

**ALASKA STATE LEGISLATURE**  
**SENATE STATE AFFAIRS STANDING COMMITTEE**

May 5, 2005

4:14 p.m.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 277

"An Act naming the Charles Gamble Jr. - Donald Sperl Joint Use Facility in Juneau."

HEARD AND HELD

CS FOR HOUSE BILL NO. 94(FIN) am

"An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration, voter residence, precinct boundary and polling place designation and modification, political parties, voters unaffiliated with a political party, early voting, absentee voting, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, qualifications for elected office, initiative, referendum, recall, and definitions in the Alaska Election Code; and relating to incorporation elections."

HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 277

SHORT TITLE: GAMBLE-SPERL UAS JOINT USE FACILITY

SPONSOR(s): REPRESENTATIVE(s) SENATOR ELTONRITTULA

04/19/05           (H)           READ THE FIRST TIME - REFERRALS  
04/19/05           (H)           MLV, STA

04/30/05 (H) WAIVE MLV REFERRAL DENIED  
 05/02/05 (H) MLV REFERRAL WAIVED  
 05/03/05 (H) STA RPT 7DP  
 05/03/05 (H) DP: GARDNER, LYNN, GATTO, GRUENBERG,  
 ELKINS, RAMRAS, SEATON  
 05/03/05 (H) STA AT 8:00 AM CAPITOL 106  
 05/03/05 (H) Moved Out of Committee  
 05/03/05 (H) MINUTE(STA)  
 05/04/05 (H) TRANSMITTED TO (S)  
 05/04/05 (H) VERSION: HB 277  
 05/04/05 (S) READ THE FIRST TIME - REFERRALS  
 05/04/05 (S) STA  
 05/05/05 (S) STA AT 3:30 PM BELTZ 211

BILL: HB 94

SHORT TITLE: ELECTIONS/VOTERS/POLITICAL PARTIES

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  
 03/15/05 (H) Moved CSHB 94(STA) Out of Committee  
 03/15/05 (H) MINUTE(STA)  
 03/18/05 (H) STA RPT CS(STA) NT 3DP 2NR  
 03/18/05 (H) DP: GATTO, GRUENBERG, SEATON;  
 03/18/05 (H) NR: GARDNER, LYNN  
 03/21/05 (H) JUD AT 1:00 PM CAPITOL 120  
 03/21/05 (H) Heard & Held  
 03/21/05 (H) MINUTE(JUD)  
 04/01/05 (H) JUD AT 1:00 PM CAPITOL 120

04/01/05	(H)	Scheduled But Not Heard
04/04/05	(H)	JUD AT 1:00 PM CAPITOL 120
04/04/05	(H)	-- Meeting Canceled --
04/06/05	(H)	JUD AT 1:00 PM CAPITOL 120
04/06/05	(H)	Heard & Held
04/06/05	(H)	MINUTE(JUD)
04/07/05	(H)	JUD AT 3:00 PM CAPITOL 120
04/07/05	(H)	Moved CSHB 94(JUD) Out of Committee
04/07/05	(H)	MINUTE(JUD)
04/13/05	(H)	JUD RPT CS(JUD) NT 1DP 4NR 1AM
04/13/05	(H)	DP: KOTT;
04/13/05	(H)	NR: ANDERSON, COGHILL, GARA, MCGUIRE;
04/13/05	(H)	AM: GRUENBERG
04/19/05	(H)	FIN AT 1:30 PM HOUSE FINANCE 519
04/19/05	(H)	Moved CSHB 94(FIN) Out of Committee
04/19/05	(H)	MINUTE(FIN)
04/21/05	(H)	FIN RPT CS(FIN) NT 3DP 4NR 1AM
04/21/05	(H)	DP: HAWSENATOR ELTONR, FOSTER, MEYER;
04/21/05	(H)	NR: CROFT, MOSES, SENATOR ELTONLLY, CHENAULT;
04/21/05	(H)	AM: STOLTZE
04/27/05	(H)	BEFORE THE HOUSE
04/28/05	(H)	BEFORE THE HOUSE
04/28/05	(H)	TRANSMITTED TO (S)
04/28/05	(H)	VERSION: CSHB 94(FIN) AM
05/01/05	(S)	READ THE FIRST TIME - REFERRALS
05/01/05	(S)	STA, JUD, FIN
05/05/05	(S)	STA AT 3:30 PM BELTZ 211

