

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

April 5, 2011

8:06 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative Paul Seaton
Representative Peggy Wilson
Representative Max Gruenberg
Representative Pete Petersen
Representative Kyle Johansen

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S):

Parole Board

Sarah J. Possenti - Fairbanks

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 178

"An Act relating to election practices and procedures; and providing for an effective date."

- MOVED CSHB 178(STA) OUT OF COMMITTEE

SENATE BILL NO. 93

"An Act relating to special request specialty organization registration plates; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 31(JUD)

"An Act relating to the counting of write-in votes."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 178

SHORT TITLE: ELECTION PROCEDURES

SPONSOR(S): REPRESENTATIVE(S) THOMAS

03/07/11	(H)	READ THE FIRST TIME - REFERRALS
03/07/11	(H)	CRA, STA
03/15/11	(H)	CRA AT 8:00 AM BARNES 124
03/15/11	(H)	Heard & Held
03/15/11	(H)	MINUTE(CRA)
03/29/11	(H)	CRA AT 8:00 AM BARNES 124
03/29/11	(H)	Moved CSHB 178(CRA) Out of Committee
03/29/11	(H)	MINUTE(CRA)
03/30/11	(H)	CRA RPT CS(CRA) 5DP
03/30/11	(H)	DP: AUSTERMAN, DICK, SADDLER, FOSTER, MUNOZ
03/30/11	(H)	FIN REFERRAL ADDED AFTER STA
03/31/11	(H)	STA AT 8:00 AM CAPITOL 106
03/31/11	(H)	Heard & Held
03/31/11	(H)	MINUTE(STA)
04/05/11	(H)	STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

SARAH J. POSSENTI, Appointee
State Board of Parole
Department of Corrections
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the State Board of Parole.

CECILLE ELLIOT, Staff
Representative Bill Thomas
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 178 on behalf of Representative Thomas, sponsor.

GAIL FENUMIAI, Director
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 178.

MARK SAN SOUCI, Regional Liaison Northwest
Defense State Liaison Office

Office of the Deputy Assistant Secretary
of Defense DUSD (Military Community and Family Policy)
U.S. Department of Defense (DoD)
Tacoma, Washington

POSITION STATEMENT: Offered points for consideration and answered questions during the hearing on HB 178.

ACTION NARRATIVE

[8:06:22 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:06 a.m. Representatives Keller, Seaton, P. Wilson, Petersen, and Lynn were present at the call to order. Representatives Johansen and Gruenberg arrived as the meeting was in progress.

[8:07:13 AM](#)

CONFIRMATION HEARING(S):
State Board of Parole

[8:07:50 AM](#)

CHAIR LYNN announced that the first order of business was the confirmation hearing for the State Board of Parole.

[8:08:10 AM](#)

SARAH J. POSSENTI, Appointee, State Board of Parole, Department of Corrections, testified as appointee to the State Board of Parole. She said she is a life-long resident of Fairbanks who worked as a parole officer for 11 years. She said she also served as a field probation officer for eight years, specializing in the supervision of sex offenders, and did work on "the containment model." For the past three years, she said, she has been working as an institutional probation officer. She said she resigned in January 2011.

MS. POSSENTI explained that she resigned from the position because of family matters, but still wants to be part of the state justice system. She emphasized her belief in protecting the public and rehabilitating people who get out of jail.

[8:10:10 AM](#)

MS. POSSENTI, in response to Representative Petersen regarding recidivism, recommended release planning, setting up a support system for those being released, and involving churches and communities. She talked about buffering the shock of being released back into a community and emphasizing what there is to lose by being sent back to jail. In response to a follow-up question, she said she thinks it is advantageous to bring Alaska's prisoners who are out of state back to Alaska.

[8:14:25 AM](#)

CHAIR LYNN, after ascertaining that there was no one else who wished to testify, closed public testimony.

