

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

April 5, 2013

1:05 p.m.

MEMBERS PRESENT

Representative Wes Keller, Chair
Representative Bob Lynn, Vice Chair
Representative Neal Foster
Representative Gabrielle LeDoux
Representative Lance Pruitt
Representative Max Gruenberg

MEMBERS ABSENT

Representative Charisse Millett

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 10

Proposing amendments to the Constitution of the State of Alaska creating a transportation infrastructure fund.

- MOVED CSHJR 10(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 173

"An Act defining 'medically necessary abortion' for purposes of making payments under the state Medicaid program."

- MOVED HB 173 OUT OF COMMITTEE

HOUSE BILL NO. 104

"An Act relating to election practices and procedures; relating to the election of an advisory school board in a regional educational attendance area; and providing for an effective date."

- MOVED CSHB 104(2D JUD) OUT OF COMMITTEE

HOUSE BILL NO. 3

"An Act relating to voter identification at the polls; and relating to the counting of absentee and questioned ballots."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HJR 10

SHORT TITLE: CONST. AM: TRANSPORTATION FUND

SPONSOR(S): REPRESENTATIVE(S) P.WILSON

02/15/13 (H) READ THE FIRST TIME - REFERRALS
02/15/13 (H) TRA, JUD, FIN
02/26/13 (H) TRA AT 1:00 PM BARNES 124
02/26/13 (H) Moved Out of Committee
02/26/13 (H) MINUTE(TRA)
02/27/13 (H) TRA RPT 6DP
02/27/13 (H) DP: LYNN, FEIGE, ISAACSON, GATTIS,
KREISS-TOMKINS, P.WILSON
04/03/13 (H) JUD AT 1:00 PM CAPITOL 120
04/03/13 (H) Heard & Held
04/03/13 (H) MINUTE(JUD)
04/05/13 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 173

SHORT TITLE: RESTRICT MEDICAID PAYMENT FOR ABORTIONS

SPONSOR(S): REPRESENTATIVE(S) LEDOUX

03/15/13 (H) READ THE FIRST TIME - REFERRALS
03/15/13 (H) JUD, FIN
03/29/13 (H) JUD AT 1:00 PM CAPITOL 120
03/29/13 (H) Heard & Held
03/29/13 (H) MINUTE(JUD)
04/01/13 (H) JUD AT 1:00 PM CAPITOL 120
04/01/13 (H) Heard & Held
04/01/13 (H) MINUTE(JUD)
04/03/13 (H) JUD AT 1:00 PM CAPITOL 120
04/03/13 (H) Scheduled But Not Heard
04/05/13 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 104

SHORT TITLE: ELECTION PROCEDURES; REAA ADVISORY BOARDS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/06/13 (H) READ THE FIRST TIME - REFERRALS
02/06/13 (H) STA, JUD
02/19/13 (H) STA AT 8:00 AM CAPITOL 106
02/19/13 (H) Moved CSHB 104(STA) Out of Committee
02/19/13 (H) MINUTE(STA)
02/20/13 (H) STA RPT CS(STA) NT 5DP 2NR
02/20/13 (H) DP: HUGHES, ISAACSON, GATTIS, KREISS-
TOMKINS, LYNN
02/20/13 (H) NR: MILLETT, KELLER

02/27/13 (H) JUD AT 1:00 PM CAPITOL 120
 02/27/13 (H) Heard & Held
 02/27/13 (H) MINUTE(JUD)
 03/04/13 (H) JUD AT 1:00 PM CAPITOL 120
 03/04/13 (H) Scheduled But Not Heard
 03/11/13 (H) JUD AT 1:00 PM CAPITOL 120
 03/11/13 (H) Heard & Held
 03/11/13 (H) MINUTE(JUD)
 03/15/13 (H) JUD AT 1:00 PM CAPITOL 120
 03/15/13 (H) Moved CSHB 104(JUD) Out of Committee
 03/15/13 (H) MINUTE(JUD)
 03/18/13 (H) JUD AT 1:00 PM CAPITOL 120
 03/18/13 (H) Moved New CSHB 104(JUD) Out of
 Committee
 03/18/13 (H) MINUTE(JUD)
 03/20/13 (H) JUD RPT CS(JUD) NT 6DP 1AM
 03/20/13 (H) DP: MILLETT, PRUITT, FOSTER, LEDOUX,
 LYNN, KELLER
 03/20/13 (H) AM: GRUENBERG
 03/22/13 (H) RETURNED TO JUD COMMITTEE
 04/05/13 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 3