**WITNESS REGISTER**

Representative Beth Kerttula  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Sponsor of HB 277

Representative Bill Thomas, Jr.  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Co-Sponsor of HB 277

Bonnie Lindegaard  
Juneau AK  
**POSITION STATEMENT:** Supported HB 277

Carlos Cadiante  
Auke Bay, AK

**POSITION STATEMENT:** Supported HB 277

Laura Glaiser, Director  
Office of the Lieutenant Governor  
Division of Elections  
P.O. Box 110017  
Juneau, AK 99811-0017

**POSITION STATEMENT:** Explained changes in SCS CSHB 94(STA)

Joe Balash  
Staff to the Legislative Budget and Audit Committee  
Alaska State Capitol  
Juneau, AK 99801-1182

**POSITION STATEMENT:** Answered questions related to SCS CSHB 94(STA)

Jim Sykes  
No address provided

**POSITION STATEMENT:** Testified on SCS CSHB 94(STA)

Amy Page  
No address provided

**POSITION STATEMENT:** Testified in support of SCS CSHB 94(STA)

#### **ACTION NARRATIVE**

**CHAIR GENE THERRIault** called the Senate State Affairs Standing Committee meeting to order at [4:14:44 PM](#). All committee members were present.

#### **HB 277-GAMBLE-SPERL UAS JOINT USE FACILITY**

CHAIR THERRIault announced HB 277 to be up for consideration.

[4:15:13 PM](#)

REPRESENTATIVE BETH KERTTULLA, sponsor, introduced Don Sperl's family.

SENATOR KIM ELTON, Co-Sponsor, asked the committee to understand that Charles Gamble Jr.'s parents weren't able to attend what, for them, would be a very emotional meeting due to their advanced age and frail health. He explained that Charles and Don both grew up in Juneau and were sent to Vietnam after basic training.

Charles attained the rank of specialist fourth class and he died October 28, 1969 as a result of a helicopter crash in Vietnam. Don attained the rank of corporal and he died May 8, 1968 from wounds received in the line of duty.

He explained that the facility they propose to name after these men is a joint use facility that will be shared by the National Guard and the University of Alaska Southeast. The guard will use part of the facility as an armory and the university will use part as a student recreation center. This unusual and unique facility was built on a shared basis with State of Alaska, University of Alaska and federal dollars. It is located on the Juneau campus and will be completed in July '05.

Three years ago he began working with the guard and the university to name this facility after Don Sperl and Charles Gamble Jr. During that time he found that the different naming procedures aren't complimentary. Although the guard agreed to put the request before the soon-to-be-appointed naming committee, that committee has yet to be appointed. Now he has been told that the guard is waiting until the end of the Iraq War before proceeding.

He related the experience of visiting the Vietnam Memorial and seeing Charles Gamble Jr. and Don Sperl's names listed there. He said that is the only memorial he's seen that has those two names on it and it's thousands of miles from Juneau. It's entirely appropriate that their names be attached to something in Juneau "where they grew up and developed their notion of service to neighborhood, to community, to region, to state, and to the nation."

In conclusion he said he could think of no better facility to carry the names of these two heroes. It will be used by university students, members of the community and National Guard members who have dedicated their lives to serving the United States in uniform. "It's extremely important to be reminded that in the past there are people who took the notion of service extremely seriously and because they did and because they adopted and used the values that grew in this community, they lost their lives."

He encouraged the committee to pass the bill so that these men could be honored and so that people in the community could learn from the sacrifice that they made.