[8:14:54 AM](#)

REPRESENTATIVE KELLER moved to forward the confirmation of Sarah J. Possenti as appointee to the State Board of Parole to the joint session of the House and Senate for consideration. There being no objection, the confirmation was advanced.

[8:15:09 AM](#)

The committee took an at-ease from 8:15 a.m. to 8:18 a.m.

HB 178-ELECTION PROCEDURES

[8:18:58 AM](#)

CHAIR LYNN announced that the last order of business was HOUSE BILL NO. 178, "An Act relating to election practices and procedures; and providing for an effective date."

[Before the committee was CSHB 178(CRA).]

[8:19:12 AM](#)

CECILLE ELLIOT, Staff, Representative Bill Thomas, Alaska State Legislature, presented HB 178 on behalf of Representative Thomas, sponsor. She mentioned the [2010 General Election Review, dated April 1, 2011, included in the committee packet], and said there are two provisions outlined in that [review] that are not yet covered in CSHB 178(CRA), and there are two amendments drafted for the consideration of the committee. She explained that there are two provisions that must be adopted in order for the state to meet all the federal requirements in the Military and Overseas Voter Empowerment Act: one is a provision

requiring the Division of Elections to send out ballots 45 days ahead of an election, and the other is a provision that makes it possible for military and overseas voters to apply for a ballot at any time of the year. In response to Representative Keller, she said those provisions would be in Sections 10 and 13.

[8:24:56 AM](#)

REPRESENTATIVE KELLER moved to adopt Conceptual Amendment 1, which read as follows [original punctuation provided]:

Page 5, following line 16:

Insert a new bill section to read:

"* **Sec. 10.** AS 15.20.081(c) is amended to read:

(c) After receipt of an application, the director shall send the absentee ballot and other absentee voting material to the applicant by the most expeditious mail service. However, if the application requests that an absentee ballot for a state election be sent by electronic transmission, the director shall send the absentee ballot and other absentee voting material to the applicant by electronic transmission. Except as provided in (k) of this section, the [THE] absentee ballot and other absentee voting material shall be sent as soon as they are ready for distribution. If the absentee ballot and other absentee voting material are mailed to the applicant, the return envelope sent with the ballot and other materials shall be addressed to the election supervisor in the district in which the voter is a resident."

Renumber the following bill sections accordingly.

Page 6, following line 13:

Insert a new bill section to read:

"* **Sec. 13.** AS 15.20.081 is amended by adding a new subsection to read:

(k) In accordance with 42 U.S.C. 1973ff-1(a)(8)(A), if an application is received at least 45 days before an election and is from an absent uniformed services voter or an overseas voter, the director shall send an absentee ballot and other voting material to the applicant not later than 45 days before the election. If the absentee ballot prepared under AS 15.20.030 is not ready for distribution under (c) of this section at least 45

days before an election, the director shall provide an alternative absentee ballot to an absent uniformed services voter or overseas voter who requested an absentee ballot at least 45 days before the election. The alternative absentee ballot shall be prepared in substantially the same form as an absentee ballot prepared under AS 15.20.030. In this subsection,

(1) "absent uniformed services voter" has the meaning given in 42 U.S.C. 1973ff-6;

(2) "overseas voter" has the meaning given in 42 U.S.C. 1973ff-6."

Renumber the following bill sections accordingly.

REPRESENTATIVES P. WILSON and GRUENBERG objected for the purpose of discussion.

[8:25:41 AM](#)

MS. ELLIOT explained that Conceptual Amendment 1 would require the division to do what current bill language only allows the division to do. She said, "Originally that was considered duplicative because it's already a federal mandate."

[8:26:18 AM](#)

The committee took a brief at-ease.

[8:26:23 AM](#)

MS. ELLIOT reminded the committee that the proposed amendment is conceptual, and she confirmed that the language of Conceptual Amendment 1 had been lifted from another bill version, which is why "X.1" is part of the title. In response to Representatives Seaton and Gruenberg, she confirmed that the amendment would add, not change, language to CSHB 178(CRA), and the language of Conceptual Amendment 1 would be inserted as is.