SHORT TITLE: PHOTO IDENTIFICATION VOTING REQUIREMENT

SPONSOR(S): LYNN, KELLER

01/16/13 (H) PREFILE RELEASED 1/7/13
 01/16/13 (H) READ THE FIRST TIME - REFERRALS
 01/16/13 (H) STA, JUD
 02/21/13 (H) STA AT 8:00 AM CAPITOL 106
 02/21/13 (H) Heard & Held
 02/21/13 (H) MINUTE(STA)
 03/14/13 (H) STA AT 8:00 AM CAPITOL 106
 03/14/13 (H) Moved Out of Committee
 03/14/13 (H) MINUTE(STA)
 03/14/13 (H) STA RPT 2DP 1DNP 1NR 2AM
 03/14/13 (H) DP: KELLER, LYNN
 03/14/13 (H) DNP: KREISS-TOMKINS
 03/14/13 (H) NR: GATTIS
 03/14/13 (H) AM: HUGHES, ISAACSON
 04/01/13 (H) JUD AT 1:00 PM CAPITOL 120
 04/01/13 (H) Heard & Held
 04/01/13 (H) MINUTE(JUD)
 04/05/13 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

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

POSITION STATEMENT: Provided comments and responded to questions during discussion of proposed amendments to CSHB 104(JUD).

PAUL DAUPHINAIS, Executive Director
Alaska Public Offices Commission (APOC)
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Responded to questions during discussion of proposed amendments to CSHB 104(JUD).

FORREST WOLFE, Staff
Representative Bob Lynn
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Assisted with the presentation of HB 3 on behalf of Representative Lynn, one of the bill's joint prime sponsors.

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

POSITION STATEMENT: Responded to questions and provided comments during discussion of HB 3.

WILLIAM MARTIN, Grand President
Alaska Native Brotherhood (ANB)
Juneau, Alaska

POSITION STATEMENT: Asked the committee to not let HB 3 become law.

MARY GRAHAM
Juneau, Alaska

POSITION STATEMENT: Provided comments as an election official, and said she is not in favor of HB 3.

FREDA WESTMAN, Grand President
Alaska Native Sisterhood (ANS)
Juneau, Alaska

POSITION STATEMENT: Expressed concerns with HB 3 and the hope that it would not pass.

BETH McEWEN, Member
Alaska Association of Municipal Clerks (AAMC)
Juneau, Alaska

POSITION STATEMENT: Provided comments in opposition to HB 3 and suggested changes to it.

JAN TRIGG, President
Camp 70 Glacier Valley
Alaska Native Sisterhood (ANS)
Juneau, Alaska

POSITION STATEMENT: Urged the committee to vote "Do Not Pass" on HB 3.

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

POSITION STATEMENT: Testified in support of HB 3.

JOSHUA DECKER, Staff Attorney
American Civil Liberties Union of Alaska (ACLU of Alaska)
Anchorage, Alaska

POSITION STATEMENT: Expressed concerns with HB 3, and urged the committee not to pass it.

NATASHA SINGH, General Counsel
Tanana Chiefs Conference (TCC)
Fairbanks, Alaska

POSITION STATEMENT: Expressed concerns with HB 3.

ACTION NARRATIVE

[1:05:21 PM](#)

CHAIR WES KELLER called the House Judiciary Standing Committee meeting to order at 1:05 p.m. Representatives Keller, Foster, LeDoux, and Lynn were present at the call to order. Representatives Gruenberg and Pruitt arrived as the meeting was in progress.

HJR 10 - CONST. AM: TRANSPORTATION FUND

[1:06:11 PM](#)

CHAIR KELLER announced that the first order of business would be HOUSE JOINT RESOLUTION NO. 10, Proposing amendments to the Constitution of the State of Alaska creating a transportation infrastructure fund. [Before the committee was HJR 10, as amended on 4/3/13.]

REPRESENTATIVE FOSTER said he'd received a number of communications from people in rural Alaska supporting HJR 10.

REPRESENTATIVE LEDOUX characterized [HJR 10's proposed changes] as a great idea, and offered her belief that [they would result in] something that's really needed for both urban and rural Alaska.

CHAIR KELLER expressed favor with allowing the people to vote on HJR 10's proposed changes.

REPRESENTATIVE GRUENBERG said he would be voting against HJR 10 but would not oppose its movement from committee.

REPRESENTATIVE FOSTER mentioned that an affirmative vote by two-thirds of the membership in each body would be required to place HJR 10's proposed changes to the Alaska State Constitution on the ballot, whereupon only a simple majority vote would be required for those changes to then be adopted.

