

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

February 2, 2012  
8:05 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**

HOUSE BILL NO. 260

"An Act establishing a permanent absentee voting option for qualified voters; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 287

"An Act relating to absentee voting."

- MOVED CSHB 287(STA) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 260

SHORT TITLE: PERMANENT ABSENTEE VOTING

SPONSOR(S): REPRESENTATIVE(S) PETERSEN, TUCK, KAWASAKI, MILLER, GARA

01/17/12	(H)	PREFILE RELEASED 1/13/12
01/17/12	(H)	READ THE FIRST TIME - REFERRALS
01/17/12	(H)	STA, JUD
02/02/12	(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  
01/26/12 (H) Heard & Held  
01/26/12 (H) MINUTE(STA)  
02/02/12 (H) STA AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

MONICA SOUTHWORTH, Staff  
Representative Pete Petersen  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented the Sectional Analysis during the hearing on HB 260, on behalf of Representative Petersen, sponsor.

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

**POSITION STATEMENT:** Answered questions during the hearing on HB 260.

TRAVIS LEWIS, Vice President  
Alaskans for Alaska  
Elfin Cove, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 260.

PAUL LARRY BENSON, JR.  
American Postal Workers Union (APWU)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 260.

PAT LUBY  
Advocacy Director  
AARP Alaska  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 260.

JOHN HOLLAWAY  
Anchorage, Alaska

**POSITION STATEMENT:** Testified on behalf of himself during the hearing on HB 260.

TED MADSEN, Staff

Representative Max Gruenberg  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Offered information during the hearing on HB 287, on behalf of Representative Gruenberg, sponsor.

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

**POSITION STATEMENT:** Provided information during the hearing on HB 287.

#### **ACTION NARRATIVE**

[8:05:23 AM](#)

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:05 a.m. Representatives Keller, Seaton, Petersen, Gruenberg, and Lynn were present at the call to order. Representatives Wilson and Johansen arrived as the meeting was in progress.

#### **HB 260-PERMANENT ABSENTEE VOTING**

[During discussion of HB 260, there was mention of HB 287.]

[8:05:51 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE BILL NO. 260, "An Act establishing a permanent absentee voting option for qualified voters; and providing for an effective date."

[8:06:18 AM](#)

REPRESENTATIVE PETERSEN, as sponsor, introduced HB 260. He stated that the proposed legislation would strengthen democracy by increasing Alaskans' access to and ease of voting. He said many people cannot get to the voting precincts on Election Day, including soldiers, miners, North Slope workers, adults with disabilities, and the elderly. Representative Petersen reported that Alaska has the fastest growing senior population in the nation, and studies show that among the most likely to use mail-in absentee ballots are the elderly. He indicated that voters who are out of town during an election, living in a remote area, or who have a physical disability benefit from the ability to

use mail-in absentee ballots. The proposed legislation would allow these people to participate more easily in their democracy.

REPRESENTATIVE PETERSEN said currently seven states and the District of Columbia allow voters to apply for permanent absentee voter status. Nationwide, there has been an increased trend in voters participating in voting early, voting absentee, and applying for permanent absentee voting status in states that allow it. He related that in 2008, one in three voters cast his/her ballot before Election Day. The number of voters that wait to vote at the voting precincts has decreased over the last 12 years. He relayed that in 2008, 106,052 voters in Alaska voted absentee, which was 21 percent of Alaska's registered voters. In 2010, he said, that number was 67,737. He ventured that the greater number in 2008 was because that year was a Presidential election year. Representative Petersen stated that permanent absentee voting will not only make voting easier, but will also make it more difficult to commit voter fraud, because of the scrutiny over every ballot that is counted. Furthermore, the process would lower the operating cost of the division. Representative Petersen said under HB 260, Alaska will continue to be on par with the changing trends in voting across the country. Consideration of the proposed legislation will recognize voter sentiment in wanting the election process to be more convenient, while allowing the division to remain in control and ensuring fair elections.

[8:10:40 AM](#)

REPRESENTATIVE PETERSEN, in response to the chair, said the principle difference between HB 260 and HB 287 is that HB 260 would allow voters permanent absentee voter status.