[8:28:32 AM](#)

REPRESENTATIVES P. WILSON and GRUENBERG removed their objections to the motion to adopt Conceptual Amendment 1. There being no further objection, it was so ordered.

[8:29:10 AM](#)

REPRESENTATIVE KELLER moved to adopt Conceptual Amendment 2, which read as follows [original punctuation provided]:

Page 3, following line 12:

Insert a new bill section to read:

"* **Sec. 7.** AS 15.20.066(a) is amended to read:

(a) The director shall adopt regulations applicable to the delivery of absentee ballots by electronic transmission in a state election and to the use of electronic transmission absentee voting in a state election by qualified voters. The regulations must

(1) require the voter to comply with the same time deadlines as for voting in person on or before the closing hour of the polls;

(2) require the voter to comply with the same deadlines for applying for an absentee ballot as those set out for applying in person for an absentee ballot in AS 15.20.061(a)(1), except that a qualified voter who is an absent uniformed services voter, an overseas voter, or a voter who notifies the director in writing that the voter expects to be living, working, or traveling in a remote area of the state under AS 15.20.082(a)(3) may apply to vote an absentee ballot by electronic transmission at any time during a calendar year; and

(3) [(2)] ensure the accuracy and, to the greatest degree possible, the integrity and secrecy of the ballot process."

Renumber the following bill sections accordingly.

Page 4, line 14:

Delete ", if the voter is in the state,"

REPRESENTATIVE GRUENBERG objected for the purpose of discussion.

[8:29:25 AM](#)

MS. ELLIOT said Conceptual Amendment 2 would allow for military and overseas voters to apply for ballots at any time during the year. She said the amendment is a response to a recommendation in the aforementioned elections review. She deferred to Gail Fenumiai, the director of the Division of Elections, for further explanation.

[8:30:46 AM](#)

REPRESENTATIVE SEATON ventured that Conceptual Amendment 2 would apply not only to a person who is already living overseas, but also to someone who notifies the director in writing that he/she expects to be moving overseas.

MS. ELLIOT said that is her understanding.

[8:31:22 AM](#)

REPRESENTATIVE GRUENBERG offered his understanding that Mr. San Souci, in an e-mail dated 4/2/11 [included in the committee packet], emphasized the importance of the 45-day issue. He then questioned the use of the term "calendar year", within the language of Conceptual Amendment 2, and suggested using a phrase that would allow more than a year. He explained that last year Representative Buch introduced legislation that provided for "multi-year registration," and he ventured that HB 178 could be a vehicle for allowing people to be registered for several years while serving overseas.

[8:34:04 AM](#)

REPRESENTATIVE P. WILSON asked for confirmation that the only language being considered as Conceptual Amendment 2 is that language that is bold and underlined.

MS. ELLIOT answered that is correct.

[8:34:31 AM](#)

REPRESENTATIVE SEATON asked whether Conceptual Amendment 2 would modify HB 178 or statute.

[8:35:45 AM](#)

REPRESENTATIVE GRUENBERG observed that Conceptual Amendment 2 pertains to Section 7 of the bill; therefore, the language of Conceptual Amendment 2 would be melded into the language somewhere on page 3 of the bill.

[8:36:31 AM](#)

REPRESENTATIVE GRUENBERG removed his objection to the motion to adopt Conceptual Amendment 2. There being no further objection, it was so ordered.

[8:37:25 AM](#)

MS. ELLIOT turned to the sectional analysis for HB 178 [included in the committee packet]. She said Section 1 would allow a child turning voting age while living with his/her parents overseas to register to vote absentee for a federal election in the state of Alaska.

[8:38:26 AM](#)

REPRESENTATIVE GRUENBERG offered his understanding that the reason Section 1 applies only to federal elections is because the Constitution of the State of Alaska does not allow anyone who has not been physically in Alaska to vote in a state election.