[1:08:39 PM](#)

REPRESENTATIVE LYNN moved to report HJR 10, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHJR 10(JUD) was reported from the House Judiciary Standing Committee.

[The committee returned to the hearing on HJR 10 later in the meeting.]

The committee took an at-ease from 1:09 p.m. to 1:11 p.m.

HB 173 - RESTRICT MEDICAID PAYMENT FOR ABORTIONS

[1:11:03 PM](#)

CHAIR KELLER announced that the next order of business would be [HOUSE BILL NO. 173, "An Act defining 'medically necessary abortion' for purposes of making payments under the state Medicaid program."]

CHAIR KELLER noted that public testimony on and committee discussion of HB 173 had already occurred.

REPRESENTATIVE GRUENBERG, mentioning that he wouldn't be offering any amendments [at this time,] relayed that he opposes passage of HB 173 and would be voting "No" on it.

[1:12:17 PM](#)

REPRESENTATIVE LYNN moved to report HB 173 out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GRUENBERG reiterated his opposition to the motion.

CHAIR KELLER objected to the motion, recapped what had occurred during the meeting thus far, and removed his objection.

REPRESENTATIVE GRUENBERG again relayed that he objects to the motion.

[1:14:45 PM](#)

A roll call vote was taken. Representatives Pruitt, LeDoux, Lynn, and Keller voted in favor of reporting HB 173 out of committee. Representatives Gruenberg and Foster voted against it. Therefore, HB 173 was reported from the House Judiciary Standing Committee by a vote of 4-2.

The committee took an at-ease from 1:15 p.m. to 1:20 p.m.

HJR 10 - CONST. AM: TRANSPORTATION FUND

[1:20:04 PM](#)

CHAIR KELLER [announced that as the next order of business, the committee would return to the hearing on HOUSE JOINT RESOLUTION NO. 10, Proposing amendments to the Constitution of the State of Alaska creating a transportation infrastructure fund.]

[CSHJR 10(JUD) had been reported from committee earlier in the meeting.]

[1:20:11 PM](#)

REPRESENTATIVE PRUITT made a motion that the committee rescind its action in reporting CSHJR 10(JUD) from committee.

CHAIR KELLER objected.

REPRESENTATIVE GRUENBERG offered his understanding that someone else would have to make the motion.

REPRESENTATIVE PRUITT withdrew his motion.

REPRESENTATIVE GRUENBERG made a motion that the committee rescind its action in reporting CSHJR 10(JUD) from committee. There being no objection, HJR 10, as amended, was again before the committee.

[1:20:52 PM](#)

REPRESENTATIVE LYNN again moved to report HJR 10, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHJR 10(JUD) was again reported from the House Judiciary Standing Committee.

CHAIR KELLER mentioned that Representative Pruitt would now be able to [sign the committee report] on HJR 10.

HB 104 - ELECTION PROCEDURES; REAA ADVISORY BOARDS

[1:21:31 PM](#)

CHAIR KELLER announced that the next order of business would be HOUSE BILL NO. 104, "An Act relating to election practices and procedures; relating to the election of an advisory school board in a regional educational attendance area; and providing for an effective date." [Before the committee was CSHB 104(JUD).]

CHAIR KELLER noted that the bill, as amended, was previously reported from the House Judiciary Standing Committee, but was then referred back to the committee for additional amendments.

CHAIR KELLER turned the gavel over to Vice Chair Lynn.

[1:23:04 PM](#)

REPRESENTATIVE PRUITT made a motion to adopt Amendment 1, labeled 28-GH1983\R.5, Bullard, 4/4/13, which read:

Page 7, line 19:
Delete "**second**"

Insert "third"

REPRESENTATIVE GRUENBERG objected.

REPRESENTATIVE PRUITT explained that Amendment 1's proposed change to Section 19 of the bill was requested because of a concern that one of the unintended consequences of that section's proposal to move the date of the primary election from the fourth Tuesday in August to the second Tuesday in August would be that ballot initiatives would be voted upon in the general election rather than in the primary election. This was not the intent, however, and so Amendment 1 would address this concern by instead proposing to move the date of the primary election to the third Tuesday in August.