[8:10:56 AM](#)

MONICA SOUTHWORTH, Staff, Representative Pete Petersen, Alaska State Legislature, on behalf of Representative Petersen, sponsor, presented the sectional analysis for HB 260, which read as follows [original punctuation provided, with some formatting changes]:

Section 1 of this bill amends AS 15.07.127 by adding a new subsection (b) that states "the director shall maintain the list under (a) of this section so that the names of persons who have the status of permanent

absentee voters under AS 15.20.085 may be readily identified."

Section 2 of this bill amends AS 15.07.130(e) by adding (b) which states that a voter who applies to the Division of Elections for a permanent absentee voter status qualifies as a voter who "appears to vote" under (b) and (d) of this section.

Section 3 Amends AS 15.20 by adding a new section (15.20.085) that:

(a) enables Alaskan voters to apply to the Division of Elections for permanent absentee voting status;

(b) allows a person to provide a voter with a permanent absentee voting application form with a political party or group affiliation only if that voter is already registered with the political party or group indicated. This paragraph also sets forth requirements that only the voter may mark the application form, indicate their choice of primary ballot and submit the application to the Division of Elections on a form prescribed by the Director of the Division of Elections;

(c) requires the Division of Elections to send an absentee ballot to each voter designated as a permanent absentee voter for each state primary, general and special election and any other election for which the state has the responsibility for conducting the election; and establishes the timeline and manner in which the ballots will be sent;

(d) requires the Director of the Division of Elections to make change of address forms available for permanent absentee voters;

(e) allows the Director of the Division of Elections to not send an absentee ballot if the Division has received notice that mail sent to an address is undeliverable;

(f) allows a permanent absent voter to cast the ballot under AS 15.20.081(d), which lists persons who are authorized to witness the casting of a ballot, and AS 15.20.081(e), which lists the dates by which the

ballot must be cast and the means by which it must be returned to the Division of Elections;

(g) requires that ballots voted under this section be reviewed under the procedures that are established for the review of absentee ballots in AS 15.20.201 and AS 15.20.203;

(h) establishes that nothing in this section prohibits a person from voting early, or in person at a precinct, or in person before an absentee voting official, or by electronic submission as provided by AS 15.15.195, AS 15.15.198, AS 15.20.061, AS 15.20.064 and AS 15.20.066.

Section 4 amends AS 15.56.030(a) by making the provisions that govern the unlawful interference with voting in the first degree apply to permanent absentee voting.

Section 5 amends AS 15.56.035(a) by making the provisions that govern the unlawful interference with voting in the second degree apply to permanent absentee voting.

Section 6 authorizes the Director of the Division of Elections to adopt regulations to implement the changes made in this act.

Section 7 provides for an immediate effective date for section 6, which will allow the Division of Elections to adopt regulations to implement the changes made in this act.

Section 8 provides for a January 1, 2013 effective date for all other provisions of this act.

[8:14:48 AM](#)

REPRESENTATIVE P. WILSON directed attention to Section 3(b) of the sectional analysis, which states that only the voter may mark the application form. She said there are times when a voter is mentally capable to vote, but not physically capable to mark the ballot on his/her own. As an example, she shared that her father had amyotrophic lateral sclerosis (ALS).

REPRESENTATIVE PETERSEN clarified that that language refers to the application for the absentee ballot not the ballot itself.

REPRESENTATIVE P. WILSON responded that there may be times person needs to have someone else mark his/her application, for example, someone with Parkinson's.

[8:17:09 AM](#)

REPRESENTATIVE PETERSEN in response to the chair, reiterated that the only change proposed under HB 260 is to make the absentee ballot status permanent for those who apply for it.

[8:17:33 AM](#)

REPRESENTATIVE PETERSEN, in response to Representative Johansen, offered his understanding that the State of Oregon has gone 100 percent to voting by mail.

REPRESENTATIVE JOHANSEN questioned how, under HB 260, a situation would be prevented in which someone who had signed up for permanent absentee voting status moved to another state and had his/her absentee ballot forwarded and submitted that ballot.

REPRESENTATIVE PETERSEN offered his belief that if a person leaves Alaska and registers to vote in another state, then he/she would no longer be eligible to vote the Alaska ballots.

CHAIR LYNN asked about a situation in which someone moved from Alaska to another state, but did not register in the other state.

REPRESENTATIVE PETERSEN deferred to his staff.

[8:20:49 AM](#)

MS. SOUTHWORTH offered her understanding that the United States Postal Service (USPS) will not forward ballots.

