

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

January 26, 2012

8:07 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Representative Peggy Wilson

COMMITTEE CALENDAR

HOUSE BILL NO. 247

"An Act establishing July 30 each year as Alaska National Guard Day."

- MOVED HB 247 OUT OF COMMITTEE

SENATE CONCURRENT RESOLUTION NO. 11

Designating August 18, 2011, as Walter J. Hickel Day of the Arctic.

- MOVED HCS SCR 11(STA) OUT OF COMMITTEE

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 77

"An Act establishing a top two nonpartisan blanket primary election system for elective state executive and state and national legislative offices; changing appointment procedures relating to precinct watchers and members of precinct election boards, election district absentee and questioned ballot counting boards, and the Alaska Public Offices Commission; requiring certain written notices to appear in election pamphlets and polling places; relating to declarations of candidacy and letters of intent; and amending the definition of 'political party.'"

- HEARD & HELD

HOUSE BILL NO. 287

"An Act relating to absentee voting."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 247

SHORT TITLE: ALASKA NATIONAL GUARD DAY

SPONSOR(s): REPRESENTATIVE(s) LYNN, THOMPSON, SADDLER

01/17/12	(H)	PREFILE RELEASED 1/6/12
01/17/12	(H)	READ THE FIRST TIME - REFERRALS
01/17/12	(H)	MLV, STA
01/24/12	(H)	MLV AT 1:00 PM CAPITOL 120
01/24/12	(H)	Moved Out of Committee
01/24/12	(H)	MINUTE(MLV)
01/25/12	(H)	MLV RPT 6DP
01/25/12	(H)	DP: LYNN, AUSTERMAN, CISSNA, MILLER, SADDLER, THOMPSON
01/26/12	(H)	STA AT 8:00 AM CAPITOL 106

BILL: SCR 11

SHORT TITLE: WALTER HICKEL DAY OF THE ARCTIC

SPONSOR(s): SENATOR(s) FRENCH

04/01/11	(S)	READ THE FIRST TIME - REFERRALS
04/01/11	(S)	STA
04/12/11	(S)	STA RPT 5DP
04/12/11	(S)	DP: WIELECHOWSKI, KOOKESH, PASKVAN, MEYER, GIESSEL
04/12/11	(S)	STA AT 9:00 AM BUTROVICH 205
04/12/11	(S)	Moved SCR 11 Out of Committee
04/12/11	(S)	MINUTE(STA)
04/13/11	(S)	BEFORE THE SENATE ON FINAL PASSAGE
04/13/11	(S)	TRANSMITTED TO (H)
04/13/11	(S)	VERSION: SCR 11
04/14/11	(H)	READ THE FIRST TIME - REFERRALS
04/14/11	(H)	STA
01/26/12	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HB 77

SHORT TITLE: NONPARTISAN BLANKET PRIMARY ELECTION

SPONSOR(s): REPRESENTATIVE(s) GRUENBERG, CISSNA, KAWASAKI

01/18/11	(H)	PREFILE RELEASED 1/14/11
01/18/11	(H)	READ THE FIRST TIME - REFERRALS
01/18/11	(H)	STA, JUD

04/12/11 (H) STA AT 8:00 AM CAPITOL 106
04/12/11 (H) Scheduled But Not Heard
01/20/12 (H) SPONSOR SUBSTITUTE INTRODUCED
01/20/12 (H) READ THE FIRST TIME - REFERRALS
01/20/12 (H) STA, JUD
01/26/12 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 287

SHORT TITLE: ABSENTEE VOTING

SPONSOR(S): REPRESENTATIVE(S) GRUENBERG

01/17/12 (H) READ THE FIRST TIME - REFERRALS
01/17/12 (H) STA, JUD
01/26/12 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

LIEUTENANT GENERAL CRAIG E. CAMPBELL

(No address provided)

POSITION STATEMENT: Testified as a retired member of the Alaska National Guard in support of HB 247.

JIM KALLANDER, Mayor

City of Cordova

Cordova, Alaska

POSITION STATEMENT: Testified in support of HB 247.

MARK LYNCH, City Manager

City of Cordova

Cordova, Alaska

POSITION STATEMENT: Testified in support of HB 247.

TIM JOYCE

Cordova, Alaska

POSITION STATEMENT: Testified in support of HB 247.