[1:24:14 PM](#)

GAIL FENUMIAI, Director, Central Office, Division of Elections, Office of the Lieutenant Governor, concurred that Amendment 1's proposed change would ensure that ballot initiatives would still be voted upon in the primary election. In response to questions and comments, she explained that the division had initially proposed moving the date of the primary election to the second Tuesday in August for administrative purposes - seeking two extra weeks in which to prepare ballots for the general election - but had not given any consideration to the impact the proposed change would have on ballot initiatives; assured the committee that being given even just the one extra week between the primary election and the general election as proposed under Amendment 1 would still be helpful to the division; relayed that statistically, a lot more people vote in the general election than in the primary election; and acknowledged therefore that retaining Section 19 as currently written, resulting in ballot initiatives being voted upon in the general election, could possibly also result in more people voting on ballot initiatives.

REPRESENTATIVE PRUITT shared his belief, however, that only when voted upon during a primary election is a ballot initiative's proposed change comprehended by the voters.

REPRESENTATIVE LEDOUX expressed a preference for addressing at some other time the policy question of whether to require ballot initiatives to be voted upon in the general election. She therefore indicated support for Amendment 1.

REPRESENTATIVE GRUENBERG - offering his recollection that up until just a few years ago, ballot initiatives were voted upon in the general election - indicated a preference for addressing the policy question now, particularly given that [not adopting Amendment 1] could result in more people voting on ballot initiatives, because a lot more people vote in the general election. He opined that voters in the general election are indeed capable of comprehending a ballot initiative's proposed change.

A roll call vote was taken. Representatives Pruitt, Foster, LeDoux, and Lynn voted in favor of adopting Amendment 1. Representative Gruenberg voted against it. Therefore, Amendment 1 was adopted by a vote of 4-1.

[1:40:14 PM](#)

REPRESENTATIVE PRUITT made a motion to adopt Amendment 2, labeled 28-GH1983\R.4, Bullard, 4/1/13, which read:

Page 1, line 2, following "**expenditures**;"

Insert "**relating to identification requirements for a communication paid for by a political party**;"

Page 3, following line 30:

Insert new bill sections to read:

"* **Sec. 7.** AS 15.13.090(a) is amended to read:

(a) All communications shall be clearly identified by the words "paid for by" followed by the name and address of the person paying for the communication. In addition, except as provided by (d) of this section, a person shall clearly

(1) provide the person's address or the person's principal place of business;

(2) for a person other than an individual or candidate, include

(A) the name and title of the person's principal officer;

(B) a statement from the principal officer approving the communication; and

(C) unless the person is a political party, identification of the name and city and state of residence or principal place of business, as applicable, of each of the person's three largest contributors under AS 15.13.040(e)(5), if any, during the 12-month period before the date of the communication.

* **Sec. 8.** AS 15.13.090(c) is amended to read:

(c) To satisfy the requirements of (a)(1) of this section and, if applicable, (a)(2)(C) of this section, a communication that includes a print or video component must have the following statement or statements placed in the communication so as to be easily discernible; **the second statement is not required if the person paying for the communication has no contributors or is a political party:**

This communication was paid for by (person's name and city and state of principal place of business). The top contributors of (person's name) are (the name and city and state of residence or principal place of business, as applicable, of the largest contributors to the person under AS 15.13.090(a)(2)(C)).

* **Sec. 9.** AS 15.13.090(d) is amended to read:

(d) Notwithstanding the requirements of (a) of this section, in a communication transmitted through radio or other audio media and in a communication that includes an audio component, the following statements must be read in a manner that is easily heard; the second statement is not required if the person paying for the communication has no contributors **or is a political party:**

This communication was paid for by (person's name). The top contributors of (person's name) are (the name of the largest contributors to the person under AS 15.13.090(a)(2)(C))."

Renumber the following bill sections accordingly.

REPRESENTATIVE PRUITT indicated that Amendment 2 would exempt political parties from the existing statutory requirement [in AS 15.13.090] that when paying for a communication, the three largest contributors shall be identified in the communication. He offered his understanding that the top two political parties in Alaska aren't complying with that statutory requirement anyway, and opined that they shouldn't have to, since the political party paying for a communication would still be identified.

REPRESENTATIVE GRUENBERG expressed disfavor with Amendment 2's proposed change because it would result in less disclosure; Amendment 2 would allow political parties to conceal information from the voters.

REPRESENTATIVE PRUITT disagreed.

[1:48:03 PM](#)

PAUL DAUPHINAIS, Executive Director, Alaska Public Offices Commission (APOC), Department of Administration (DOA), in response to questions, offered his understanding that Amendment 2 would result in political parties being exempted from the existing statutory requirement that when paying for a communication, the three largest contributors shall be identified in the communication. The political party paying for such a communication, however, would still be statutorily required to be identified.