MS. ELLIOT confirmed that is correct.

[8:42:00 AM](#)

MS. ELLIOT relayed that Sections 2, 5, 7, 8, 9, 10, and 12 would remove the witness requirement for absentee ballots. She said the witness requirement is considered an impediment for those overseas, because it is sometimes difficult to find a witness.

[8:43:09 AM](#)

CHAIR LYNN remarked that he never had a problem finding a witness when he voted overseas.

[8:43:26 AM](#)

MS. ELLIOT, in response to Representative Keller, said it was both people in the military and the Uniform Law Commission who related to the bill sponsor that the requirement to have a witness for those voting overseas was an impediment.

CHAIR LYNN commented that he just voted in the Anchorage municipal election and had to have the vote witnessed.

[8:44:48 AM](#)

REPRESENTATIVE KELLER asked if the bill sponsor would be willing to not remove the requirement to have a witness. He explained that he is uncomfortable lowering the bar, and said doing so may make it so easy to vote that it might invite corruption in voting.

8:45:47 AM

MS. ELLIOT responded that this issue was discussed at length by the House Community and Regional Affairs Standing Committee, and an amendment that would have maintained the requirement to have a witness failed to pass.

8:46:29 AM

REPRESENTATIVE SEATON asked for clarification regarding the requirements and liability, if any, of a witness.

8:47:59 AM

GAIL FENUMIAI, Director, Division of Elections, Office of the Lieutenant Governor, said the witness simply verifies that he/she saw the voter sign the ballot on a specific date. She said there are no sanctions set up in statute for someone who falsely witnesses a ballot. It is the voter who swears under penalty of perjury that all the information he/she provided is true and correct. She said statute lists the following persons as qualified to be a witness: a notary public, a commissioned officer of the armed forces, a district judge or magistrate, a U.S. Postal Service official, a registration official, or other person qualified to administer oaths, and - if none of those individuals are available - any individual "over the age of 18." In response to Representative Seaton, she confirmed that there is no provision in state law that requires the witness to be a U.S. citizen or a registered voter in the state of Alaska. In response to a question from Chair Lynn, she said the applicable statute is AS 15.20.081(d).

CHAIR LYNN ventured, then, that Osama Bin Laden could serve as a witness for a voter.

8:50:34 AM

MS. FENUMIAI, in response to Representative Johansen, confirmed that the rules for all voters who use the absentee voter by mail or electronic transmission methods are the same whether or not those voters are in the military.

MS. ELLIOT, in response to Representative Johansen, confirmed that under HB 178, the requirement for witnesses of all absentee ballot voting would be removed.

REPRESENTATIVE JOHANSEN asked Ms. Fenumiai to confirm that there is not even penalty of "unsworn falsification" of a document.

[8:52:38 AM](#)

MS. FENUMIAI answered that she would need to look at AS 15.56 in more detail to determine whether there are any penalties for voter misconduct interference. She offered to check with Ms. Felix of the Department of Law.

MS. FENUMIAI, in response to Chair Lynn, reiterated that the certification on the envelope relates to the voter swearing under penalty of perjury; the witness merely attests to the signing of the ballot and the date that the signing took place.

[8:54:27 AM](#)

REPRESENTATIVE PETERSEN asked Ms. Fenumiai if she has encountered a situation in which a person who is a witness is not who he/she says.

MS. FENUMIAI answered that the division has not had reason to look into that, but if that were brought to her attention, she could look into it.

[8:56:04 AM](#)

REPRESENTATIVE GRUENBERG pointed out that the language that defines who can be a witness is on page 5, lines 18-22, of HB 178, and that language would be eliminated.

REPRESENTATIVE GRUENBERG noted that AS 15.56 addresses voter misconduct, but questioned whether it also addresses witness misconduct.

MS. FENUMIAI said she had just verified with Ms. Felix that there is nothing under election code regarding false witnessing.