[4:22:06 PM](#)

REPRESENTATIVE BILL THOMAS, JR., Co-Sponsor, took the opportunity to point out how timely the bill is because Vietnam Veteran's recognition week is from May 1 to May 7. He told of knowing Don Sperl through high school basketball and said that those who are familiar with local basketball know that it establishes a bond for life.

In 1968 he was on a stopover in Japan on the way to Vietnam when he was surprised and pleased to meet up with Don. He'd known him for several years, but he didn't know that Don was an Army medic who was also headed to Vietnam. Sometime after that he read that Don Sperl had died.

He said he supports the bill; he knows the families; and he is proud to ask that the men's names be put on the building. He added that in the sad event that someone from Juneau dies in the Iraq War that name could be added at a later time.

[4:25:38 PM](#)

CHAIR THERRIAULT asked Representative Kerttula if she had additional comments.

REPRESENTATIVE KERTTULA said she had neglected to say that the university supports putting the names on the building.

SENATOR ELTON read a portion of the letter from Major General Phil Oates who was Adjutant General of the Army National Guard at the time.

A nominating committee will be formed in the near future and I will forward your request for consideration. Thank you for your input and we look forward to supporting the people of Juneau.

He explained that he read that to demonstrate that the attitude at the time was that it is appropriate to recognize Juneau service men that died in the line of duty. He said he'd like to think that that would be the net effect with the passage of the bill.

CHAIR THERRIAULT acknowledged he hadn't followed the issue and until just before the hearing he hadn't been aware of any concern. He noted the cautionary statements from the military and asked for comment.

REPRESENTATIVE THOMAS responded that he too had read the email and he thinks it is inappropriate to wait to name a building until someone else has died. We should honor those who have already died and not look forward to someone else dying, he said.

SENATOR ELTON added that if something tragic happens to another Juneau family it would be appropriate to recognize that. When he testified before the House committee he made a commitment. If someone else from Juneau were to die in the line of duty, he would be the first person to work with the family. If they request that their son's or daughter's name be added to the building then he would work toward that end. If they request a different memorial then he would work for that. He emphasized that it's taken 35 years to recognize these two young men who died in the Vietnam War and he wasn't going to let that happen to another Juneau family.

He noted the resolution from the City and Borough of Juneau Assembly in support of naming the building as proposed.

[4:31:05 PM](#)

SENATOR CHARLIE HUGGINS outlined military naming procedures and noted that the facility is a regional facility. He recommended that the committee defer action to hear from Major General Campbell who would be in the building the following day.

[4:35:35 PM](#)

BONNIE LINDEGAARD, Juneau, stated that she was representing the class of 1965 and the family of Donald Sperl in support of HB 277. She read a supporting letter from a classmate and outlined Mr. Sperl's many and varied accomplishments.

[4:38:57 PM](#)

CARLOS CADIENTE, Auke Bay, described Charles Campbell and Don Sperl as friends, classmates, athletes and outstanding young men. It would be a great tribute to Don and Charles, who made the ultimate sacrifice, to name the building in their honor, he said. It would also be a belated thank you to all the Alaskans who served in Vietnam.

[4:40:56 PM](#)

CHAIR THERRIAULT said he would like to accommodate General Campbell and hold the bill until the following day. He then asked if Marty Whitney was Charles Gamble's sister.

SENATOR ELTON said that's correct. He said he understood Senator Huggins' recommendation and asked that General Campbell meet with members of the family.

CHAIR THERRIAULT announced he would set HB 277 aside until the following day.

CHAIR THERRIAULT called a brief at ease at [4:43:55 PM](#)

**CSHB 94(FIN) AM-ELECTIONS/VOTERS/POLITICAL PARTIES**

[4:49:34 PM](#)

CHAIR GENE THERRIAULT announced HB 94 to be up for consideration.

SENATOR CHARLIE HUGGINS moved Version R as the working document. There was no objection.

LAURA GLAISER, Director of the Division of Elections, Office of the Lieutenant Governor, reminded members that they heard the companion bill, SB 76, in early February and noted that a number of changes had been made since that hearing. She suggested that a review of the sectional highlight spreadsheet would be the best way to follow the changes. [A copy may be found in the bill file.]