REPRESENTATIVE GRUENBERG, mentioning that he would be conducting further research, relayed that he would be voting against the adoption of Amendment 2 at this time.

A roll call vote was taken. Representatives Lynn, Pruitt, Foster, and LeDoux voted in favor of adopting Amendment 2. Representative Gruenberg voted against it. Therefore, Amendment 2 was adopted by a vote of 4-1.

VICE CHAIR LYNN, after ascertaining that no one else wished to testify, closed public testimony on HB 104.

[1:52:42 PM](#)

REPRESENTATIVE PRUITT moved to report CSHB 104(JUD), as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 104(2d JUD) was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 1:53 p.m. to 1:58 p.m.

HB 3 - PHOTO IDENTIFICATION VOTING REQUIREMENT

[1:58:03 PM](#)

VICE CHAIR LYNN announced that the final order of business would be HOUSE BILL NO. 3, "An Act relating to voter identification at the polls; and relating to the counting of absentee and questioned ballots."

VICE CHAIR LYNN turned the gavel over to Representative Pruitt.

REPRESENTATIVE LYNN, as a joint prime sponsor, assured the committee that nothing in HB 3 would prevent a person who is registered to vote and who is motivated to vote, from voting. Under HB 3, people voting in person would be required to present one form of photographic ("photo") identification (ID), or two forms of [non-photo ID,] in order to vote. The bill also provides an exemption for voters who can instead have their identity verified by two election officials who know them, and, if unable to comply with HB 3's identification requirements, or qualify for the exemption it provides, voters may instead cast provisional or questioned ballots. He offered his belief that none of HB 3's requirements would be too onerous.

2:00:50 PM

FORREST WOLFE, Staff, Representative Bob Lynn, Alaska State Legislature, on behalf of Representative Lynn, one of HB 3's joint prime sponsors, in addition to reiterating Representative Lynn's explanation of HB 3, characterized the bill as a proactive measure intended to secure Alaska's elections while respecting Alaska's unique voting population, noted that close elections are common in Alaska, and opined, therefore, that even one case of voter fraud is one case too many. He provided some examples of the types of photo ID and non-photo ID that would be acceptable under the bill's proposed AS 15.15.225(a); pointed out that its proposed AS 15.15.225(a)(2)(D) reads in part, "a valid identification card, license, or permit issued by any branch, department, agency, or entity of the United States government or the state"; and offered his belief that voters who receive a permanent fund dividend (PFD), public assistance, or services from the federal Indian Health Service (IHS) would all be able to comply with the requirements of the bill. He, too, noted that the bill provides an exemption for a voter who can instead have his/her identity verified by two election officials, and offered his understanding that most voters in the Yukon-Kuskokwim Delta (Y-K Delta) already use the existing exemption under current law wherein a voter's identity need only be verified by one election official.

MR. WOLF explained that in addition to requiring two election officials to verify the identity of any voter using the exemption, under the bill's proposed AS 15.15.225(b), those two election officials must sign the voter registration list next to the voter's name. The election officials could then be held responsible for any situations in which a fraudulent vote is cast. He, too, also noted that if a voter is unable to comply with HB 3's identification requirements, or qualify for the

exemption it provides, he/she may instead cast a provisional or questioned ballot, which, he opined, are easy to fill out and count just as much as any other ballot. A copy of the form titled, "Questioned Ballot Oath & Affidavit Envelope" is included in members' packets. In conclusion, he said HB 3 seeks to do nothing more than make Alaska's elections more secure, and indicated that the sponsor feels that the bill would do just that without disenfranchising any voters. In response to a question, he shared his understanding of what's required, in terms of providing acceptable identification information, of someone casting a questioned ballot.

2:05:25 PM

GAIL FENUMIAI, Director, Central Office, Division of Elections, Office of the Lieutenant Governor, added that for questioned ballots, the identification information provided on the envelope by voters who have previously registered to vote is compared to the identification information already listed in the voter registration system for those voters. In response to comments and further questions, she acknowledged that in some voting precincts, finding enough election officials to even keep a polling place open continues to be difficult; that in polling places wherein only one election official is present, voters who are unable to provide either one form of photo ID or two forms of non-photo ID would have to cast a questioned ballot; and that depending on the particular voting precinct, a lack of enough election officials could also impact voters who vote absentee in person, which is what voters are required to do when there are too few election officials available in a particular voting precinct. She offered her understanding that HB 3's proposed changes would apply to all voters except those who vote absentee by mail.