REPRESENTATIVE GRUENBERG said he thinks bearing false witness to the signing of an absentee ballot should be made punishable by law.

[8:58:48 AM](#)

MS. FENUMIAI, in response to Representative Gruenberg, said the law that currently allows military voters overseas to register for more than one election is addressed in AS 15.20.081(i), and

that provision would be repealed under HB 178, because "the MOVE Act repealed that extended absentee ballot application provision."

REPRESENTATIVE GRUENBERG said currently military personnel can register to vote absentee for two General Elections, which is a total of four years. He asked if "these folks" would be burdened by the repeal of this provision.

MS. FENUMIAI said information from the Federal Voting Assistance Program found that allowing military and overseas voters to have their absentee voter ballots was not really an advantage, because this group of voters tends to relocate frequently.

[9:01:20 AM](#)

REPRESENTATIVE KELLER said if there was any question as to whether a voter signed a ballot, then the witness would become very important.

MS. FENUMIAI reiterated that if it was brought to the attention of the division that an absentee vote had been suspect, the division would look into it.

[9:07:43 AM](#)

MS. FENUMIAI, in response to Representative Johansen, said the division looks at witnessing as "one more level of security" - a way to ensure that "somebody actually did see that person sign the absentee ballot." She said [whether or not to repeal the provision that requires a witness] is a policy call of the legislature. She noted that a person who does apply for a biennial ballot must provide the division with an identifier unique to him/herself.

REPRESENTATIVE JOHANSEN referred to the witness rules of the permanent fund dividend (PFD) application, which used to require the signatures of two witnesses, but have been changed to require only names [of those who could verify the applicant's right to the PFD]. He said the previous testimony that the division has never had to look into an occurrence of witness fraud, along with the reminder that an absentee voter proclaims his/her identity under penalty of perjury, makes him more comfortable with the bill as written by the sponsor.

[9:10:29 AM](#)

MS. ELLIOT continued with the sectional analysis. She said Section 3 would add the designation of a municipal clerk as an absentee voting official.

REPRESENTATIVE GRUENBERG, referring back to Section 2, asked if the witnessing requirement will be maintained in local municipalities.

MS. FENUMIAI answered, "I think they look to state law for guidance, but I can't swear to you that every municipality conducts their local elections under the ... same witnessing ... that the state does."

[9:11:52 AM](#)

MS. ELLIOT returned again to the sectional analysis. She stated that Sections 4 and 6 would add that absentee ballots are available in regional offices 22 days before the election. She said under current statute ballots are available 15 days ahead of time, but when ballots sometimes arrive ahead of that in regional offices, the division is not allowed to hand them out. Section 7, she relayed, would add e-mail as a form of electronic transmission for delivery of ballots and information. Under current statute, electronic transmission means transmittal by facsimile ("fax"). Ms. Elliot said the division could okay the e-mailing of ballots through regulation, but HB 178 would do so by statute.

[9:13:31 AM](#)

MS. FENUMIAI, in response to Chair Lynn, explained that the intent would be only to deliver the ballots via e-mail, not to have them returned that way. She remarked that many overseas and military voters do not have ready access to fax machines.

CHAIR LYNN expressed concern that allowing ballots to be sent by e-mail would open up more opportunities for the unlawful sending of multiple ballots.

[9:14:56 AM](#)

REPRESENTATIVE P. WILSON ventured that the division has the means to check ballots when they are delivered, to ensure that people are voting only once.

MS. FENUMIAI confirmed that is correct, and she offered further details.

[9:16:59 AM](#)

MS. FENUMIAI, in response to Representative Gruenberg, confirmed that HB 178 - and any bill that makes changes regarding elections and voting procedures - must be cleared by the U.S. Department of Justice.

[9:17:23 AM](#)

MS. ELLIOT continued with the sectional analysis. She said Sections 11 and 13 would remove language referencing the receipt of a ballot 15 days post election, because there is a provision in HB 178, which would change that to 10 days. She reminded the committee that the reason for this has to do with being able to have the aforementioned 45-day turnaround time. She said, "This is basically a provision to allow for appropriate time frames."