REPRESENTATIVE JOHANSEN said he realizes that USPS will not forward ballots, but said it would be easy for someone to have a friend or relative send the ballot to the Lower 48. He emphasized the importance of ensuring the integrity of Alaska's voting process.

[8:22:48 AM](#)

REPRESENTATIVE PETERSEN, in response to Representative Keller, said he does not recall having seen any statistics that show that with an increased use of absentee ballots comes an increase in fraud.

[8:23:20 AM](#)

REPRESENTATIVE SEATON directed attention to Section 3(f) of the sectional analysis, regarding persons authorized to witness the signing of an absentee ballot, and he said the committee dealt with that issue comprehensively during the hearing of past legislation. He asked if HB 260 would make changes related to witnessing.

REPRESENTATIVE PETERSEN offered his understanding that the proposed bill would not change that procedure in any way.

REPRESENTATIVE SEATON said he would like some clarification from the Division of Elections.

[8:27:26 AM](#)

GAIL FENUMIAI, Director, Division of Elections, Office of the Lieutenant Governor, responded to concerns expressed by Representative Johansen pertaining to comments made by Larry Benson about the susceptibility of voting machines to hackers, in a letter to Representative Petersen, dated 1/18/12. She said voting by mail and voting electronically are "two different animals." When people vote by mail, she explained, their ballots are returned to the division, which scans the ballots through the same machine that is used by voters in their precincts. She stated that the division's voting equipment is safe and secure and thoroughly tested before and after each election, so "voting by mail would not have an impact on the security of how results are reported to the state."

[8:30:12 AM](#)

MS. FENUMIAI, in response to Chair Lynn, reported that in 2010, 45,769 registered voters applied to vote by mail, but she said she does not know without researching what percentage of those ballots were returned. She said not everyone who gets a ballot returns it, but a high percentage does.

[8:31:22 AM](#)

MS. FENUMIAI, in response to a question from Representative Keller regarding the fiscal note, said changing the status of each registered voter who chose to apply for lifetime absentee voting would require some enhancements to the division's voter registration system, and the cost of doing so is estimated to be \$21,000. She indicated that as a matter of due diligence, the division would contact those who had signed up for lifetime absentee voting, to ensure that the addresses the division has on file are accurate, and any letters returned would let the division know who should no longer be on the list. That mailing cost is anticipated to be \$20,000. In response to a follow-up question, she said it is unknown how many people would take advantage of this process if made available. She said that when ordering ballots, the division always anticipates a higher than normal turnout, so she does not anticipate needing to order an increased amount of ballots. She said there is a certain period of time in which the division must process ballots, and the workload fluctuates from election to election. She stated that she does not foresee any additional cost related to staff time in processing ballots.

[8:34:03 AM](#)

MS. FENUMIAI, in response to the chair, confirmed that the absentee voter is responsible for paying for postage to mail his/her ballot back to the division.

[8:34:40 AM](#)

MS. FENUMIAI, in response to a question from Representative P. Wilson, said the process for purging voter names from the voter list is done annually and is outlined in statute. She said the division used to remove people from the voter list if they failed to vote, but under the National Voter Registration Act that is no longer allowed. She offered further details regarding the process, including that the division receives notifications from other states and notifications of a voter's death. She said the division looks at local newspapers and obituaries. In response to Chair Lynn, she said the division does not always find out about Alaska residents who die out of the state. In response to Representative P. Wilson, she said the division looks at the on line versions of Alaska's major newspapers. In response to Chair Lynn, she offered her understanding that there is nothing in statute that requires mortuaries or funeral homes to notify the state when someone has died; however, they are responsible for getting that information to Social Security.

8:39:35 AM

REPRESENTATIVE PETERSEN said any "black hole" that exists would still exist under HB 260, because the proposed legislation would not change procedures.

CHAIR LYNN said the committee discussion has gone down a rabbit trail, with many points of interest along the route.

8:40:01 AM

REPRESENTATIVE P. WILSON said any black hole should be considered because HB 260 is proposing something permanent. She expressed concern about fraud.

8:41:37 AM

MS. FENUMIAI, in response to a question from Representative Johansen, said she feels that the division does a good job of removing people from the voter rolls in accordance with federal law. She expressed her wish that there was a better way to receive notification regarding [Alaskan residents] who have died while out of the state. She said the division gets information from vital statistics regarding deaths in the state of Alaska and receives information from the Department of Corrections (DOC) regarding people who have been convicted of felonies involving moral turpitude, and the division inactivates their records. She said she thinks the division does a good job, based on current law.

