

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

March 14, 2013

8:11 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Wes Keller, Vice Chair  
Representative Lynn Gattis  
Representative Shelley Hughes  
Representative Doug Isaacson  
Representative Jonathan Kreiss-Tomkins

**MEMBERS ABSENT**

Representative Charisse Millett

**COMMITTEE CALENDAR**

**SENATE BILL NO. 37**

"An Act extending the termination date of the Statewide Suicide Prevention Council; and providing for an effective date."

- MOVED SB 37 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."

- MOVED HB 3 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 37

SHORT TITLE: EXTEND SUICIDE PREVENTION COUNCIL

SPONSOR(s): SENATOR(s) FAIRCLOUGH

01/25/13	(S)	READ THE FIRST TIME - REFERRALS
01/25/13	(S)	L&C, FIN
02/05/13	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/05/13	(S)	Moved SB 37 Out of Committee
02/05/13	(S)	MINUTE(L&C)
02/06/13	(S)	L&C RPT 3DP 2NR
02/06/13	(S)	DP: MICCICHE, STEDMAN, ELLIS
02/06/13	(S)	NR: DUNLEAVY, OLSON
02/22/13	(S)	FIN RPT 7DP

02/22/13 (S) DP: MEYER, KELLY, HOFFMAN, FAIRCLOUGH,  
 BISHOP, DUNLEAVY, OLSON  
 02/22/13 (S) FIN AT 9:00 AM SENATE FINANCE 532  
 02/22/13 (S) Moved SB 37 Out of Committee  
 02/22/13 (S) MINUTE(FIN)  
 02/25/13 (S) TRANSMITTED TO (H)  
 02/25/13 (S) VERSION: SB 37  
 02/27/13 (H) READ THE FIRST TIME - REFERRALS  
 02/27/13 (H) STA, FIN  
 03/14/13 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 3

SHORT TITLE: PHOTO IDENTIFICATION VOTING REQUIREMENT

SPONSOR(S): REPRESENTATIVE(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

**WITNESS REGISTER**

SENATOR ANNA FAIRCLOUGH  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** As sponsor, presented SB 37.

KATE BURKHART, Executive Director  
 Statewide Suicide Prevention Council  
 Division of Behavioral Health (DBH)  
 Department of Health and Social Services (DHSS)  
 Juneau, Alaska

**POSITION STATEMENT:** Provided information regarding the  
 Statewide Suicide Prevention Council during the hearing on SB  
 37.

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

**POSITION STATEMENT:** Presented HB 3 on behalf of Representative  
 Lynn, joint prime sponsor.

JULIET HILDRETH

Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 3.

JEFFREY MITTMAN, Executive Director

American Civil Liberties Union of Alaska (ACLU of Alaska)

Anchorage, Alaska

**POSITION STATEMENT:** Testified that, as a drafted, HB 3 would not protect voting rights.

TRAVIS WILLIS, Vice President

Alaskans for Alaska

**POSITION STATEMENT:** Testified in support of HB 3.

JOY HUNTINGTON

Tanana Chiefs Conference (TCC)

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 3.

GAIL FENUMIAI, Director

Division of Elections

Office of the Lieutenant Governor

Juneau, Alaska

**POSITION STATEMENT:** Reviewed the division's poll worker system and answered questions during the hearing on HB 3.

KEN HELANDER, Director of Advocacy

AARP

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 3.

#### **ACTION NARRATIVE**

[8:11:11 AM](#)

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:11 a.m. Representatives Gattis, Hughes, Isaacson, Keller, Kreiss-Tomkins, and Lynn were present at the call to order.

#### **SB 37-EXTEND SUICIDE PREVENTION COUNCIL**

[8:11:14 AM](#)

CHAIR LYNN announced that the first order of business was SENATE BILL NO. 37, "An Act extending the termination date of the Statewide Suicide Prevention Council; and providing for an effective date."

8:11:39 AM

SENATOR ANNA FAIRCLOUGH, Alaska State Legislature, as sponsor, presented SB 37. She stated that SB 37 would extend the Alaska Suicide Prevention Council (ASPC) from 2013 to 2019. She relayed that in 2001, the Alaska State Legislature created the ASPC, which is made up of 17 members: 2 members appointed by the Senate President, 2 members appointed by the Speaker of the House, and 13 members appointed by the governor. She said the duties of the council are outlined in AS 44.29.350, which read as follows:

Sec. 44.29.350. Duties.

The council shall serve in an advisory capacity to the legislature and the governor with respect to what actions can and should be taken to

(1) improve health and wellness throughout the state by reducing suicide and its effect on individuals, families, and communities;

(2) broaden the public's awareness of suicide and the risk factors related to suicide;

(3) enhance suicide prevention services and programs throughout the state;

(4) develop healthy communities through comprehensive, collaborative, community-based and faith-based approaches;

(5) develop and implement a statewide suicide prevention plan;

(6) strengthen existing and build new partnerships between public and private entities that will advance suicide prevention efforts in the state.

SENATOR FAIRCLOUGH reminded the committee that Alaska has the highest rate of suicide in the nation. She said suicide is preventable, and the state can do something about [those statistics]. She said she is honored to have served for over three years as a member of the House of Representatives on the council, and she currently serves on the council as an appointee from the Senate. She reported that the council has done great things with the support of the legislature. She indicated that the council has connections with military personnel, the spiritual community, schools and youth, and with those who have been affected by suicide. She asked the committee to support the proposed extension of the council.