REPRESENTATIVE P. WILSON reemphasized that she feels that change would result in not enough time for all of the ballots to be returned to the division from overseas.

MS. ELLIOT replied that the U.S. Department of Defense (DoD) has related that this change is not a concern; the other provisions in the proposed legislation would allow adequate timeframes.

[9:20:24 AM](#)

CHAIR LYNN, in response to Representative P. Wilson, said he would like to move HB 178 out of committee today.

[9:20:53 AM](#)

REPRESENTATIVE GRUENBERG expressed concern that the changes regarding the primary would have significant adverse effect on rural voters in the state.

MS. ELLIOT restated that the intent of HB 178 is to address the ability of military and overseas voters to vote.

[9:22:55 AM](#)

REPRESENTATIVE P. WILSON asked Ms. Elliot, "What about the other people that are overseas that aren't in the military? Do their votes get counted still for 15 days or are theirs going to be shortened to 10 days also?"

MS. ELLIOT answered, "The provisions in this bill are for all voters' ballots to be received 10 days post election."

[9:23:51 AM](#)

REPRESENTATIVE SEATON pointed out that if ballots are accepted for a longer period after the primary, then that delays the court challenges and recounts that may be necessary, as well as the certification of those ballots, which in turn will not allow enough time to adhere to a provision to prepare and mail out ballots 45 days ahead of the general election. He concluded, "If we want to be in compliance with federal law, we have to come up with ... an alternative mechanism for getting more space between the primary and the general."

[9:25:48 AM](#)

MS. FENUMIAI concurred.

[9:26:27 AM](#)

REPRESENTATIVE JOHANSEN, regarding Representative Gruenberg's previously stated concern that voters in rural areas may not have enough time to vote, pointed out that the sponsor of HB 178 is from a rural area, and he said he cannot imagine that Representative Thomas would support a bill that would harm rural Alaska.

[9:27:17 AM](#)

MS. ELLIOT returned to the sectional analysis and paraphrased the explanation of Section 16, which read as follows [original punctuation provided]:

If a change is made regarding the eligibility of a candidate by the director, notice must be provided to the candidate, other candidates in the race and to the individual filing the candidacy complaint, if applicable. A challenge may be made to this decision within 15 days and the director must respond to the challenge within 15 days.

[9:28:31 AM](#)

MS. ELLIOT said Section 17 would change the time frame from 48 to 52 days for the withdrawal of a candidate's name from the primary ballot. Sections 18, 19, 20, 21, and 22 would change

the timeframe for changing a candidate by party petition and would include conforming language with regard to the timeframe. In response to Chair Lynn, she confirmed that Section 23 conforms to Section 15. Section 24, she said, would change the date of name withdrawal of judges. Section 25 would add that a municipal clerk may serve as an absentee voting official for the purposes of distributing absentee ballots. Ms. Elliot said Section 26 would repeal the provision that the absentee ballot application is valid for the next two general elections, and Section 27 would establish the effective date of January 1, 2012.

[9:31:21 AM](#)

MARK SAN SOUCI, Regional Liaison Northwest, Defense State Liaison Office, Office of the Deputy Assistant Secretary of Defense DUSD (Military Community and Family Policy), U.S. Department of Defense (DoD), regarding the witness issue, relayed that according to the Pew Foundation "Study of the States," only seven states currently require a witness. Regarding e-mailing ballots, he said 20 states currently send ballots to military and overseas voters via e-mail, and seven states are now receiving the return ballot by e-mail. He said it is preferable for military personnel serving overseas to receive ballots by e-mail, because they have access to laptops and the Internet, but not to fax machines.

[9:32:42 AM](#)

REPRESENTATIVE GRUENBERG asked how many states hold primaries later than Alaska's.