8:42:33 AM

REPRESENTATIVE P. WILSON explained that the reason she is pursuing this issue is because a couple years ago in Petersburg, Alaska, a widow was upset that her dead husband's name was still on the voter's list.

MS. FENUMIAI replied that it is not a perfect system. She ventured that if funeral homes were required to report deaths to the division as they are currently required to report them to Social Security, then that would be of help.

CHAIR LYNN suggested that until such a law can be passed, the division could send out a letter requesting such reporting be done.

8:44:03 AM

REPRESENTATIVE KELLER cautioned that it would be easy for someone who moves into an apartment and finds a ballot among a stack of mail addressed to previous residents to commit fraud by voting on that ballot.

MS. FENUMIAI stated that in her experience with the division, there has not been any experience of fraud in absentee voting. She said Alaska's absentee ballots require a witness, so two people would have to be in on the fraud.

8:45:22 AM

REPRESENTATIVE GRUENBERG cited AS 15.56.040, which read as follows:

Sec. 15.56.040. Voter misconduct in the first degree.

(a) A person commits the crime of voter misconduct in the first degree if the person

(1) votes or attempts to vote in the name of another person or in a name other than the person's own;

(2) votes or attempts to vote more than once at the same election with the intent that the person's vote be counted more than once;

(3) intentionally makes a false affidavit, swears falsely, or falsely affirms under an oath required by this title;

(4) knowingly votes or solicits a person to vote after the polls are closed with the intent that the vote be counted.

(b) Voter misconduct in the first degree is a class C felony.

REPRESENTATIVE GRUENBERG cited AS 15.56.050, which read as follows:

Sec. 15.56.050. Voter misconduct in the second degree.

(a) A person commits the crime of voter misconduct in the second degree if the person

(1) registers to vote without being entitled to register under AS 15.07.030;

(2) knowingly makes a material false statement while applying for voter registration or reregistration; or

(3) votes or attempts to vote in an election after being disqualified under AS 15.05.030.

(b) Voter misconduct in the second degree is a class A misdemeanor.

REPRESENTATIVE GRUENBERG offered his understanding that there are no "reported decisions on this."

[8:47:47 AM](#)

REPRESENTATIVE KELLER indicated that fraud would be made easier under the proposed legislation, and he said he would like to know if "any action's been taken on the law."

[8:49:11 AM](#)

REPRESENTATIVE GRUENBERG returned to the aforementioned APWU letter, and pointed to a paragraph on the second page, which names the percentage of votes submitted by mail in various states. He suggested that the committee could find out if fraud increased in those other states.

CHAIR LYNN remarked that most people don't take the time to read the statutes before committing a crime.

[8:52:05 AM](#)

TRAVIS LEWIS, Vice President, Alaskans for Alaska, noted that he also was the former Vice Chair of the Elfin Cove Nonprofit Corporation. He said in the last election, 42 people showed up to vote in Elfin Cove; at least 20 admitted that they were residents of another state. Mr. Lewis said it is scary to think that someone could become a permanent absentee voter without having to live in Alaska. He gave examples of people who don't live in Alaska making decisions that affect locals and being given opportunities not given some locals. He urged the committee to take a strong stand against allowing ballots to be forwarded outside of Alaska. He stated, "If there's a way to cheat, they will."

[8:58:49 AM](#)

REPRESENTATIVE KELLER said he does not think Mr. Lewis's testimony is inconsistent with that of Ms. Fenuniai. He said the forwarding of ballots is not supposed to happen.

MR. LEWIS said he has lived in Elfin Cove since 1964, and he emphasized, "There's not a lot of enforcement at our level."

9:00:38 AM

REPRESENTATIVE SEATON asked Mr. Lewis if his primary concern is that people are allowed to live out of state and vote absentee, or that he wants those people to have to apply annually.

MR. LEWIS answered that he thinks it is too easy to become a registered voter in Alaska. He questioned why someone who is only here from May through August can have an impact on the local politics of Alaska. He reiterated his request that the legislature be cautious about allowing permanent absentee ballots.