8:14:00 AM

CHAIR LYNN stated his support of the proposed legislation and thanked the sponsor for bringing it forward. He said one case of suicide is one case too many.

[8:14:10 AM](#)

REPRESENTATIVE HUGHES said a constituent is involved in a program that goes into schools and offers a dramatization with a message of hope, and she encouraged Senator Fairclough to familiarize herself with the program, which is called, "Carry the Cure."

[8:14:56 AM](#)

REPRESENTATIVE ISAACSON talked about another group called, "This Generation Ministries," which is from North Pole, Alaska. He asked how actively the council pursues connections to the various groups working on suicide prevention throughout the state.

SENATOR FAIRCLOUGH answered that there is a web site, which connects all the resources throughout the state. She deferred to the executive director of the council for further details.

[8:15:51 AM](#)

KATE BURKHART, Executive Director, Statewide Suicide Prevention Council, Division of Behavioral Health (DBH), Department of Health & Social Services (DHSS), told Representative Isaacson that one of the council's major roles is to "act as a clearing house to connect community-driven suicide prevention and partners." She said the council has allotted funds from its limited travel budget to conduct outreach trips to three rural areas of the state: two members went to Nenana two weeks ago, a trip to Bethel and a small village outside of the Bethel hub has just been planned, and the council will coordinate rural outreach in Kivalina with one of its members there, pastor Lowell Sage. She said the council has met with members of [This] Generation Ministries and many other community-driven suicide prevention efforts in an attempt to connect everyone together. She relayed that [stopsuicidealaska.org] is the council's state suicide prevention portal and the primary way people are connected.

[8:17:27 AM](#)

REPRESENTATIVE HUGHES asked what efforts the council makes in curbing substance abuse, which she said is often linked to suicide.

MS. BURKHART answered that the council's five-year plan includes a strategy to ensure Alaskans have access to mental health and substance abuse treatment services when they ask for it. She said substance abuse prevention and suicide prevention coalitions in communities are often separate, and the council encourages them to come together as a wellness coalition or at least to become partners.

[8:18:04 AM](#)

REPRESENTATIVE HUGHES talked about the alarming rate of suicides by soldiers returning from war. She asked if that statistic has increased in Alaska and if the council is doing anything about the issue.

MS. BURKHART returned to the issue of substance abuse to say that two years ago, the Department of Health & Social Services "co-located" the ASPC with the Advisory Board on Alcoholism & Drug Abuse and the Alaska Mental Health Board; therefore, the council has coordinated its efforts around behavioral health and suicide prevention to create "one big movement forward." Returning to Representative Hughes' question regarding soldiers, Ms. Burkhart said she cannot speak to what the Veterans Administration is doing to address suicide prevention, other than what is reported to her from its representative. She said the Veterans Administration has developed services and supports for returning veterans who choose to engage in those services. She said the State of Alaska has prioritized resiliency and protective factors as part of the foundation for all of its prevention efforts. She stated that for more than a decade, the council has been involved with the Alaska Initiative for Community Engagement, as well as efforts to address adverse childhood experiences and to equip children to grow up as healthy adults and avoid addiction and serious mental illness.

[8:20:38 AM](#)

REPRESENTATIVE KELLER asked what resources the council desires and which are the areas it sees as in need of improvement.

MS. BURKHART referred to six goals of the state plan, most of which can be categorized as things that can be done by Alaskans, by communities, or by the state. For example, she said

communities have taken a huge role with or without grant support. She encouraged Representative Keller to read the report just published by the council, which highlights many of those community efforts. She said last year the state appropriated \$450,000, which has already been implemented in its alternative schools and will be "a competitive process for other school districts." Ms. Burkhart relayed that 1,800 people were trained last year and the state has appropriated funding for additional programs that are being initiated; however, she said there has not been a lot of research growth. She said there is a lot of interest in adverse childhood experiences, including how they affect Alaskans and how they can be prevented. She indicated that other areas of research are not exciting to others but are in need of resources.

MS. BURKHART, in response to Representative Keller, said she has not approached the Institute of Social & Economic Research (ISER). She said the organization with whom the council most closely coordinates is the Center for Alaska Native Health Research (CANHR), at the University of Alaska Fairbanks. She spoke highly of the organization and said the council has connected CANHR with other community partners that want to move forward in a participatory research model. She said there is also conversation about "renewing the addiction studies chair" at [the Institute for Circumpolar Health Studies] at the University of Alaska Anchorage, which is under the guidance of David L. Driscoll, PhD, who is interested in research related to adverse childhood experience.

[8:24:12 AM](#)

MS. BURKHART, in response to Representative Keller, stated that for each strategy in the state plan, there is a specific population measure. She said the first implementation report from the state plan shows that the rate of suicide in 2011 dropped by 23. She said that cannot yet be called a trend, and she noted that data is still being gathered to determine how many suicides occurred in that year by Alaskans living outside the state. She related that the council has seen a large increase in the number of Alaskans who have been trained in an "evidence-based suicide prevention model," such as the applied suicide intervention skills training and mental health first aid, and she reiterated that there has been an increase in community coalitions involved in suicide prevention.