REPRESENTATIVE FOSTER expressed concern that the division's ongoing difficulty in finding enough election officials could result in problems for some voters in rural Alaska because of the bill's proposed requirement that two election officials verify the identity of voters unable to present either one form of photo ID or two forms of non-photo ID, particularly given that some such voters don't have any of the identification documents listed under the bill or any way of obtaining them in a timely fashion - if at all. And given that close elections are common in Alaska, it would not be a good thing for a voter in rural Alaska to have difficulties voting as a result of the bill's requirements; any such difficulties, regardless that they might at some point be overcome, could have a chilling effect on

voters in rural Alaska. For voters in rural Alaska, the identification requirements under current law are sufficient to prevent instances of voter fraud in Alaska.

MR. WOLFE shared his belief that HB 3's proposed identification requirements would not present difficulties for voters in rural Alaska, because of the exemption provided for those who can instead have their identity verified by two election officials. Referring to existing law's provision stipulating that a copy of a current utility bill would suffice for identification purposes, he offered a hypothetical example of a situation in which voter fraud could be perpetrated under that existing provision. The bill's proposed changes are intended to address such situations, and so as long as the identification provided by the voter is an official document issued by a branch of government, it would be acceptable under the bill. He also offered his belief that HB 3 - via its stipulation that two election officials must verify the identity of a voter who cannot provide either one form of photo ID or two forms of non-photo ID - would address instances of voter fraud perpetrated by election officials, such as has occurred in [another state]; and reiterated his understanding that under the bill, election officials could be held responsible for any instances of voter fraud perpetrated by a voter whose identity they verified.

[2:28:40 PM](#)

WILLIAM MARTIN, Grand President, Alaska Native Brotherhood (ANB), explained that the ANB feels that HB 3 would not be good for Alaska Natives because it could preclude a lot of them from exercising their right to vote. Many of a certain age don't have "ID cards." Such cards aren't required for purposes of receiving healthcare at a SouthEast Alaska Regional Health Consortium (SEARHC) [clinic], or voting in a tribal election. Furthermore, tribal ID cards don't have photographs, and people in the villages all know each other. In conclusion, he asked the committee to not let HB 3 pass, because it would hinder people's ability to vote, and putting in place a bill that would keep people from exercising their right to vote would simply be wrong.

REPRESENTATIVE GRUENBERG agreed, adding that he doesn't want to see anyone lose his/her right to vote.

MR. MARTIN, in response to comments, pointed out that in every election he has voted in, not even one of the five or six election officials working at his polling place knew who he was,

and thus it's not necessarily true that a voter lacking either one form of photo ID or two forms of non-photo ID could simply have election officials verify his/her identity.

[2:32:40 PM](#)

MARY GRAHAM, noting that she now serves as an election official, said she is not in favor of HB 3, and doesn't think that Alaska's current election procedures create problems. She added that she is a little worried about assertions that as an election official, she would collude with someone to commit voter fraud. With regard to the claim that a voter who is unable to comply with HB 3's identification requirements or qualify for the exemption it provides could instead simply cast a [provisional or] questioned ballot, she offered the analogy of being sent to the principal's office simply for forgetting one's pencil. Casting a questioned ballot is not like casting a regular ballot - casting a questioned ballot requires more steps of both the voter and election officials, and thus the bill is essentially singling out such voters. Offering an example wherein she, as just one election official, was able to verify the identity of a voter who'd come to vote during a lunch break from work but couldn't find her photo ID, Ms. Graham said she doesn't think it's necessary to require two election officials to verify the identity of a voter, and thinks that the current system works very well as is, and that the concept behind the bill is being proposed by outside interests.

[2:34:57 PM](#)

FREDA WESTMAN, Grand President, Alaska Native Sisterhood (ANS), referring to the right to vote as one of the greatest equalizers in America, predicted that HB 3 would surely disenfranchise Alaska's Native voters, regardless of assurances that that's not the bill's intention, because there are those who simply won't vote a questioned ballot. Having to vote a questioned ballot puts one in a different class of citizens. Many Alaska Natives live in rural Alaska and therefore simply don't have access to photo IDs, and the bill's proposed changes would require that such persons cast a questioned ballot, thereby placing them in a different class of voters. Nobody wants to cast a questioned ballot. Pointing out that she votes in every election and always uses her voter registration card, she questioned why she should need anything else to prove her identity. In conclusion, she shared her hope that the committee would vote "Do Not Pass" on HB 3, and again predicted that HB 3 would surely disenfranchise the people she represents.