9:04:58 AM

REPRESENTATIVE P. WILSON offered her understanding that the point Mr. Lewis is making is that "there are people that aren't really residents of the state that have a voter registration already" and "can you imagine what it would be like if we say, 'Oh, well, we'll permanently do this.'?"

MR. LEWIS concurred.

9:05:58 AM

PAUL LARRY BENSON, JR., American Postal Workers Union (APWU), reviewed that presently people must register yearly to be able to vote absentee ballot by mail; under HB 260, a person would only have to register once, provided he/she continued to vote subsequent years. Further, he noted, HB 260 would allow a person who was dropped from the by-mail voter list, because he/she did not vote, to reapply for permanent absentee voting status. He observed that HB 260 would not allow a permanent absentee ballot to be forwarded anywhere. He noted that current law does not allow ballots to be forwarded. He said when APWU returns the ballots to the division, then that will help clean up the voter roll.

MR. BENSON, JR., regarding the security of ballots, said while USPS is the means of delivery of those ballots, the United States Postal Inspection Service (USPIS) and the Office of the Inspector General (OIG) are the law enforcement divisions of the United States Postal Service. He stated that if there is fraud,

those divisions will find out, because they have the highest criminal conviction rates of anyone.

[9:08:32 AM](#)

MR. BENSON, JR., described the method by which USPS separates Internal Revenue Service (IRS) tax returns, and he said ballots, like tax returns, are highly recognizable. He related that USPS has an on-time delivery rating of 96-98 percent. He said the "approval rating" in Oregon is 81 percent. He said currently about 45,000 ballots are "going out in elections." He ventured that offering permanent absentee voting status would increase the number of people who chose that method, and he listed some for whom absentee voting may be a preference, including working parents, the elderly, and disabled people. Mr. Benson, Jr., proffered that when a ballot arrives in the mail, it is a reminder for the person receiving it to begin studying, which would eliminate "in the booth" decision-making. He further ventured there would be a cost savings [to the division].

[9:11:00 AM](#)

MR. BENSON, JR., regarding concern about a paper trail, said it will not necessarily come from USPS. He reminded the committee that Ms. Fenumiai had said that computer hacking has not been a problem. He relayed that 17 states use absentee voting and voter fraud has not increased as a result.

[9:12:54 AM](#)

MR. BENSON, JR., in response to Chair Lynn, confirmed that he is speaking on behalf of APWU, but added that he has the authority to speak on behalf of the national union. In response to Representative Keller, he said the national union supports absentee voting, but does not actively campaign to get people to vote. He admitted that an increase in absentee voting would mean an increase in revenue for USPS.

[9:14:47 AM](#)

PAT LUBY, Advocacy Director, AARP Alaska, stated that AARP supports any means to encourage people to vote. He concurred with the bill sponsor that older people are most likely to use absentee voting. He said making the process permanent will be beneficial for older voters and would make every election easier for them.

[9:16:51 AM](#)

JOHN HOLLAWAY, testifying on behalf of himself, expressed concern that a permanent status would take away the necessary hurdles of applying annually, without which, the voter roll may not be accurate. Regarding forwarding of mail, he said there is identification posted on mail that cannot be forwarded, and he offered his understanding that the window for forwarding is 18 months. He said, "... The voter registration thing that Ms. Fenumiai was mentioning - that item, I believe, would be forwarded to the new address, where a person could take action to ensure that they stayed on the registration for voting. I'm not sure that there's anything in place that twill be done with the permanent absentee voting."

[9:19:39 AM](#)

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

[9:20:53 AM](#)

MS. FENUMIAI, in response to Representative Seaton, said the proposed legislation would neither change when the division mails out ballots nor the timing of receiving, reviewing, and counting ballots. In response to a follow-up question, she said, "I did not see anything in this bill that changed the current witnessing requirement of either someone who's authorized to witness an oath or one person over the age of 18."

[9:22:41 AM](#)

REPRESENTATIVE PETERSEN highlighted language on page 3, lines 13-15, which read as follows:

(i) If a voter designated as a permanent absentee voter under this section does not vote or appear to vote in a primary, special, or general election for a period of four calendar years, the director shall remove the voter's permanent absentee voter status.

[9:23:38 AM](#)

CHAIR LYNN announced that HB 260 was held over.