[8:25:48 AM](#)

REPRESENTATIVE HUGHES asked how Alaska compares to other states.

MS. BURKHART answered that the national suicide average is 11-12 per 100,000 people; Alaska's average is 19.5. She said there are other Western states whose numbers are also high, but Alaska has been twice the national average for decades.

[8:26:46 AM](#)

MS. BURKHART offered an update on how the council responded to a legislative audit. The first recommendation made in the audit was that the council should evaluate its executive director and memorialize the way it does business with its partner boards. She noted that because of the council's limited means, there is a lot of support and sharing from the Mental Health Board and the Advisory Board on Alcoholism and Drug Abuse. She reported that the council completed the evaluation in December. She explained that the council has a process for doing [an evaluation] annually in partnership with executive committees of the other two boards. She said the council has memorialized the way it does business so that its operation will not be affected by any changes in leadership. Ms. Burkhart said the second recommendation from the audit was for the council to monitor attendance and report it to the governor. She said the council has instituted an attendance law the beginning of the present fiscal year and will communicate that information to the Office of the Governor, the Senate President, and the Speaker of the House at the end of each fiscal year. She said the third recommendation from the audit had to do with developing and monitoring performance measures in conjunction with the Office of Management & Budget. She said the council has had performance measures in place for many years, related to individual council members and the performance of suicide performance measures; however, it has not coordinated that with the Office of Management & Budget in the past. She said the council is working with the Department of Health & Social Services to match languages, because "they are not written in the same terms of art," and it anticipates having that done by the end of the fiscal year.

[8:28:32 AM](#)

CHAIR LYNN closed public testimony.

[8:28:40 AM](#)

REPRESENTATIVE KELLER opined that one of the greatest features of the council is that it has the opportunity to engage services from private organizations that exist across the state. He remarked that sometimes the legislature cannot direct its funds that well.

[8:29:12 AM](#)

REPRESENTATIVE KELLER moved to report SB 37 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SB 37 was reported out of the House State Affairs Standing Committee.

[8:29:25 AM](#)

The committee took an at-ease from 8:29 a.m. to 8:32 a.m.

[8:32:12 AM](#)

**HB 3-PHOTO IDENTIFICATION VOTING REQUIREMENT**

[8:32:14 AM](#)

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

CHAIR LYNN, as joint prime sponsor, noted that this was the committee's second hearing on HB 3. He described HB 3 as a proactive bill, and expressed his hope that it would be moved out of committee to be heard next by the House Judiciary Standing Committee, which would focus on any legal issues. He stated that the only purpose of the proposed legislation is to ensure that a person who shows up at a polling place to vote is who he/she claims to be. He emphasized that the proposed legislation would not prevent any qualified voter with a desire to vote from doing so. [Under HB 3], any registered voter would be allowed to vote by showing two forms of non-photo identification (ID) or being identified by two official election workers or presenting one form of photo ID. If the voter cannot meet any of those criteria, he/she can cast a provisional or questioned ballot. He said any voter who has ever qualified for the Alaska permanent fund dividend (PFD) should have the documents required to vote [under HB 3], including a birth certificate. He opined that "these common-sense provisions should remove any reasonable and logical objection to HB 3." He

indicated that Native voters would be just as able to vote under HB 3 as any other qualified voter.

[8:34:59 AM](#)

FORREST WOOLFE, Staff, Representative Bob Lynn, Alaska State Legislature, presented HB 3 on behalf of Representative Lynn, joint prime sponsor. He stated that HB 3 is a proactive measure that seeks to further secure Alaska's elections, while respecting the state's "unique voting population." He stated that while voting fraud may not be rampant in Alaska, many of Alaska's elections are decided by only a handful of votes or even a coin toss, which makes every vote count and even one case of voter fraud one too many.

MR. WOOLFE said under HB 3, the simplest way to vote is to provide photo ID at the polls; however, the proposed legislation acknowledges that obtaining a photo ID may be difficult for some Alaskans and would allow two forms of non-photo ID, such as a birth certificate, social security card, hunting and fishing license, voter ID card, or tribal ID. He reiterated Chair Lynn's remark that those registered to receive the PFD had to submit an original or certified copy of a birth certificate to the Permanent Fund Division; therefore, the assumption is that a person who receives a PFD has a birth certificate. Mr. Woolfe said in order to receive food stamps from the state, a person must show the Division of Public Assistance his/her photo ID, social security card, and birth certificate. He said it would appear that a voter receiving some form of public assistance would have access to some of the documents accepted [under HB 3].

MR. WOOLFE stated that in order to receive services from the [U.S. Department of Health and Human Services'] Indian Health Service (IHS) agency, a person must present his/her tribal ID, which is another accepted document under HB 3. He added to Chair Lynn's opening remarks that the option to be identified by two election officials would mean that both election officials would have to be willing to sign their names next to the voter's name in the register. He said currently many voters in the Yukon/Kuskokwim Delta are using recognition of an election official as a form of identification, and the proposed legislation would increase the requirement of that form of identification from one election official to two. He echoed Chair Lynn's statement that a final option for someone voting without any form of ID and not recognized by two officials would be, under HB 3, to cast a questioned ballot. He noted that the

committee packet includes a sample of a questioned ballot, which he said illustrates how easy it is to fill out. He reinforced Chair Lynn's statement that the proposed legislation would make elections more secure, without disenfranchising voters. He requested the committee's support of HB 3.