MS. WESTMAN, in response to comments and questions, relayed that although she's applied for an identification card through her local tribal office, the bill itself doesn't clarify what constitutes a tribe, even though what does constitute a tribe isn't clear to a lot of people; for example, she's heard people refer to Alaska Native corporations as tribes. Furthermore, obtaining a tribal ID card is going to be cumbersome for people who move away from their [home] village. More to the point, though, why should Alaska Natives be required to present a tribal ID card in order to vote? Alaska Natives are citizens of Alaska, and as such should not have to present a tribal ID card - signifying simply that one is a member of the tribe - just to vote; no one who is Caucasian would want to have to present a card stating that they are Caucasian in order to vote.

[2:41:46 PM](#)

BETH McEWEN, Member, Alaska Association of Municipal Clerks (AAMC), noted that members' packets contain a resolution passed by the AAMC opposing HB 3 - Resolution No. 2013-01 - and indicated that the AAMC has a number of concerns with the bill, many of which have already been addressed by previous speakers. She requested that if HB 3 is passed regardless, that it first be amended such that only one election official would be required to verify a voter's identity, because it's evident from previous testimony that that is sufficient to ensure that voters are who they say they are. Furthermore, people with certain disabilities, because they aren't necessarily going to have a driver's license or any of the other listed forms of photo ID, could be required to cast a questioned ballot under HB 3 as currently written. Her niece, for example, has Down syndrome and uses her city bus pass for ID. The bill, she suggested, should therefore also be amended to allow photo ID issued by a municipality - such as a city bus pass - to be used for identification purposes when voting. In conclusion, she reiterated that the AAMC has passed Resolution No. 2013-01 opposing HB 3.

MS. McEWEN, in response to comments and questions, concurred that nobody likes to vote a questioned ballot because of public perception, and relayed that she has heard many voters say that if they were required to vote a provisional or questioned ballot, they would instead simply not vote.

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JAN TRIGG, President, Camp 70 Glacier Valley, Alaska Native Sisterhood (ANS), urged the committee to vote "Do Not Pass" on HB 3. She offered her belief that HB 3 would discriminate against rural Alaskans, and would create an impediment to the most basic of democratic practices. The homeless, the homebound, returning veterans, the elderly, people of color, and college students would all be vulnerable. Citizens in rural Alaska are primarily Alaska Native, and HB 3 would unfairly impact many rural Alaskans, who live in places where obtaining photo ID may not be possible. Alaska does not have a problem with voter fraud - Alaska's current laws are sufficient to prevent it. There should not be more stringent requirements to vote than there are to register to vote. It's wrong to pass laws that would block some Alaskans from voting, that would deny them the opportunity to participate equally in the democracy. In conclusion, she again urged the committee to vote "Do Not Pass" on HB 3.

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TRAVIS LEWIS, Vice President, Alaskans for Alaska, relayed that his organization is "absolutely for" HB 3. He offered his belief that voter fraud is occurring in Alaska, and cited some statistics to illustrate. For example, at the time of the 2010 election, 20 year-around residents lived in Elfin Cove according to the census, but there were 68 people registered to vote. Numbers such as these result when non-residents - for example, tourism-based-business owners and their seasonal employees - come up to Alaska for the season and register to vote [based on having a mailing address in Alaska]. Acknowledging that obtaining identification documents could be difficult for some Alaskans depending on where they live, he said it's hard for him to understand nonetheless how anyone in this day and age could be without what he termed, "proper identification," given how often it's now required for a variety of purposes. Voting is a sacred right that many have fought very hard for, but voter fraud is currently being committed in Southeast Alaska by residents of other states who just come to Alaska to work for the season. Requiring photo ID in order to vote would be helpful in terms of enforcing Alaska's election laws because it would then be clear from such ID which state a person really resides in. Mr. Lewis said he is in full support of HB 3, adding that he would also like to see Alaska's voter-registration laws amended such that claims of intending to return to Alaska would no longer be sufficient to [establish/maintain] residency for purposes of voting in Alaska elections.

MS. FENUMIAI, in response to comments and questions, relayed that the current number of people of voting age in Alaska is 522,853, and the current number of people registered to vote in Alaska is 486,498.

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JOSHUA DECKER, Staff Attorney, American Civil Liberties Union of Alaska (ACLU of Alaska), mentioning that the ACLU of Alaska has submitted written testimony on HB 3, stated that there are significant constitutional concerns with the bill. Specifically, HB 3 would violate Alaskans' constitutionally-protected right to vote, unconstitutionally burdening voters, particularly those who live in rural Alaska and who don't have photo ID, which is not currently required under existing law. As outlined in the aforementioned written testimony, HB 3 is fatally similar to a Texas law recently invalidated by the courts. Furthermore, because the State of Alaska doesn't provide people with free photo ID and the bill makes no provision for such, requiring people to present photo ID in order to vote means that they would have to pay for those IDs themselves, in effect resulting in them paying what he called "an unconstitutional poll tax."