JENNIFER GIBBONS

Cordova Times

Cordova, Alaska

POSITION STATEMENT: Testified in support of HB 247.

SENATOR HOLLIS FRENCH

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Testified as sponsor of SCR 11.

NILS ANDREASSEN, Managing Director

Institute of the North
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SCR 11.

GAIL FENUMIAI

Director

Division of Elections

Office of the Lieutenant Governor

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on SSHB 77.

LIBBY BAKALAR, Assistant Attorney General

Labor and State Affairs Section

Civil Division (Juneau)

Department of Law (DOL)

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on SSHB 77.

LIBBY BAKALAR, Assistant Attorney General

Labor and State Affairs Section

Civil Division (Juneau)

Department of Law (DOL)

Juneau, Alaska

POSITION STATEMENT: Provided feedback during the hearing on HB 287.

GAIL FENUMIAI

Director

Division of Elections

Office of the Lieutenant Governor

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 287.

REPRESENTATIVE SHARON CISSNA

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Testified as joint prime sponsor of SSHB 77.

ACTION NARRATIVE

[8:07:30 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:07 a.m. Representatives Keller, Seaton, Johansen, Petersen, and Lynn were present at the call to order. Representative Gruenberg arrived as the meeting was in progress.

HB 247-ALASKA NATIONAL GUARD DAY

[8:08:22 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 247, "An Act establishing July 30 each year as Alaska National Guard Day."

CHAIR LYNN, as joint prime sponsor, introduced HB 247. He lauded the National Guard for the work it has done and continues to do. He noted that the National Guard had recently help the City of Cordova, when that community experienced a particularly heavy and sustained snow fall. Chair Lynn read headlines from various news reports related to the National Guard. He said the following words are associated with the National Guard: assist, deploy, perform, help, perform, rescue, save, and serve. He said the National Guard has a presence in over 75 communities throughout Alaska and, since 2003, has deployed approximately 1,500 overseas during Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan. Chair Lynn said the proposed legislation would recognize the value and dedication of the National Guard in its role in the viability, economy, security, and overall well-being of Alaska and the United States, by creating National Guard Day on July 30 of each year. He relayed that July 30 is the day on which, in 1948, the National Guard was recognized by U.S. Congress.

[8:12:45 AM](#)

LIEUTENANT GENERAL CRAIG E. CAMPBELL testified as a retired member of the Alaska National Guard in support of HB 247. He read excerpts from his written testimony (included in the committee packet), which he had previously presented to the House Special Committee on Military and Veterans' Affairs. He related that the National Guard is the oldest component of the armed forces in the U.S., first organized as the militia by decree in Massachusetts in 1636. The National Guard is the only military service in the U.S. with both a federal and state role; those in the guard are under the direction of the governor of their state of residence until such times as they may be called upon by the President of the United States. He said today there

are over half a million members of the National Guard in the U.S.

8:16:51 AM

LIEUTENANT GENERAL CAMPBELL talked about the history of the National Guard in Alaska. He said former Governor Ernest Gruening initiated formal actions to have a National Guard in the Territory of Alaska in 1939. Soon thereafter, the U.S. was at war, and the 297th Infantry Battalion was established, which was the beginning of the Army National Guard in Alaska. Governor Gruening also established the Alaska Territorial Guard, which had over 6,600 members, mostly Alaska Native. In 2000, then Senator Ted Stevens introduced a bill finally recognizing the members of the Territorial National Guard. By 1952, he said, Alaska had both an Army and Air National Guard.

LIEUTENANT GENERAL CAMPBELL said about 70 percent of those in the National Guard serves part-time and holds civilian jobs around the state; they volunteer their services when needed by the state or the federal government. He said since 2003, members of the Alaska National Guard have deployed to a number of places around the world, including: Iraq, Afghanistan, Kuwait, Qatar, Bahrain, Kosovo, the Horn of Africa, Pakistan, and Kyrgyzstan. Further, the National Guard offers humanitarian relief and has responded following global natural disasters in Japan and Haiti, and after domestic disasters, including Hurricane Katrina and Hurricane Irene. Lieutenant General Campbell pointed out that the Alaska National Guard also conducts Operation Santa Clause and conducts arctic care missions to villages. He opined that it would be appropriate to recognize July 30 each year as Alaska National Guard Day, and he asked the committee to support HB 247.