8:38:03 AM

CHAIR LYNN reopened public testimony [which was closed at the last hearing on 2/21/13].

8:38:14 AM

JULIET HILDRETH stated that as an Alaska Native, she is disturbed by remarks that Alaska Natives lack the sophistication and education to obtain a ballot and provide ID. She offered her understanding that "most people from the Democratic Party seem to promote that." She said she has two forms of ID: a tribal certificate and a U.S. Department of the Interior, Bureau of Indian Affairs (BIA), certificate of Indian blood (CIB), the latter of which includes her maiden name, her birth name, her social security number, and her regional and tribal affiliation. She said she must present that ID, along with photo ID, in order to receive any Indian health service. Ms. Hildreth related that both her uncle and grandfather served in the legislature. She said she is saddened that Alaska's "junior senator and Ms. Brown" continue to "perpetuate a non-problem." She emphasized the importance of preventing voter fraud. She stated, "This is the part of the bigotry that keeps going on in the news and in politics." She added, "This is much ado about nothing." Ms. Hildreth stated that under the Ulmer administration, there were people in the cancer wing of Providence Hospital who were promised ballots that were never delivered. She related an experience when she showed up to vote at 7:30 a.m. and found the doors locked, and she said the candidate who lost that election by a few votes was not happy. She commended Lieutenant Governor Mead Treadwell for having made it so much easier for people to obtain ballots.

8:42:02 AM

JEFFREY MITTMAN, Executive Director, American Civil Liberties Union of Alaska (ACLU of Alaska), emphasized that the ACLU of Alaska is a nonpartisan organization, whose sole responsibility is to defend the legal and constitutional rights of all Alaskans; the organization reviews all bills as they relate to fundamental rights. He stated that HB 3 would impinge on

fundamental rights, because it would set up differing systems for individuals who live in different parts of Alaska. He gave the example that the State of Alaska provides differing services from the DMV depending on what part of the state a person resides. On that basis, he said, the scheme of the proposed legislation, as currently drafted, would discriminate against those who live in certain parts of the state.

[8:44:26 AM](#)

MR. MITTMAN said the question is how the courts will look at the proposed legislation. He said those who live in rural parts of Alaska are disproportionately Alaska Native, and in the United States there has been a history of discrimination against those in minority groups, including Native Alaskans. Based on that history, he said, the courts will look at HB 3 and see differential impact - that somebody who lives in Anchorage and can easily provide a photo ID can vote with no problems, whereas an individual who lives in a rural part of Alaska cannot do that - and determine that this is discriminatory. He said the courts also will look at the necessity of providing such a bill. The courts will ask whether there is an action the state needs to take that meets an addressed need. He said, "In fact, we know there is none." He said the history of voter fraud in Alaska is minimal if nonexistent. He said ACLU of Alaska is trying to advise the legislature that it is likely the courts would strike down HB 3 on the basis that there is no addressed need and there would be a discriminatory impact on those who live in rural areas.

[8:46:21 AM](#)

MR. MITTMAN said other states that have "looked at these sorts of bills" have specific provisions that allow individuals to obtain certain alternative IDs at no cost; however, HB 3, as currently drafted, includes no such provision. To obtain the alternate ID required under HB 3, such as obtaining a copy of a marriage license or a birth certificate, involves a cost. He stated, "To impose on a voter any sort of requirement to pay a fee so that he or she can vote is absolutely forbidden under the U.S. Constitution; this is called a poll tax." He said the ACLU of Alaska is not saying that there was an intention to exclude anyone when drafting the proposed legislation; however, the courts will consider the effect of the bill as drafted, and if that effect is to require an individual to pay a fee in order to be able to vote, then "that is unacceptable." Mr. Mittman said he thinks "we" can all agree that voting is fundamental to

democracy, and he said he accepts the statement of the sponsor that that is the intent of HB 3. He concluded, "We look forward to working with the sponsor to craft a bill that makes voting better for all Alaskans. Unfortunately, as drafted, this bill does not do that." He offered to answer questions.

8:47:48 AM

REPRESENTATIVE KELLER noted that the House Judiciary Standing Committee will be able to work on any legal issues related to the proposed legislation. He said he respectfully disagrees with some of the fundamental issues stated by Mr. Mittman. First, he said Mr. Mittman's statement that the courts will look at the history of fraud in Alaska is a prediction he said he thinks is "a leap." Regarding Mr. Mittman's mention of the compelling interest of providing free and fair elections, proposed that the real issue is not whether fraud exists but whether or not people perceive the voting system as trustworthy. He said he has met people during campaigning who say they don't bother to vote because "nobody seems to care."

REPRESENTATIVE KELLER said the constitution talks about doing things for the maximum benefit of Alaskans, which does not mean just anyone who happens to be in the state; therefore, he said "we" have a responsibility to "identify the legitimate borders of the state of Alaska." Regarding the issue of making people pay to vote, he suggested that perhaps a provision could be added to HB 3 that would allow a free photo ID to "anybody who asked for it." He opined that the way to frame the argument is not to say that "this is worthless because there is no fraud," but rather that "we have a real strong responsibility to provide a free and a fair election system in one that is shown to be there."