[9:33:14 AM](#)

MS. FENUMIAI answered that she knows of two states - Washington and Maryland - but said she knows there are others. She stated, "They have all moved their primaries up." For example, she said Maryland is moving its primary up to the last Tuesday in June, and Washington is moving its primary up to the first Tuesday in August.

[9:33:44 AM](#)

CHAIR LYNN, after ascertaining that there was no one else who wished to testify, closed public testimony.

[9:34:03 AM](#)

REPRESENTATIVE P. WILSON moved to adopt Conceptual Amendment 3, as follows:

Page 7, line 30:

Following "held on the"

Delete "second"

Insert "first"

REPRESENTATIVE JOHANSEN objected.

REPRESENTATIVE P. WILSON spoke to Conceptual Amendment 3. She said it would give the [division] seven more days "to do what they need to do"; therefore, "we don't have to cut off that ... five days for getting ballots in."

[9:35:59 AM](#)

REPRESENTATIVE P. WILSON, in response to a request for clarification from Ms. Elliot, indicated that Conceptual Amendment 3 would also reinstate the [receipt of ballot] 15 days [post election], so that it would not be changed in Sections 11 and 13 to 10 days, as proposed under HB 178.

MS. ELLIOT responded that it has been communicated to the bill sponsor that along with the provisions of HB 178, 10 days is adequate time for voters to vote. She pointed out that the adoption of Conceptual Amendment 3 would necessitate "a lengthy change of all the timelines."

[9:38:33 AM](#)

MS. FENUMIAI said she believes the withdrawal dates would have to be changed as well.

[9:38:58 AM](#)

REPRESENTATIVE JOHANSEN expressed concern that moving the date further back into the busy summer season would result in less voter participation in his community. He said he would uphold his objection to Conceptual Amendment 3.

[9:39:50 AM](#)

REPRESENTATIVE GRUENBERG objected to Conceptual Amendment 3. He said it would give less time for voters to consider issues and

make it tougher to cover the issues. He said he would like to keep the primary election date where it is currently.

[9:41:35 AM](#)

A roll call vote was taken. Representatives P. Wilson and Keller voted in favor of Conceptual Amendment 3. Representatives Johansen, Seaton, Gruenberg, and Lynn voted against it. Therefore, Conceptual Amendment 3 failed by a vote of 2-4.

[9:43:36 AM](#)

MS. ELLIOT, in response to Chair Lynn, recommended a change to the bill title.

[9:44:03 AM](#)

REPRESENTATIVE JOHANSEN moved to adopt Conceptual Amendment 4, that the bill title be changed per Ms. Elliot's recommendation as follows:

Page 1, line 1:

Delete "election practices and"

Insert "absentee voting and candidacy filing"

REPRESENTATIVE SEATON objected for the purpose of discussion. He stated, "I think that we've changed the date of the primary in here, and I don't believe that the title encompasses moving the date of the ... election."

MS. ELLIOT said she believes Representative Seaton is correct.

[9:44:42 AM](#)

REPRESENTATIVE SEATON opined that more time is needed to craft a restriction of the bill title, and he suggested that that task either be given to the next committee of referral or be done on the House floor.

CHAIR LYNN observed that the next committee of referral [as written on page 1 of the bill] would be the House Finance Committee.

[9:46:03 AM](#)

MS. ELLIOT offered a correction and explanation as follows:
"The bill goes to [the House] Rules [Standing Committee] after
[the House] State Affairs [Standing Committee], based on the
zeroing out of the fiscal note because the division has federal
money to provide for any provisions in this bill."

[9:46:22 AM](#)

REPRESENTATIVE JOHANSEN withdrew his motion to adopt Conceptual
Amendment 4.

REPRESENTATIVE P. WILSON concurred with Representative Seaton
regarding the idea to change the bill title in the next
committee of referral or on the House floor.

CHAIR LYNN stated his preference to address the issue in this or
the next committee, but not on the House floor.