8:20:59 AM

JIM KALLANDER, Mayor, City of Cordova, testified in support of HB 247. He said he declared a disaster in the City of Cordova after determining the city's health and safety was threatened by the amount of snowfall it was experiencing. He said he called the Alaska Department of Homeland Security, and the National Guard arrived in the City of Cordova just in time to help. Mayor Kallander said the storm compromised the infrastructure of many homes. He said members of the guard were Alaskan and "carried the Alaska spirit," and the community was grateful.

8:23:16 AM

MARK LYNCH, City Manager, City of Cordova, testified in support of HB 247. He said when the emergency occurred, the residents of the City of Cordova had already been shoveling snow for several weeks and working hard to protect their property. He said in a period of two to three weeks, the city had received an amount of snow that would exceed the normal snowfall for an entire season. People were worn out and unable to keep up. He said there is no doubt that the city would have lost additional buildings if the National Guard had not come to its aid, and he ventured lives possibly could have been lost in those buildings. He said the city is thankful for what the National Guard did, and he stated his support of HB 247 as a way to recognize the National Guard for its service to the state and the nation.

[8:25:17 AM](#)

TIM JOYCE testified in support of HB 247. He said he was a former mayor of the City of Cordova, and he was working as the public information officer during the recent snow emergency. He stated that he can attest the disaster would have been much worse without the intervention of the National Guard. He said words alone cannot express the gratitude felt for the National Guard. He posited that it is appropriate that the State of Alaska recognizes the National Guard on the date of the founding of that entity. Mr. Joyce pointed out that the employers of those in the National Guard are unsung heroes, because they allow their employees to take off from work to meet the call of the National Guard, which can put a strain on their businesses. He offered his understanding that the City of Cordova is unified in its support of the proposed legislation.

[8:27:14 AM](#)

JENNIFER GIBBONS, Cordova Times, testified in support of HB 247. She described the moment she realized that the snow storm had reached a tipping point, when roofs were starting to collapse. She said the arrival of the National Guard was not only a physical relief, but also a mental boost. She said National Guard members expressed appreciation for the opportunity to help divert greater disaster. She concurred with the City Manager that lives may have been lost without the help of the National Guard, and she said the National Guard is a great example of volunteerism and "high service ethic." She opined that it is important to recognize and encourage that.

[8:30:57 AM](#)

CHAIR LYNN invited further legislators to co-sponsor HB 247.

[8:31:03 AM](#)

REPRESENTATIVE PETERSEN, as co-sponsor of HB 247, offered information as to how a person could join the National Guard.

[8:31:48 AM](#)

REPRESENTATIVE KELLER noted that he belonged to the National Guard in the 1970s and proudly supports the proposed legislation.

[8:32:21 AM](#)

REPRESENTATIVE KELLER moved to report HB 247 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 247 was reported out of the House State Affairs Standing Committee.

[8:32:53 AM](#)

The committee took an at-ease from 8:33 a.m. to 8:34 a.m.

SCR 11-WALTER HICKEL DAY OF THE ARCTIC

[8:34:50 AM](#)

CHAIR LYNN announced that the next order of business was SENATE CONCURRENT RESOLUTION NO. 11, Designating August 18, 2011, as Walter J. Hickel Day of the Arctic.

[8:35:13 AM](#)

REPRESENTATIVE KELLER moved to adopt the proposed House committee substitute (HCS) for SCR 11, Version 27-LS0774\M, Wayne, 1/20/12, as a work draft. There being no objection, Version M was before the committee.

[8:35:44 AM](#)

SENATOR HOLLIS FRENCH, Alaska State Legislature, as sponsor, said SCR 11 would establish August 18, 2012, as Walter J. Hickel Day of the Arctic. He noted that August 18 is former Governor Hickel's birthday. Senator French stated that Governor Hickel was an influential proponent of statehood, was Alaska's second

governor in 1966, and appointed Ted Stevens to the U.S. Senate. He said Governor Hickel resigned from his post as Secretary of the Interior before getting fired by then President Nixon for having "pushed back against President Nixon in a remarkable display of conscience and forward thinking." Senator French noted that Governor Hickel served again as governor in 1990, and he was a highly successful businessman in Anchorage.