8:50:42 AM

MR. MITTMAN clarified that when there is evidence of disparate impact on a racial group, at that point the courts look at various factors to determine whether a bill is constitutional, one of which is whether the actions are narrowly tailored to a need. He said in this case the courts would look at the extent of the fraud to determine how the need is being met. If there were significant examples of fraud, the courts would give more leeway for greater need. Where there is no or little evidence of fraud, the courts would determine there is "less room to maneuver." He stated, "So, I absolutely agree with the assertion of the vice chair that the responsibility of the state

to protect against fraud is important. What the courts will look at is the tailoring and how close the fit is."

[8:51:57 AM](#)

REPRESENTATIVE KELLER asked Mr. Mittman if he is saying that [the courts] would not look at "the need that we have to have a pure, believable voter system" or that he believes "they would do that less than the need that would be presented if there were fraud."

MR. MITTMAN clarified that the courts will accept the state's assertion that it has the responsibility to prevent against fraud, but will want to see evidence that the method selected is appropriately tailored to the evidence of fraud submitted. He said ACLU of Alaska believes that in the absence of that evidence, the courts will find that the details of HB 3 are too broad, with too wide of an impact, and do not appropriately fit "to the unique circumstances of the state of Alaska."

REPRESENTATIVE KELLER posited that the issue is not so much about constitutionality as it is about the comparison of the need if there is fraud to the need to protect Alaska's system by having an identifiable group of voters. He said he is not convinced as to what the courts will do.

MR. MITTMAN said the ACLU of Alaska tries to review various cases across the country. He concurred with Representative Keller that it is not possible to predict the court's decision with certainty; however, he said the courts have historically looked at cases in which there is an impact on a racial minority with a greater degree of scrutiny. Mr. Mittman clarified he is not saying it is not important to protect against fraud, but said absent existing fraud, there will be less willingness [by the courts] to accept a broad limitation where there is a different responsibility on urban voters versus rural voters.

[8:56:04 AM](#)

CHAIR LYNN noted that there are two attorneys, representing two political parties, sitting on the House Judiciary Standing Committee, and he suggested that committee would be a good place to address some of the interesting issues raised by Mr. Mittman.

[8:56:23 AM](#)

REPRESENTATIVE HUGHES asked Mr. Mittman for his suggestions regarding how to improve upon the proposed legislation.

[8:56:57 AM](#)

MR. MITTMAN answered that the first issue would be to ensure equal opportunity to vote no matter where a voter lives in the state. The second issue would be to ensure there is no cost to the voter. The third issue would be to determine whether it is reasonable to require two pole workers in all polling places in Alaska in order to positively identify those voting without photo IDs. Finally, he reiterated the importance of identifying evidence of "the existing ills that are being guarded against."

[8:59:31 AM](#)

REPRESENTATIVE HUGHES stated her understanding that anyone who is currently qualified to vote would, under HB 3, continue to be qualified. She indicated the effect of the bill would be to prevent someone who is not a U.S. citizen from voting in an election. She asked Mr. Mittman, "Do you agree with the Division of Elections that anyone that can vote right now, whether or not they have a photo ID, and any Alaskan that's turning 18, that does or doesn't have a ... photo ID, would continue to have their vote counted if this bill were to pass?"

MR. MITTMAN stated that the election in Anchorage, last April, was chaotic. He observed that Anchorage is not an area where the city clerk, the Division of Elections, or poll workers are inexperienced, but elections are challenging. He said in that election there were many individuals not able to vote, ballots were lost, and ballots were discovered long after the election was over. He said the proposed legislation would set up a scheme of provisional voting and questioned ballots, and he warned that any differential from the standard voting process creates possibilities for confusion and for votes not to be counted, and that has happened in Alaska. He said, "While technically the rule, as drafted, may say your vote may be eventually counted if you vote a provisional ballot or a questioned ballot, if there's review, in point of fact, we know from historical evidence that those votes are not counted." He said while somebody may technically be allowed to vote, differential standards in rural areas versus urban areas will be of concern to the courts.

[9:02:50 AM](#)

REPRESENTATIVE HUGHES opined that it is important for the committee to consider whether a technical system is in place for votes to be counted.

[9:03:23 AM](#)

CHAIR LYNN said the provision for voting "other than photo ID" does not apply only to rural Alaska; it applies to every place in Alaska, including urban areas.

[9:03:34 AM](#)

REPRESENTATIVE KELLER asked Mr. Mittman to provide at some time a specific example of someone whose questioned vote did not get counted. He observed that in his response to Representative Hughes, Mr. Mittman had described HB 3 as "intending to prevent fraud." He reemphasized that the primary intent of the proposed legislation is to protect the pure identity of the electorate of the state of Alaska, in a manner that elicits confidence in all residents.

[9:04:38 AM](#)

REPRESENTATIVE HUGHES asked how many questioned ballots end up being "votes that are truly counted."

CHAIR LYNN said Gail Fenumiai, the director of the Division of Elections, would answer questions.

[9:05:35 AM](#)

TRAVIS WILLIS, Vice President, testified in support of HB 3. He stated that he grew up in a village and his children are "native." He said he cannot board Alaska Airlines, ride on a ferry, rent a room, write a check, or have a bank account, for example, without an ID card. He said he cannot imagine anyone in Alaska, in this day and age, who does not have proper ID. He opined that one of the most sacred rights of American citizens is their ability to vote. He related that there are people from other states, with registration cards, voting in his community of Elfin Cove. He commended [the bill sponsors] for bringing forth [HB 3].

