that way.

SENATOR ELTON said he had two points. First, he said his definition came from AS 15.13.400 rather than AS 15.60.010 and he wondered whether the descriptions are similar.

LAURA GLAISER explained that there is a definition in both the APOC statutes and the Division of Election statutes. The division uses the definition in AS 15.13, but she acknowledged that there has been tension over the two definitions.

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SENATOR ELTON said his second question related to groups such as Trustees for Alaska, PETA, the State Chamber of Commerce or other groups that might want to increase voter turnout. They all qualify as a group, but he questioned whether they would be covered as a political group if they weren't organized around an election.

LAURA GLAISER said she didn't know how they would be affected under AS 15.60.010.

SENATOR ELTON thought that language would preclude groups such as 527s from coverage. [527s are a tax-exempt group organized under section 527 of the Internal Revenue Code to raise money for political activities including voter mobilization.

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MR. STANCLIFF noted that the bill had a Judiciary Committee referral and he could look into the definition further before it reached that committee if that was desired. He asked Senator Elton whether he was a member of that committee.

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SENATOR ELTON replied Senators French and Guess were on that committee and they were preparing a packet for them.

CHAIR THERRIAULT asked Mr. Stancliff whether there were other issues to cover.

MR. STANCLIFF replied he had nothing further to add.

CHAIR THERRIAULT asked Ms. Glaiser to comment on the change from seven to ten days and to clarify when in-person early voting begins. He wanted to ensure that everyone was comfortable that access isn't curtailed.

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LAURA GLAISER explained that the division asked to move the last day to apply for an absentee ballot to ten days prior to an election from the current seven day cutoff. The request is based on their knowledge that the division did receive between 7,000 and 11,000 applications in a day. When it's close to the election, it's very difficult to fully verify that many absentee ballot applications, get the ballots in the mail, and beat the seven day deadline.

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"You want to give people the most opportunity when they have a change in their lives, to be able to apply and receive a ballot." In Alaska absentee in-person early voting begins 15 days prior to an election and absentee by-fax voting is available 15 days prior to an election.

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As Senator Elton said, you want voting to be as accessible as possible and having access to a ballot is the highest standard. Although you can request a ballot on the seventh day, if there's no way for the State to turn that around she questioned whether it really served the voter.

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CHAIR THERRIault said it's a balance between encouraging people to vote and making sure that the Division of Elections is able to check to ensure that the voters are valid. Both are important so that people feel that elections in the state are run fairly.

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SENATOR ELTON suggested that there are two ways to deal with that. One way is to make the change from seven days to ten days prior to an election and the second way would be to increase staff so that the turnaround time is reduced.

LAURA GLAISER stated that a better alternative would be to do both.

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CHAIR THERRIAULT remarked that with ten days it's likely the voter would receive a ballot in enough time to cast a vote, but it's nip and tuck if it's seven days.

LAURA GLAISER said when elections staff told voters that their ballot arrived on the last day the division accepted applications and 7,000 applications came in that day, the voter still expected to receive their ballot. The three extra days would make a big difference, she said.

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SENATOR ELTON asked how much time there is between when the voter pamphlet is mailed out and the ten day deadline.

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LAURA GLAISER replied the division is statutorily required to get the voter pamphlets in the mail 22 days prior to an election so the voter receives the pamphlet between 12 and 15 days before an election. "That's a tight deadline in itself," she said.

SENATOR ELTON said he asked because he's noticed that his neighbors begin seriously thinking about the election once the voter pamphlet arrives.

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There were no further questions.

CHAIR THERRIAULT stated that version \G for SB 36 was before the committee and that there were no amendments. The bill had one zero fiscal note. He asked for the will of the committee.

[3:53:51 PM](#)

SENATOR WAGONER motioned to move CSSB 36(STA) version \G from committee with individual recommendations and attached zero fiscal note.

CHAIR THERRIAULT announced that without objection CSSB 36(STA) moved from committee.

There being no further business to come before the committee, Chair Therriault adjourned the meeting at [3:54:17 PM](#).