She reviewed the CSHB 94(FIN)am Sectional Highlight.

**ISSUE: VOTER REGISTRATION**

BILL SECTION: 1,2,4,7

PROPOSED: Power of attorney may register on behalf of a voter.

CURRENT LAW: Cannot register or make changes with a power of attorney.

BILL SECTION: 4,7

PROPOSED: Submit voter registration forms by scanning.

CURRENT LAW: Can submit in person, by mail or by fax.

BILL SECTION: 3

PROPOSED: Voter record presumptive evidence of voter's residence.

CURRENT LAW: Voter card is presumptive evidence - card may not be current.

BILL SECTION: 5

PROPOSED: Only voter or power of attorney may mark party affiliation on voter registration form unless voter already registered in that party.

CURRENT LAW: Not addressed.

BILL SECTION: 8

PROPOSED: Definition of non-partisan and undeclared voters.

CURRENT LAW: Current practice, not defined in law.

BILL SECTION: 9

PROPOSED: Voter list to protect confidentiality of voters.

CURRENT LAW: No mention of confidentiality protections when preparing list of voters.

BILL SECTION: 58

PROPOSED: Defines "re-registration" for voters inactivated.

CURRENT LAW: Not addressed.

[4:53:02 PM](#)

**ISSUE: PRECINCT BOUNDARY/POLLING PLACE CHANGES**

BILL SECTION: 10

PROPOSED: Letters to affected voters; Publish one notice in local paper; Post if no local paper; Post on Division's website, Notice to clerks, Native groups, community councils, etc.

CURRENT LAW: Letters to affected voters - current practice; Not required to publish for polling place; Publish 3 times for boundary changes; Posting if no local paper - same; Remainder currently not required.

BILL SECTION: 55

PROPOSED: Publish notice of precinct/polling place changes in OEP.

CURRENT LAW: Not required.

BILL SECTION: 62

PROPOSED: Repeals language regarding written notice, as changes were incorporated in AS 15.10.090.

CURRENT LAW:

[4:53:40 PM](#)

**ISSUE: BALLOTS/ENVELOPES**

BILL SECTION: 11

PROPOSED: Ballot rotation for all candidates except those for State House.

CURRENT LAW: Placement of candidates' names randomly determined by Director.

BILL SECTION: 13

PROPOSED: Election workers to record ballots destroyed or returned for destruction.

CURRENT LAW: Not required. Could affect ballot accountability records.

BILL SECTION: 14

PROPOSED: Hand count verification of 1 precinct (5% of votes cast) per district by State Review Board prior to election certification.

CURRENT LAW: Not required.

BILL SECTION: 15

PROPOSED: Voter certificate on ballot envelope notice re: false statements are punishable by law.

CURRENT LAW: Voter signs that information is true and accurate.

BILL SECTION: 25

PROPOSED: If voter fails to mark choice of primary ballot, Division will send ballot according to affiliation. If unaffiliated, voter to get ballot with greatest range of candidates.

CURRENT LAW: Not addressed.

MS. GLAISER said that last provision was removed in Version R because the Department of Law advised that current law doesn't offer a primary ballot with the greatest range of candidates from the greatest number of parties.

[4:56:05 PM](#)

**ISSUE: INDEPENDENT CANDIDATES FOR PRESIDENT OF VICE-PRESIDENT**

BILL SECTION: 12

PROPOSED: Names on ballot same as party candidates.

CURRENT LAW: Not addressed. No legal procedure for a candidate like Ralph Nader.

BILL SECTION: 28

PROPOSED: Process for qualifying as an Independent candidate.

CURRENT LAW: Not addressed.

BILL SECTION: 29,30

PROPOSED: Votes for electors and duties of electors same as party candidates.

CURRENT LAW: Not addressed.

[4:56:48 PM](#)

**ISSUE: EARLY VOTING**

BILL SECTION: 16

PROPOSED: Sites to be designated by Director by January 1st of an election year.

CURRENT LAW: No deadline.