[9:06:58 AM](#)

REPRESENTATIVE ISAACSON asked Mr. Willis if his children must provide photo ID in order to receive medical service from IHS.

MR. WILLIS answered no, because he said his children have a CIB card, which he indicated is affiliated with the Southeast Alaska Regional Health Consortium (SEARHC). He further indicated that [ID] cards issued by the BIA to members of federally recognized tribes are good anywhere in the country. In response to a follow-up question, he confirmed that the BIA ID card is not a photo ID; however, he reiterated that "anybody over the age of 12 that wants to ride on Alaska Airlines or get on a state ferry has to have a picture ID card."

[9:08:11 AM](#)

JOY HUNTINGTON, Tanana Chiefs Conference (TCC), stated that the TCC is adamantly opposed to HB 3. Said related that she grew up in a village and did not get a driver's license until she was 20 - two years after becoming eligible to vote. She said Alaska Airlines does require photo ID; however, her grandmother flies only small aircraft carriers, which do not require photo ID. She said there are elders who are bound to their communities and maybe fly to Fairbanks for health care, but do not fly Alaska Airlines.

MS. HUNTINGTON said she would like to know where the [voter] fraud is occurring. She said she has people she does not know lining up to vote in her village, and she said many times there is only one poll worker. She explained that she grew up in two villages of 50 and 70 people, and finding someone willing and eligible to be a poll worker is difficult. She said she does not see a clear purpose in [the proposed legislation]. She said she is the "get out the Native vote" coordinator and co-chair in Fairbanks, who works diligently to get people to register to vote and struggles to teach people that the legislature belongs to them through their participation. She emphasized the critical importance of conveying that message to people in villages, because all voices need to be heard. Ms. Huntington stated, "To have this bill pass, I think it would be, for me personally, for our region, a major slap in the face." She expressed concern that under HB 3, Native rights would become narrower and Native participation in elections would drop. She stated her belief that "economically, culturally, we're all tied together." She talked about her work in encouraging people to support bills that help areas of the state, and said, "To have this pass would be devastating."

[9:11:52 AM](#)

CHAIR LYNN said HB 3 is not aimed at Native villages or anybody else, but to all Alaska voters regardless of ethnicity.

[9:12:09 AM](#)

REPRESENTATIVE ISAACSON recollected that Mr. Lewis had said there are people who vote in Elfin Cove who are not even Alaska residents. He offered his understanding that under HB 3, a voter [without a photo ID] would still be allowed to vote a questioned ballot; therefore, he said he is not sure any limitations would be placed on voters or the Tanana Chiefs [Conference]. He asked Ms. Huntington to respond.

[9:13:28 AM](#)

MS. HUNTINGTON reiterated that sometimes there is just one poll worker. She said if someone from outside the village came to a village polling place to vote, the single poll worker would not recognize the person and would require ID. She said as a voter registrar and trainer of voter registrars, she has the ability to register people to vote if she recognizes them. If she does not recognize them, she asks for their photo ID. Ms. Huntington said she does not see how voter fraud would occur under the current system. She reiterated that a single poll worker can allow someone to vote upon recognition of the person, and she said, "Requiring two people or an ID when they show up at the poll just doesn't make sense to me."

[9:15:26 AM](#)

REPRESENTATIVE HUGHES asked Ms. Huntington if she would find HB 3 more acceptable if an exception was made for elders "of a certain age" and if, instead of two officials, recognition of the voter without a photo ID would have to be made by just one election official, but also by one other resident.

MS. HUNTINGTON said she thinks that would be better. She said she knows it is the committee's job to consider whether the obstacles that may be put before people make sense, and she acknowledged that that is not an easy task.

[9:17:29 AM](#)

CHAIR LYNN queried whether [exempting elders] would set up two classes of Natives: elder and non-elder.

[9:17:55 AM](#)

GAIL FENUMIAI, Director, Division of Elections, Office of the Lieutenant Governor, reviewed the division's poll worker system. She said the division tries to hire four to six poll workers in each precinct, depending on the size of the precinct. She said she has not personally been made aware of a situation in which there has been just one election worker at a polling place anywhere in the state. She suggested the only thing that could have caused such a situation is if one of the workers had to run home to take care of an issue, returning later. She said the division trains at least two workers at every precinct prior to the election. In response to Chair Lynn, she said the division has its election officials at each precinct check in to let the division know the polling place is open, and, at that point, if they were short on staff they would let the division know and would be told to find other people. She reiterated that she has never been informed of a situation in which a precinct has operated all day long with less than two workers.

[9:19:43 AM](#)

REPRESENTATIVE HUGHES asked how the division would handle a situation in which there was only one [election official] during early voting. She further asked what Ms. Fenumiai thought about the idea of allowing an Alaska resident to serve as "the second person."

MS. FENUMIAI responded that there may be only one absentee voting official in a particular location. Currently, that official signs, as the witness on the absentee and in-person oath and affidavit envelope, that he/she is providing a ballot to the voter. Regarding a community resident serving as an extra witness, she said she is not certain such a person would always be available if needed. In response to Representative Hughes, she said the locations of polling places vary: some are in community buildings, some in private residences, and some in tribal offices. She said there are absentee voting officials in about 49 city clerk offices statewide.