MR. DECKER said HB 3 also strangely strikes away at the best indicia of identification, that being personal knowledge, by no longer allowing just one election official who personally knows the identity of a voter to waive the identifying-documentation requirement. Voter fraud, although a serious issue, is not a problem in Alaska; according to a letter from the Division of Elections dated January 17, 2013, there has been only one case [wherein a person voted under a fraudulent name, but the underlying issue in that case was actually one of identity theft, and the bill would not have prevented that person from fraudulently voting because he had photo ID, albeit fraudulent]. In conclusion, he urged the committee to not pass HB 3.

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NATASHA SINGH, General Counsel, Tanana Chiefs Conference (TCC), mentioning that she is also a Stevens Village tribal court judge, explained that voting in rural Alaska is different than voting in urban areas of the state, and is especially different in the small villages that make up Interior Alaska. If passed, HB 3 has the potential to be detrimental to rural Alaskans' ability to vote. Placing more restrictions on Alaskans will not

increase voting, and the justifications used in the Lower 48, asserting that increasing restrictions on voting would prevent voter fraud, do not apply in Alaska. Again, there has been only one documented case of voter fraud in Alaska, and thus there is no reasonable justification for adopting HB 3. At the [latest election], voter turnout for the state as a whole was about 59 percent, and voter turnout in Anchorage's District 23, for example, was about 64.6 percent, but voter turnout in rural District 37, for example, was only about 46 percent. The legislature should be very concerned with the extremely low voter turnout by Alaska Natives in rural Alaska, and therefore be taking steps to increase voter turnout, not decrease it.

MS. SINGH predicted that HB 3's proposed changes would likely decrease voter turnout in rural Alaska. First, not all village residents have ID, and while it may be very hard for those who've never lived in a village to understand, an ID isn't really necessary in a village - there are no banks, for example, and everyone already knows each other. It is certainly not a lack of motivation to vote that would cause a rural resident to forego traveling to an urban hub just to obtain a photo ID, but rather the fact that such travel is so expensive; for example, it could be over \$500 for a flight to Anchorage, and that's a lot of money. Furthermore, even when a village resident does have an ID, he/she doesn't normally carry it around in the village, even on Election Day. Requiring two election officials, rather than allowing just one, to waive the bill's identifying-documentation requirement would further hinder Alaska Natives' right to vote. For example, although most of the villages [served by the TCC] regularly have two or more election officials, if an event occurs that impacts an entire village - such as a funeral - then having an adequate number of election officials available to address waivers under the bill is going to be problematic when the entire village goes to the funeral; in a recent poll of just four villages, three of them stated that requiring two election officials to verify identity would be a burden in such situations.

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MS. SINGH said the TCC strongly believes that the right to vote is a fundamental right of Americans and the most necessary factor of democracy, and agree that the integrity of the voting process needs to be protected. But it's a fallacy to believe that citizens are discouraged from voting simply because voter fraud exists; if Alaskans aren't voting it may simply be because they are discouraged by the fact that their elected

representatives are actually representing outside interests instead. For further insight, the committee should rely strongly on the views of the Bush caucus, which represents Alaska's rural residents and understands the reasoning behind the TCC and other Native corporations' opposition to HB 3. And if [the committee] fails to consider the views of the Bush caucus, then it should at least consider the legal opinion from Legislative Legal and Research Services regarding HB 3.

REPRESENTATIVE PRUITT, in response to comments offered earlier by Mr. Lewis, paraphrased some information provided from page 5 of a Division of Election's report titled, "State of Alaska, HAVA State Plan, 2010 Updated"; that information, a copy of which was included in an e-mail in members' packets, read [original punctuation provided]:

Alaska has over 488,000 registered voters. According to the Alaska Department of Labor and Workforce Development, the estimated voting age population in 2005 was 454,226. Alaska attributes its inflated registration rolls to the fact that Alaska Statute Title 15 allows a person who is temporarily out of state to remain registered in Alaska if that person has the "intent" to return (military and military spouses are exempt from intent requirements). Because of Alaska's Permanent Fund Dividend program benefits and no state income tax, many Alaskans choose to maintain their Alaska residency even if they currently live outside the state.

[HB 3 was held over.]

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ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:09 p.m.