MS. GLAISER said it Version R accommodates the suggestion that June 1 would be a more appropriate date.

BILL SECTION: 62

PROPOSED: Repeals duplicative language.

CURRENT LAW: Addressed in AS 15.20.045.

[4:57:43 PM](#)

**ISSUE: ABSENTEE VOTING**

BILL SECTION: 17

PROPOSED: Reduce witnesses required for submitting a "by fax" ballot. No longer required to be US citizens.

CURRENT LAW: Two witnesses. Witnesses were required to be US citizens.

BILL SECTION: 18

PROPOSED: Apply for absentee ballot by scanning application.

CURRENT LAW: Apply in person, by mail or by fax.

BILL SECTION: 1,2,18

PROPOSED: Power of attorney may apply for absentee ballot.

CURRENT LAW: Cannot apply for absentee ballot on behalf of voter with power of attorney.

BILL SECTION: 18

PROPOSED: Only voter or power of attorney may mark party affiliation unless voter already registered in that party.

CURRENT LAW: Not addressed.

BILL SECTION: 18  
PROPOSED: Only voter or power of attorney may mark choice of primary ballot.  
CURRENT LAW: Not addressed.

BILL SECTION: 19  
PROPOSED: Reduce witnesses required for submitting a "by mail" ballot to one.  
CURRENT LAW: Two witnesses required.

BILL SECTION: 19  
PROPOSED: Voter to certify under penalty of perjury that the statements are true.  
CURRENT LAW: Not required.

BILL SECTION: 20  
PROPOSED: Defines overseas voter - AS 15.05.011.  
CURRENT LAW: Military APO or FPO address.

[4:59:06 PM](#)

**ISSUE: RECOUNTS**

BILL SECTION: 21  
PROPOSED: Raises deposit amounts.  
CURRENT LAW: Current amounts have not been addressed since 1986.

[4:59:31 PM](#)

**ISSUE: BY MAIL VOTING**

BILL SECTION: 22  
PROPOSED: Division will not mail ballots to address previously recorded as "undeliverable."  
CURRENT LAW: Required to mail ballots to addresses that are "undeliverable" - ballot integrity issue.

[4:59:53 PM](#)

**ISSUE: VOTING SYSTEMS**

BILL SECTION: 23  
PROPOSED: Division to use only those machines/systems approved by FEC.  
CURRENT LAW: No standards required. Previous administration approved new software that had not been certified at time of election.

[5:00:03 PM](#)

**ISSUE: CANDIDATES**

BILL SECTION: 24,26,27

PROPOSED: At time of filing, a candidate will meet the constitutional age requirements on the 1st day of the first session.

CURRENT LAW: Not addressed.

5:00:26 PM

**ISSUE: INITIATIVES, REFERENDUM, RECALL**

BILL SECTION: 31,38,46

PROPOSED: Application to include printed name, signature, address, and numerical identifier of sponsors.

CURRENT LAW: Signatures required.

BILL SECTION: 32,39,47

PROPOSED: Sponsors support action. Additional sponsors will give name address and numerical identifier.

CURRENT LAW: Support of action not addressed. Numerical identifier not required but will help qualify the sponsors. No similar language for recall.

BILL SECTION: 33,40,48

PROPOSED: Printed name and numerical identifier, and date when signed is required.

CURRENT LAW: Signature and address only.

MS. GLAISER explained that the proposed change is to address the problem of whether or not a petition signer was a qualified voter at the time of signing. If there is a date placed on the petition book at the time of signing then that question could be answered.

5:01:55 PM

SENATOR KIM ELTON posed a hypothetical situation to question whether the date is attached to the petition book or the signature.

MS. GLAISER clarified that the voter dates the petition when he or she signs it. The date has nothing to do with the petition circulation; it's to ensure that the voter was registered at the time of signing. .

**ISSUE: INITIATIVES, REFERENDUM, RECALL CONTINUED**

BILL SECTION: 33,40,48

PROPOSED: Booklets to be sequentially numbered.  
CURRENT LAW: Current practice. Not addressed in law.