**HB 287-ABSENTEE VOTING**

[9:23:55 AM](#)

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

[9:24:19 AM](#)

REPRESENTATIVE GRUENBERG, as sponsor, reviewed that at the last hearing of HB 287 [on 1/26/12], the committee had adopted an amendment to remove Section 1 of the original bill version. He said there is a proposed committee substitute, Version 27-LS1211\D, Bullard, 1/27/12, in the committee packet that reflects that amendment.

[9:25:07 AM](#)

REPRESENTATIVE KELLER moved to adopt the proposed committee substitute (CS), Version 27-LS1211\D, Bullard, 1/27/12, as a work draft.

REPRESENTATIVE P. WILSON objected for the purpose of discussion.

[9:25:58 AM](#)

REPRESENTATIVE GRUENBERG said Version D would remove current statute language from the bill, because that language is no longer necessary. He explained that current state law only covers military and overseas voters, and Version D would give every qualified voter registered in Alaska the right to apply for absentee voting status that would be good for four years. Each time the qualified absentee voter casts a vote, his/her absentee ballot status would automatically be renewed for another four years, in a rolling manner. He noted that the term "overseas" is somewhat of a misnomer, because it actually includes Alaska residents who live anywhere outside of Alaska.

[9:29:32 AM](#)

TED MADSEN, Staff, Representative Max Gruenberg, Alaska State Legislature, on behalf of Representative Gruenberg, sponsor, offered further information regarding the cyclical nature of the bill. He explained that under HB 287, if a qualified absentee voter votes in person, then the cyclical repeating system would no longer be valid.

REPRESENTATIVE GRUENBERG confirmed that is correct.

[9:30:43 AM](#)

REPRESENTATIVE P. WILSON removed her objection to the motion to adopt the proposed committee substitute (CS), Version 27-LS1211\D, Bullard, 1/27/12, as a work draft. There being no further objection, Version D was before the committee.

[9:31:09 AM](#)

GAIL FENUMIAI, Director, Division of Elections, Office of the Lieutenant Governor, said the division currently has an extended ballot option for military and overseas voters, and "this would just extend that to non-military and overseas voters."

[9:31:46 AM](#)

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

[9:31:56 AM](#)

REPRESENTATIVE SEATON said [Version D] allows safeguarded procedures to all Alaskans that were up to now allowed only to military and overseas voters, and he indicated that he thinks that is something that should be done.

REPRESENTATIVE GRUENBERG noted that Version D has an immediate effective date, which allows the division to attempt to implement the proposed legislation in time for the primary election.

[9:33:26 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Conceptual Amendment 1 to Version D, to draft a bill title that is as narrowly tailored to Version D as possible.

[9:33:56 AM](#)

REPRESENTATIVE JOHANSEN objected to comment that in general, he is not comfortable giving broad directives to Legislative Legal and Research Services.

REPRESENTATIVE JOHANSEN removed his objection.

REPRESENTATIVE GRUENBERG offered to address the bill title in the next committee of referral.

REPRESENTATIVE JOHANSEN said it is the will of the committee.

CHAIR LYNN announced that there being no further objection, Conceptual Amendment 1 was adopted.

[9:35:07 AM](#)

REPRESENTATIVE JOHANSEN asked for confirmation that the change of the effective date is an option for the division rather than a directive, because it could be possible that the division may not be able to make the necessary changes in time for the primary election.

[9:36:36 AM](#)

MS. FENUMIAI, in response to the bill sponsor, said because the current election year has already begun and people have already begun applying for absentee ballots, it would provide a more even playing field if the effective date was changed to the 2014 elections. In response to Representative Gruenberg, she said she thinks the effective date could be January 1, 2013.

[9:37:19 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Amendment 2, to change the effective date to 1/1/13. There being no objection, Amendment 2 was adopted.

[9:38:23 AM](#)

REPRESENTATIVE KELLER offered his understanding that when the legislature originally passed legislation to accommodate the military, it envisioned patriots overseas risking everything for the state. Now, he opined, that right is being extended to some people who are living part of the year Outside and part of the year in Alaska. He said the proposed legislation extends a right with which he is not entirely comfortable. Notwithstanding that, he said he would not hold up the bill.

[9:39:48 AM](#)

REPRESENTATIVE SEATON moved to report CSHB 287, Version 27-LS1211\D, Bullard, 1/27/12, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

There being No objection, CSHB 287(STA) was reported out of committee.

[9:41:07 AM](#)

**ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:41 a.m.