[8:37:42 AM](#)

SENATOR FRENCH read an excerpt from former Governor Hickel's book, Crisis In The Commons: The Alaska Solution, as follows:

If you or I were to travel the world's great open resource regions, too often we would see poor people living on rich land, and many of these lands are commons. We the people of this world own most of the planet in common. Our future depends on learning to use and develop this commons for the good of the total and not just for the few. Here in the Far North we built a new state based on that concept. It's the only place like it. The Alaskan people, through our state government, won ownership of much of our land and our natural resources. Using neither classic capitalism nor socialism, we have developed a new way to prosperity based on common ownership and rooted in constitutional democracy. We Alaskans have often disagreed among ourselves. We have fought over our personal visions, ambitions, and interests, but our land came first; it was so much bigger than any one person. The land welded us into one people and brought a new kind of state into the world: a state powered democratically by its commonly owned natural resources.

CHAIR LYNN said he has been inspired by former Governor Hickel.

[8:39:44 AM](#)

SENATOR FRENCH, in response to Representative Gruenberg, said Version M changes the date proposed as Walter J. Hickel Day of the Arctic from [August 18, 2011], which has already passed, to August 18, 2012, and he confirmed that he supports that change. In response to another question, he told about Governor Hickel's perseverance in building hotels after the 1964 earthquake that devastated Anchorage, even though others discouraged him from doing so.

REPRESENTATIVE GRUENBERG related details illustrating Governor Hickel's involvement in revamping Alaska's court system from one involved in scandal to one of the finest in the country.

[8:43:33 AM](#)

REPRESENTATIVE JOHANSEN, regarding the previously read excerpt, indicated that during Ketchikan's pulp mill battles, its citizens were frustrated by outside interests claiming equal ownership in the forests surrounding Ketchikan. He asked Senator French what he thinks Governor Hickel meant in terms of common ownership of state resources.

[8:45:02 AM](#)

SENATOR FRENCH responded that the question is a good one, but said he will not speak for the governor. He pointed out that throughout his life, Governor Hickel had "fascinating chapters of extreme pro-development," such as the Hickel Highway to the North Slope, which turned out to be an ecological disaster. Conversely, he noted that following the oil spill off the coast of Santa Barbara, he had a hand in finding the legal tools to shut down all off-shore drilling in waters that touched the United States. He said he does not know what Governor Hickel's views were concerning the Southeast forests, and he indicated that he understands the frustration of those in Ketchikan, because "it's your livelihood." He said he thinks that Governor Hickel was a pro-development person who knew that resources should be used beneficially, and he surmised that Governor Hickel would not ever have stood in the way of "a wise use of the land." In response to a follow-up question, he stated:

To the extent that my views are relevant to the Walter Hickel resolution that you have in front of you, I would say that if it's a state resource, we own it in common, and we develop that resource through this process right here, and try to allocate the resources as wisely as we can through the political process.

REPRESENTATIVE JOHANSEN stated his support for the proposed legislation.

[8:47:18 AM](#)

REPRESENTATIVE KELLER told committee members that he knows people who served as Governor Hickel's cabinet staff during his second term, and they were supported by the former governor.

8:48:09 AM

REPRESENTATIVE PETERSEN shared that he had read a book by Governor Hickel, which influenced his later decision to move to Alaska. He stated his support of the proposed legislation.

8:49:06 AM

REPRESENTATIVE SEATON opined that Governor Hickel's concept of the owner state has been vital in the development of Alaska. He further related that he has attended several Institute of the North meetings, which are nonpartisan, including a policy trip to Norway, to expand vision and have a good background for decision making. He expressed his appreciation for the proposed legislation.

8:50:49 AM

NILS ANDREASSEN, Managing Director, Institute of the North, stated that a hero's measure of greatness is found not necessarily in what he/she has done, but in what he/she has inspired in others. He posited that Governor Hickel lived a life of greatness, and he will live on through the proposed legislation. He listed the following values: fearlessness, indomitability, imagination, unswerving passion for and commitment to the people of Alaska, and belief that it is possible to change the world with an idea.

MR. ANDREASSEN highlighted some recent developments in the North: settlement of a 40-year dispute between Russia and Norway over a large portion of the Bering Sea; Norway announced two of the largest finds in its history in its portion; Canada recently released its Northern strategy, reaffirming the U.S. as a premier partner; a U.S. Secretary of State has, for the first time, attended an Arctic Council meeting; China is building its first ice breaker; gas has been found off the coast of Greenland; and shipments to the Northern Sea route and the Bering Strait are increasing. Mr. Andreassen said clearly the Arctic is central to global affairs, and Alaska is America's Arctic.