BILL SECTION: 33,40,48  
PROPOSED: Petition to include minimum cost to the state to certify and review - does not include legal costs.  
CURRENT LAW: Not required.

BILL SECTION: 33,40,48  
PROPOSED: Petition to include cost of implementing proposed law or conducting recall election.  
CURRENT LAW: Not required.

BILL SECTION: 34,41,50  
PROPOSED: Qualifications of circulator - citizen, at least 18 years old, Alaskan resident.  
CURRENT LAW: In practice as a result of Buckley ruling, but not set out in law.

BILL SECTION: 35,43,52  
PROPOSED: Printed name and numerical identifier, and date when signed required when withdrawing name from petition.  
CURRENT LAW: Voter's signature and address required.

BILL SECTION: 36,44,53  
PROPOSED: Repeal and reenacted certification of circulator. Circulator to sign inclusive affidavit.  
CURRENT LAW: Does not comply with Buckley decision.

BILL SECTION: 37,45,54  
PROPOSED: Display of proposed law at polling place - at least 5 copies available and one posted.  
CURRENT LAW: 10 copies available and 3 posted.

BILL SECTION: 42,51  
PROPOSED: Circulator may not receive payment greater than \$1. Prohibitions and penalties defined.  
CURRENT LAW: Current language for initiative petitions. Not addressed for referendum and recall.

BILL SECTION: 49  
PROPOSED: Removes language regarding "duplicate copy" of a recall petition.  
CURRENT LAW: There are no "duplicate copies" of a recall petition. All are sequentially numbered.

BILL SECTION: 58

PROPOSED: Defines "numerical identifier" as voter's date of birth, Alaska driver's license or ID number, last 4 digits of SS number, or voter ID number.

CURRENT LAW: No requirement for additional information makes qualifying voter's signatures more difficult.

[5:04:50 PM](#)

**ISSUE: RECOGNIZED POLITICAL PARTIES**

BILL SECTION: 56

PROPOSED: Sets out process for a political group to become a party. Ensures that a party cannot lose status during the election cycle. Explains verification process.

CURRENT LAW: Not addressed, though procedure was in place to protect the parties.

SENATOR ELTON asked if a section was removed from Version R and, if so, what it did.

MS. GLAISER responded Section 57 was removed from Version R. The result is that the definition was returned to what is current law.

BILL SECTION: 57

PROPOSED: Defines political party - 2% of the total votes cast for governor at the preceding election OR 2% of the total votes for US Senate OR 2% of the total votes for US Representative at the most recent general election or when a governor was elected... OR... 2% of the number of registered voters.

CURRENT LAW: 3% of total votes cast for governor OR if governor not on ballot, 3% of total votes cast for US Senate OR if neither on ballot, 3% of total votes cast for US Representative OR registered voters totaling 3% of the number of votes cast in that election.

CHAIR THERRIault asked if that was passed last year.

MS. GLAISER replied yes. What wasn't removed is the process for a political group to become a party and retain its status during an election cycle. Also it explains the verification process. She said that the division has tried to do that even though it isn't set out in law so it's not really fair to parties. Section 59 of Version R does set it out in law.

SENATOR ELTON asked for verification that Version R defines political party as 3%, which is the same as in current law.

MS. GLAISER said that's correct.

CHAIR THERRIAULT added it's the difference between 2% of the total registered voters versus 3%. The bill passed last year had a sort of cascading standard.

SENATOR ELTON questioned what parties would be qualified under the version that passed the House compared to Version R and what parties might drop out if there is a return to the 3% standard under Version R.

MS. GLAISER explained that the same parties would have qualified. No one party or group would be added, but 3% of the total votes cast is a lower number than 2% of the total registered voters.

SENATOR ELTON asked if the "recipe" was the same even though the percentage was different.

MS. GLAISER answered no; the "recipe" changed. She read current law and said the House version allowed qualification in several different areas: governor, or US Senate, or US House in the same election cycle. Current law is an either or requirement. If a governor were not on the ballot, you would look at the US Senate. If there were no US Senate election then you would look at the US House. She reiterated Chair Therriault's explanation that current law has a cascading test while the House version offers options for qualification.