[9:47:03 AM](#)

MS. ELLIOT ventured that if the purpose of moving the primary
back is to accommodate absentee voters, then including "an act
related to absentee voting" [in the title] would suffice. She
said that would be a question for an attorney. Notwithstanding
that, she said she agrees with the concerns of Representative
Seaton.

REPRESENTATIVE SEATON suggested that the House Rules Standing
Committee could change the title based on the advice from the
bill sponsor.

[9:47:57 AM](#)

REPRESENTATIVE GRUENBERG expressed concern about the proposed
repeal of AS 15.20.081(h). He said that is the section that
allows 15 days after the elections for ballots to be received.
He recalled that testimony at the previous hearing of HB 178 was
that this could affect up to 50 voters. He said a number of
elections have been decided by less than that number of voters;
some elections have been decided by one vote. He said although
it may create a little extra administrative burden, the issue at
hand is people's right to vote.

[9:49:13 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Conceptual Amendment 5,
to remove AS 15.20.081(h) from the list of statutes that would

be deleted under Section 27, on page 10, line 20, of HB 178, and from any other sections that reference that repeal.

REPRESENTATIVE JOHANSEN objected to ask for a summary of AS 15.20.081(h).

REPRESENTATIVE GRUENBERG cited AS 15.20.081(h), which read as follows:

(h) Except as provided in AS 15.20.480, an absentee ballot returned by mail from outside the United States or from an overseas voter qualifying under AS 15.05.011 that has been marked and mailed not later than election day may not be counted unless the ballot is received by the election supervisor not later than the close of business on the 15th day following the election.

REPRESENTATIVE GRUENBERG offered his understanding that HB 178 would reduce that time to 10 days. He said Conceptual Amendment 5 would allow those ballots received between the tenth and fifteenth day post election to be accepted.

[9:51:24 AM](#)

REPRESENTATIVE JOHANSEN maintained his objection.

MS. FENUMIAI stated a preference for the committee not to adopt Conceptual Amendment 5, because it would cut off five days of preparation time, and would push the recount contest application period back five days.

[9:52:34 AM](#)

A roll call vote was taken. Representatives Gruenberg and P. Wilson voted in favor of the motion to adopt Conceptual Amendment 5. Representatives Johansen, Seaton, Keller, and Lynn voted against it. Therefore, Conceptual Amendment 5 failed by a vote of 2-4.

[9:53:10 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Conceptual Amendment 6, to remove AS 15.20.081(i) from the list of statutes that would be deleted under Section 27, on page 10, line 20, of HB 178. He read AS 15.20.081(i), which read as follows:

(i) An absentee ballot application submitted by an absent uniformed services voter or by an absent overseas voter qualifying under AS 15.05.011 is valid through the next two regularly scheduled general elections for federal office after the date the application is submitted. In this subsection, "absent uniformed services voter" has the meaning given in 42 U.S.C. 1973ff-6.

REPRESENTATIVE GRUENBERG recollected that at the prior hearing of HB 178 by the House State Affairs Standing Committee, Ms. Fenumiai had said that not many military voters take advantage of the four-year registration cycle. He said he does not want to make voting more difficult [for those overseas and in the military] than it already is.

[9:54:51 AM](#)

REPRESENTATIVE JOHANSEN objected.

[9:54:55 AM](#)

A roll call vote was taken. Representative Gruenberg voted in favor of the motion to adopt Conceptual Amendment 6. Representatives Keller, Johansen, P. Wilson, Seaton, and Lynn voted against it. Therefore, Conceptual Amendment 6 failed by a vote of 1-5.

[9:55:25 AM](#)

REPRESENTATIVE KELLER explained that although he wants to see the bill moved out of committee today, he is uncomfortable with the removal of the witness requirement. He stated his intention to speak to the bill sponsor regarding the issue.

[9:56:07 AM](#)

REPRESENTATIVE KELLER moved to report CSHB 178(CRA), as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 178(STA) was reported out of the House State Affairs Standing Committee.

[9:57:33 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:57 a.m.