MR. ANDREASSEN stated his support in the proposed legislation, and suggested that Walter J. Hickel Day of the Arctic could

remind the world that Alaskans have a voice in the decision-making taking place at international levels.

[8:53:12 AM](#)

REPRESENTATIVE KELLER moved to report HCS SCR 11, Version 27-LS0774\M, Wayne, 1/20/12, out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection HCS SCR 11(STA) was reported out of the House State Affairs Standing Committee.

[8:53:32 AM](#)

The committee took an at-ease from 8:53 a.m. to 8:56 a.m.

HB 77-NONPARTISAN BLANKET PRIMARY ELECTION

[8:56:29 AM](#)

CHAIR LYNN announced that the next order of business was SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 77, "An Act establishing a top two nonpartisan blanket primary election system for elective state executive and state and national legislative offices; changing appointment procedures relating to precinct watchers and members of precinct election boards, election district absentee and questioned ballot counting boards, and the Alaska Public Offices Commission; requiring certain written notices to appear in election pamphlets and polling places; relating to declarations of candidacy and letters of intent; and amending the definition of 'political party.'"

[8:56:43 AM](#)

REPRESENTATIVE GRUENBERG, as joint prime sponsor, introduced SSHB 77. He said in the early days of statehood, Alaska used the black line primary ballot, which he explained was a ballot listing all Republican candidates on one side of the black line and all Democratic candidates on the other side. Voters could vote for anyone they chose, as long as they did not cross the black line. He said that system has come to be known as a classic open primary. One of the first bills passed by former Governor Hickel initiated an open primary, which Representative Gruenberg said was really a blanket primary, in which every voter could vote for any name on the ballot, regardless of political affiliation.

[9:00:19 AM](#)

REPRESENTATIVE GRUENBERG said most Alaskans highly prize the right to vote for any candidate, and they had that right until about 1990, when a former member of the legislature came up with the theory that the Republicans had a right to close their primary, which happened by court rule. In approximately 1993, a man named, Mike O'Callaghan, challenged that court rule in a case that went up to the Alaska Supreme Court. Representative Gruenberg deferred further comment to Gail Fenumiai, the director of the Division of Elections.

9:04:52 AM

GAIL FENUMIAI, Director, Division of Elections, Office of the Lieutenant Governor, in response to questions, said she is familiar with SSHB 77 and does not anticipate problems implementing the proposed law. She related the fiscal note reflects the reduction in the number of ballots that would have to be printed during a primary election, resulting in cost savings of about \$34,000 each primary election. She said the provision in SSHB 77 that would require signage posted, which would state that designating party preference is a personal preference, would not create substantial cost to implement, because the division already posts information in each booth, and information could be added to that poster. Furthermore, she responded that she does not see a one-ballot primary style causing the division any difficulty.

9:09:28 AM

MS. FENUMIAI, in response to Representative Seaton, said the 30-day requirement language on page 8, [lines 12-24], is existing language in AS 15.20.190(a). She said the new language in the bill addresses how candidates would advance to the general election ballot.

REPRESENTATIVE SEATON asked a question related to the timing of primary and special elections and how that would affect the division.

MS. FENUMIAI responded that she had received SSHB 77 late the previous night, and she requested time in which to research an answer for Representative Seaton.

9:11:29 AM

LIBBY BAKALAR, Assistant Attorney General, Labor and State Affairs Section, Civil Division (Juneau), in response to Representative Gruenberg, said she has reviewed the following U.S. Supreme Court cases: Washington State Grange v. Washington State Republican Party and California Democratic Party v. Jones. She stated that to the extent the proposed legislation is similar to the Washington State Grange case, it would survive a facial First Amendment federal challenge.

[9:13:49 AM](#)

REPRESENTATIVE SEATON noted that there is language on page 18 of the proposed legislation, which he said seems to eliminate no-party candidates in the general election. He asked if that would have legal implications for Alaska.

[9:14:37 AM](#)

MS. BAKALAR responded that she is not prepared to answer at this time, but offered to get back to the committee with an answer.

REPRESENTATIVE SEATON requested an analysis from the Department of Law (DOL).

MS. BAKALAR, in response to Chair Lynn, indicated that she would be able to provide the analysis.

[9:15:14 AM](#)

REPRESENTATIVE GRUENBERG said he would invite Alpheus Bullard, the bill drafter, to be present to answer questions, if the bill was heard again by the committee.