[5:10:18 PM](#)

CHAIR THERRIAULT noted that it's now more difficult to purge the voter rolls. He suggested that for that reason it's more valid to use a percentage of the votes that were cast. Also, with a cascading test you go with the race on the ballot that's likely to generate the most voter participation.

SENATOR ELTON stated that it would be helpful to see a chart that lists the marginal parties and compare the number of qualifications between two versions.

MS. GLAISER said she prepared a comparison chart for the House State Affairs Committee that would give a general idea. She offered the following:

- On General Election Day in 2004 there were 472,160 registered voters.

- 3% of those who voted for US Senate equaled 9,329. The only parties that would have qualified were the Republicans and Democrats.
- 3% of those who voted for US Representative that nominated a candidate receiving equaled 9,298. The Republican Party, the Democrat Party and the Green Party would have qualified.
- 2% of those who registered to vote when there was a date certain requirement equaled 8,977. She noted that number would always be greater if the mark is "registered to vote." Turnout is never 100% so 3% of the turnout would be smaller than 2% of those registered to vote.

She said she would gather the information Senator Elton requested.

SENATOR ELTON requested information on the range of percentages that other states use as well.

MS. GLAISER told him she had that information from the previous year. She further informed the committee that as a result of litigation, the Alaska Supreme Court found that the 3% of total votes cast rule is sufficient.

CHAIR THERRIAULT added that the legislation from last year was based on a lower court decision. He asked if that is the decision that was just confirmed.

MS. GLAISER replied she wasn't sure about that, but she did know that 3% was upheld.

[5:14:25 PM](#)

MS. GLAISER continued the review:

**ISSUE: INCORPORATION ELECTIONS**

BILL SECTION: 59,60

PROPOSED: Defines "qualified voter" as a person registered to vote within the proposed municipality or borough for at least 30 days before an election.

CURRENT LAW: "qualified voter" was defined as being a resident of the municipality or borough for 30 days before an election.

BILL SECTION: 61

PROPOSED: Defines qualified voter as a person who has the qualifications under AS 15.60.010.

CURRENT LAW: Not addressed.

5:15:08 PM

CHAIR THERRIAULT directed attention to page 7, line 20 of Version R and noted that the attorney general's office suggested using "attestation" rather than "oath."

MS. GLAISER explained that the state must comply with the National Voter Registration Act. Attestation is in current law and is the proper term.

CHAIR THERRIAULT referenced page 13, line 20 and asked Ms. Glaiser to reiterate the reasoning behind the request for the date change.

MS. GLAISER explained that the division initially picked January 1 of an election year as the date to designate locations for early voting. Waiting until June 1 is reasonable because the division could still organize election worker efforts and have supplies available. Furthermore, ballot printing can't be ordered before then because that's the last day to file as a candidate.

CHAIR THERRIAULT noted there were no further questions for Ms. Glaiser. He asked Mr. Balash to review the changes proposed in Version R.

5:17:40 PM

JOE BALASH, Staff to the Legislative Budget and Audit Committee, stated that he would speak to changes in Sections 11,12, and 13 that occur on pages 9,10, and 11. They came about as a result of observations made during the most recent federal and state level election.

The changes relate to the activities of 527 organizations, which are a creation of federal law. He explained that these organizations aren't required to disclose the money sources and they engage in voter registration and voter turnout efforts.

Political parties don't have the same advantage, he said. Every dollar a political party raises has to be from private sources; neither corporate nor union money may be used. However, he said, we don't want to go back to the days when soft money went to parties and was dumped into campaign ads.

To address that issue, Section 13 amends AS 15.13.400 by adding a new paragraph (17) to define "party building." He read the proposed definition and pointed out that the Legislature has previously defined both terms in a manner that has strengthened how APOC looks at ad content to determine whether or not only hard dollars can be used for an ad. He further explained that:

By defining party building in a negative way in the context of an electioneering communication or an express communication, that exception for party building can be allowed in the 610 days after an election but not in the next 120 days, which are the 120 days before the next election.