[9:22:10 AM](#)

MS. HUNTINGTON, regarding her previous reference to elders, emphasized that the point is not whether they are Native or non-Native, but whether or not they have a photo ID. Regarding having another resident act as identifier, she said that would apply in a worse-case scenario, since the division tries to have two officials working in polling places.

9:24:26 AM

KEN HELANDER, Director of Advocacy, AARP, said he is testifying on behalf of AARP's 94,000 Alaskan members. He said AARP believes that the right to vote, along with full and fair representation is a basic democratic right. He said older individuals vote in disproportionately high numbers, and AARP has long advocated for fair and simple procedures that facilitate a high level of participation. Mr. Helander stated that while AARP supports fair and effective procedures to detect and prevent voter fraud, it does not support procedures that reflect partisan bias or permit discriminatory reviews or voter challenges that may discourage turnout by older voters. He said the argument has been made that Alaska has many close elections and that HB 3 would prevent such an election being decided by a fraudulent vote. He said AARP believes that the evidence is lacking to support the existence of a problem with voter fraud and that the potential is created by HB 3 to even unintentionally disenfranchise legitimate voters. He stated, "It is not worth the risk to discourage the right to vote to even one legitimate voter for the sake of preventing a problem that has not been shown to exist." He emphasized AARP's strong opposition to HB 3.

9:26:43 AM

CHAIR LYNN announced he would allow Mr. Lewis to give feedback related to the statements made by former testifiers.

MR. LEWIS, regarding Ms. Huntington's statement that she did not know how someone not from a community could vote in that community, said the people who do so come to [Elfin Cove] in May, register to vote, and most of those people are gone by September. He offered his understanding that the Division of Elections does not enforce its rules like the Alaska Department of Fish & Game (ADF&G) or the Permanent Fund Division does, and he expressed his desire to hear from Ms. Fenumiai regarding that subject.

9:28:08 AM

MS. FENUMIAI, regarding questioned ballots, noted that Mr. Mittman had referenced a municipal election, in which the state has no involvement. She said in the 2012 primary election: 4,751 questioned ballots were issued and voted; 4,380 of them were accepted; 374 were rejected; and the majority of the

rejected ballots in that election were due to the fact that a voter chose a type of ballot that he/she was not eligible to vote. She stated that in the 2012 General Election: 18,255 questioned ballots were issued and voted; 18,010 were accepted; and 245 were rejected.

CHAIR LYNN observed that the vast majority of ballots voted in both the primary and General Elections were accepted.

MS. FENUMIAI said that is true.

[9:29:31 AM](#)

REPRESENTATIVE ISAACSON asked Ms. Fenumiai to clarify how the aforementioned ballots were rejected.

MS. FENUMIAI answered that she could get that information for the committee.

REPRESENTATIVE ISAACSON posited that having that information before the proposed legislation is heard by the House Judiciary Standing Committee would be good, because why certain ballots are being rejected "hits to the heart of this."

[9:30:10 AM](#)

REPRESENTATIVE HUGHES asked how long a person has to be in Alaska before being eligible to register to vote.

[9:30:32 AM](#)

MS. FENUMIAI answered that a person is eligible to register to vote immediately upon his/her arrival to the state, but is not eligible to vote unless registered a minimum of 30 days before the election. She added that the State of Alaska's law allows registered voters to remain registered in the state as long as they claim intent to return.

[9:30:58 AM](#)

REPRESENTATIVE ISAACSON asked if someone who claims intent to return has to surrender residency [in another state].

MS. FENUMIAI responded that AS 15.05.020 discusses the rules for determining the residence of a voter and is quite lengthy. In response to a follow-up question, she said a person who registers to vote in Alaska surrenders his/her right to vote in

another state, if he/she was previously registered to vote in another state. She said there is nothing on Alaska's certification form that states that the person is surrendering all rights associated with another state.

REPRESENTATIVE ISAACSON said since the division does not have policing authority and does not really cross-check records, a person in Alaska as a seasonal worker, for example, could register to vote in Alaska "surreptitiously" and also be voting in his/her "real" home.

MS. FENUMIAI remarked upon the timing of Representative Isaacson's question. She explained that the state just participated in a cross-state match of voter registrations with 21 states, and she is just now receiving the statistics that may show how many dual registrations there are and whether there are any voters who tried to vote twice in the last General Election. She said Alaska has done cross-state matches in the past with Washington and Oregon and has removed voters from the list. She indicated that people forgetting to let another state know they have changed registration is often innocent. She explained that if someone registers to vote in the State of Alaska and provides the information that he/she is registered to vote in, for example, Honolulu, Hawaii, the division will send notification to the Hawaii Division of Elections.

[9:33:57 AM](#)

REPRESENTATIVE ISAACSON surmised that someone could be purposely trying to commit voter fraud for the purpose of establishing residency and obtaining a permanent fund dividend. He said 21 out of 50 states is a start, but is not really a comprehensive list.

MS. FENUMIAI said a total of 82 million records were compared across the 21 states, and she said she would have to return to the office to check on the records, which she said she would be happy to share with the committee.

REPRESENTATIVE ISAACSON asked if that would be in the next 30 or so days.

MS. FENUMIAI answered yes.