[9:15:47 AM](#)

REPRESENTATIVE JOHANSEN said he thinks the constitutional issues being discussed should be vetted in the House Judiciary Standing Committee.

REPRESENTATIVE GRUENBERG, in response to Representative Johansen, confirmed that currently, a registered Republican cannot vote the Democrat primary ballot and a registered Democrat cannot vote the Republican primary ballot. He continued as follows:

Anybody can vote in ... the open ballot, even if you're a Republican. If you're a member of another

party, you cannot vote in the Republican ballot; you can't go back and forth. The Republican can ... choose one or the other; if you're a member of another party, you cannot choose the Republican ballot.

REPRESENTATIVE JOHANSEN asked who decides whether or not undeclared or nonpartisan voters can vote in the Republican primary.

REPRESENTATIVE GRUENBERG answered that it was the Republican Party that made the rule that allows nonpartisan and undeclared voters to choose one or the other ballot. In response to a follow-up question, he confirmed that the Democratic Party could make the same decision; political parties have a constitutional right to do so. In response to a follow-up comment, he confirmed that in the general election, any [registered voter] can vote for any candidate on the ballot.

REPRESENTATIVE JOHANSEN asked if someone not affiliated with a party can file for election and run for State House.

REPRESENTATIVE GRUENBERG answered yes.

REPRESENTATIVE JOHANSEN asked if anyone can vote for that person in any election.

REPRESENTATIVE GRUENBERG said he would need to ask Ms. Fenumiai to answer that question.

REPRESENTATIVE JOHANSEN questioned why the joint sponsors of SSHB 77 would not want to allow a political party to control who is going to represent them. He said he does not understand the basic motivation for the proposed legislation.

[9:20:45 AM](#)

REPRESENTATIVE GRUENBERG responded as follows:

The primary election determines who will represent the party. This changes it into a nonpartisan primary. The reason for that ... is because that's the only ... legal way to have a truly open ballot under the First Amendment right of association of the party. The two U.S. Supreme Court cases ... read together stand for the proposition that if the primary determines who the top vote getter for the Republicans and the top vote getter for the Democrats are - if that's the way it's

set up - the parties have a constitutional right to determine the method of electing their representatives. Only if the primary election is nonpartisan can everybody get a ballot and vote back and forth whoever they want to. In that case, it is no longer a creature of the party, but it's a creature of the people. And our goal here ... is to restore to the greatest possible extent the right of the people to vote for anybody they want to. ... The reason for that is because many races are decided in the primary.

REPRESENTATIVE GRUENBERG concluded that the joint sponsors believe it is the right of the people to have that choice in their hands and that to give them that choice is constitutional. He noted that 60 percent voted in favor of this legislation in California.

[9:24:27 AM](#)

REPRESENTATIVE JOHANSEN observed that while this is a subject that is being touted as nonpartisan, in the last fifteen minutes, there have been press releases and Twitter and Facebook references to "this" as being "a huge priority of the AlaskaDemocrats.com."

REPRESENTATIVE GRUENBERG said he was not aware that the Democratic Party had taken a position [on this issue].

[9:25:20 AM](#)

CHAIR LYNN announced that SSHB 77 would be set aside.

HB 287-ABSENTEE VOTING

[9:25:27 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE BILL NO. 287, "An Act relating to absentee voting."

[9:25:38 AM](#)

REPRESENTATIVE GRUENBERG, as sponsor, stated that the purpose of HB 287 is to make it easier for people to get mail-in absentee ballots. He noted that he would be offering an amendment to delete Section 1; therefore, he asked Ms. Bakalar and Ms. Fenumiai to ignore that section when commenting on the proposed legislation.

[9:26:54 AM](#)

LIBBY BAKALAR, Assistant Attorney General, Labor and State Affairs Section, Civil Division (Juneau), stated that although she does not, at first look, see any constitutional issues within HB 287, she would prefer to respond in writing to any specific questions regarding constitutionality.

REPRESENTATIVE GRUENBERG said he hopes that the committee does not vote on HB 287 today.

[9:28:46 AM](#)

GAIL FENUMIAI, Director, Division of Elections, Office of the Lieutenant Governor, in response to Representative Gruenberg, said the division does not anticipate any problems implementing the proposed legislation, as written. She said the division currently allows military and overseas voters to extend their absentee by-mail applications for two general elections; HB 287 would allow that opportunity for all voters. The act of casting an absentee by-mail ballot would then extend the application for two years from the date that that ballot was cast.