Federal law requires that any activity by a party be done with hard dollars in the 60 days before the general and the 60 days before the primary. In Alaska that means that every dollar a state party spends in the 120 days before the general election must be hard dollars.

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Section 11 defines "contribution" and Section 12 defines "expenditure". They make allowances for party building functions, but because of the way party building is defined, that money would not be able to be used to influence the outcome of an election.

CHAIR THERRIAULT asked him to go over the list of things that would be covered in the definition of party building.

MR. BALASH read, "...the activities of a political party to register voters, organize precincts, districts, and regions, and otherwise engage in activities that build, maintain, or strengthen a political party in this state..." A voter registration drive; a door-to-door effort to register new arrivals to an area; organizing a local precinct or district; and putting on a party picnic or rally or convention would be included as long as the activity didn't occur in the 120 day period before the election.

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SENATOR ELTON asked if it would be considered party building to make polling phone calls so that information could be passed on to candidates if the calls occurred prior to 120 days before a general election.

MR. BALASH responded as long as the activity didn't fall under an "express communication" definition, it would not be proscribed in the time prior to 120 days before an election. The "express communication" standard exists whether it's an election year or not and is a communication that, " when read as a whole and with limited reference to outside events or context can be determined to be nothing other than an exhortation to vote for or against a candidate."

SENATOR ELTON mentioned phone calls that ask whether you knew that person X participated in activity Y and asked whether that kind of communication could be considered party building.

MR. BALASH replied not in Alaska; that would fall under the definition of an electioneering communication. That was new law in either 2001 or 2002, he said.

CHAIR THERRIAULT opened teleconference testimony.

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JIM SYKES testified via teleconference. He informed the committee that he sent written comments that were directed to the House version, which he described as generally a good bill. With regard to Version R, he strongly encouraged the committee to restore what had been Section 57, which amended AS 15.60.010(23)(A)(B)(C) and (D). He further recommended amending subparagraph (D) to recognize a political party as one half of one percent.

He explained that in the US just the Republican Party, the Democratic Party, and two other political parties have a 2% registration requirement. That, he said, is an extremely high requirement.

Until 1996 there was no avenue for political parties to acquire recognition through registration. At that time it was established that 3% of the votes in the governor race was required for recognition. The Green Party challenged the 3% requirement, but the Alaska Supreme Court has yet to hear the case. The superior court did issue a preliminary injunction saying that the Green Party showed a modicum of support even though it didn't achieve 3% in the governor race. He emphasized that the House version dealt with that requirement and established the 2% level for any statewide race.

He suggested that if the committee wanted to go along with what the percentage is then it should be the same as a nominating petition. The Vogler challenge spoke to this small amount of support, he said. He noted that political parties have more rights and responsibilities than a candidate that is on the ballot as a result of a nominating petition, but registering people to the political party is much more difficult than getting people to sign a nominating petition.

Smaller political parties have an additional hurdle because the primary election race has changed virtually every time since 1996. He pointed out that nonpartisan voters currently have more options in choosing a ballot than anyone who is registered to a political party. Because of dissatisfaction with the major parties, independent voter registration is at a high, he said. It's additionally burdensome in Alaska where the law has changed. People want to preserve the maximum options since they were accustomed to voting an open blanket primary before 1996.

He reiterated that registering voters to a political party is an extremely difficult test to meet. He said he has always worked to make elections bills fair to all political parties and those who are not registered to a political party. I've tried to make sure that what is done is straightforward and easy to understand and good public policy regardless of what your political leanings may be, he concluded.

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AMY PAGE testified from Juneau and told the committee that she believes that Alaska has had good election procedures and she was impressed with how the recount effort was managed. She said, the bill you got from the House is "pretty good" and you should pass it.

CHAIR THERRIAULT noted there was no further testimony and announced he would hold the bill.

CHAIR THERRIAULT recessed the meeting to the call of the chair at [5:39:21 PM](#).