[9:29:54 AM](#)

CHAIR LYNN announced that HB 287 was set aside.

HB 77-NONPARTISAN BLANKET PRIMARY ELECTION

[9:29:58 AM](#)

CHAIR LYNN announced that the committee would return to discussion of SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 77, "An Act establishing a top two nonpartisan blanket primary election system for elective state executive and state and national legislative offices; changing appointment procedures relating to precinct watchers and members of precinct election boards, election district absentee and questioned ballot counting boards, and the Alaska Public Offices Commission; requiring certain written notices to appear in election pamphlets and polling places; relating to declarations of candidacy and letters of intent; and amending the definition of 'political party.'"

[9:30:35 AM](#)

REPRESENTATIVE SHARON CISSNA, Alaska State Legislature, as joint prime sponsor of HB 77, said in the 1990s, she was the Democratic co-chair alongside a Republican co-chair of Alaskan Voters for an Open Primary (AVOP), and Representative Gruenberg was the group's attorney. She said she witnessed the numbers of people in the 1990s crying for the right to express the independence of Alaskans. She said recently she has been hearing a constant request for an open primary. She related that some of her constituents have switched parties in order to vote on the closed ballot in primaries to shift the outcomes. She said, "It really works straight against what maybe a majority wants." She opined that an open primary would represent the people.

[9:35:05 AM](#)

CHAIR LYNN said he thinks bills related to elections are the purview of the House State Affairs Standing Committee, and it is not uncommon for any bill heard by the committee to "wander into the purview of other committees"

[9:35:38 AM](#)

REPRESENTATIVE PETERSEN said he has been contacted by constituents angry that they were being restricted in terms of which ballot they could use, and those constituents did not want to switch parties to vote the other ballot. He echoed the previous remark that Alaskans are independent in how they register and vote, and they do not like to be restricted in any way. He relayed that several of his constituents have told him that they do not vote in the primary election anymore, because their selection has been restricted. He opined that it is important to get voters to the polls, not only in the general election, but also in the primary election.

[9:37:30 AM](#)

REPRESENTATIVE CISSNA, in response to Representative Johansen, said the Republican co-chair for the aforementioned AVOP was Bonnie Jack.

[9:38:16 AM](#)

REPRESENTATIVE GRUENBERG, in response to Representative Johansen, offered an historical background regarding the aforementioned AVOP court case. He mentioned Washington and

California as two states that have led the way in open primary legislation.

[9:44:54 AM](#)

REPRESENTATIVE SEATON offered his understanding that the problem that SSHB 77 tries to address is a situation in which two candidates from one party end up running for an office. If, for example, the candidates are both Republican, then a person who votes a Democratic primary ballot will not have any say. He said that has been a frustration that some of the people in his district have expressed. He said he understands the issue, but said he is not sure this is the way to [resolve it].

CHAIR LYNN ventured the debate is that political parties have the right to choose their own representatives without people who are not part of that party "getting into the mix."

[9:47:33 AM](#)

CHAIR LYNN announced that SSHB 77 was held over.

HB 287-ABSENTEE VOTING

[9:47:45 AM](#)

CHAIR LYNN announced that the final order of business was the return to discussion of HOUSE BILL NO. 287, "An Act relating to absentee voting."

[9:48:50 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Amendment 1, to delete Section 1 of SSHB 77.

REPRESENTATIVE JOHANSEN and KELLER objected.

REPRESENTATIVE GRUENBERG explained that the intent of Section 1 was to help obtain information about people who would not be entitled to receive a permanent fund dividend (PFD). However, the director of the Alaska Permanent Fund Division, Deborah Bitney, wrote the following in a memorandum dated January 19, 2012 [included in the committee packet]:

I appreciate your interest in assisting the division with our audit process, but don't see this particular approach producing the desired result.

REPRESENTATIVE GRUENBERG said he would like to strike Section 1 to keep the bill simple.

9:50:04 AM

REPRESENTATIVE JOHANSEN removed his objection. [The objection stated by Representative Keller was treated as removed.] There being no further objection, Amendment 1 was adopted.

CHAIR LYNN announced that HB 287 was held over.

9:51:06 AM

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:51 a.m.