[9:35:12 AM](#)

REPRESENTATIVE HUGHES asked if the cross checking with the 21 states is checking only for people who are dually registered or if it is also checking to see how many people voted in more than one state.

MS. FENUMIAI said the cross check is also looking at voting in the 2012 General Election. In response to a follow-up question, she said the cross check is a voluntary state participation. She stated her understanding that the last time this was done, there were about 12 states that participated in the program, so participation has increased. She said the only cost associated with the cross check is for the division to mail notices to voters to let them know when there is double registration, but there is no cost for sending the data and finding the matches. She said the match is not guaranteed to be perfect, because, for example, there could be three people with the same name, same last four digits in their social security numbers, and same birthdate. She said the division needs the voter to inform the division that he/she wants to be removed from the voter rolls. She offered her understanding that automatically removing the person from the rolls would be in violation of the National Voter Registration Act.

REPRESENTATIVE HUGHES asked if, after providing the notice, the division would discount a person's vote if it knew that person was still registered in another [state].

MS. FENUMIAI said she has not thought that far ahead, but thinks there would be a way that the division could notate that there could be a problem with that person's registration and to validate his/her registration again in the State of Alaska.

[9:37:46 AM](#)

REPRESENTATIVE KREISS-TOMKINS asked if a photo ID requirement would prevent a voter from committing absentee voter fraud.

MS. FENUMIAI answered that those who vote absentee by mail are not required to provide photo ID unless they did not provide the required ID at the time they registered to vote by mail, in which case they would be required to provide a copy of photo ID when they vote.

REPRESENTATIVE KREISS-TOMKINS expressed interest in seeing the results of the aforementioned report.

[9:39:09 AM](#)

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

[9:39:25 AM](#)

REPRESENTATIVE KELLER expressed ideas about the meaning of moving a bill out of committee.

[9:40:30 AM](#)

REPRESENTATIVE ISAACSON said he believes the bill is commendable, because fraud is becoming more of a national issue. Further, he said he agrees that HB 3 is not aimed at any particular people, but is a preventative measure. Nevertheless, he mentioned federal overreach, and he emphasized concern that the state government may be overreaching. He explained that his support for [HB 3] has gone from "really warm" to "lukewarm." Regarding [Mr. Willis's] remarks about seasonal residents who may be voting in more than one state, Representative Isaacson said that "can be malicious intent." He said the intent of the bill is not to prevent any legitimate Alaska voter from having a voice. He remarked that some people think increasing restrictions for gun owners will "stop crooks," but he said the opposite is true. He said he would vote to move HB 3 out of committee, with no recommendation, because he would like it heard in the House Judiciary Standing Committee, but asked that consideration be given to making sense. He questioned the timing of the legislation. He said he is looking forward to seeing the report mention by Ms. Fenumiai.

CHAIR LYNN concurred with Representative Isaacson that the proposed legislation must not disenfranchise any legitimate voters from being able to vote.

[9:46:55 AM](#)

REPRESENTATIVE KREISS-TOMKINS prefaced his remarks by saying that he thinks the bill was introduced with good intentions and fraud is a huge problem. He recommended the Division of Elections could expand the aforementioned cross reference from 21 to 50 states. He stated he has two fundamental problems with HB 3: First, he said, "I feel it flies in the face of reality as far as their being an actual problem." He gave an example of flying in Alaska on small planes and not having to go through TSA security. He said flight security is important, but if people had to go through TSA to travel on small planes, there

would be an uproar in the state for good reason; it is entirely impractical. He said he is not sure there is a problem with people impersonating other people when voting; however, he said there may be a problem with multiple registrations in other states.

REPRESENTATIVE KREISS-TOMKINS said that in rural Alaska there is a real concern about undue regulation. He emphasized the importance of avoiding even the appearance of disenfranchisement, and the proposed legislation may cause frustration and alienation if people have to cast a separate type of ballot because they don't have photo ID. He said he cannot support HB 3, because of the aforementioned reasons and because of the feedback he has received from his constituents.

[9:51:09 AM](#)

REPRESENTATIVE HUGHES said she thinks the sponsor's intent is good, and said she believes the integrity of the voting process is important to all Alaskans. Notwithstanding that, she said although she likes the concept of the proposed legislation, she has concerns about it in its present form. She said keeping legislation simple can be good in some cases, but not allowing exceptions for elders under HB 3 concerns her. She stated her belief that every person's vote has value, and said not one voter should be disenfranchised. She mentioned exemptions made by some states for seniors who are no longer driving. She opined that a questioned ballot is not ideal. She said she would vote to move HB 3 out of committee, but expressed her hope that the House Judiciary Standing Committee would respect the importance of allowing every voter a vote, ideally without that vote being made on a questioned ballot. She stated that in many places, early voting is the norm, and two election workers are not present in that scenario. She reiterated her idea to allow a community member to act as the second person [required under HB 3] to sign off as knowing the voter. Further, she said she thinks it is important to offer a photo ID at no charge.

[9:54:14 AM](#)

CHAIR LYNN expressed appreciation to the committee for its thorough consideration of HB 3. He stated support of the proposed legislation and reemphasized the intent of bill.

[9:55:22 AM](#)

REPRESENTATIVE KELLER moved to report HB 3 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 3 was reported out of the House State Affairs Standing Committee.

[9:55:54 AM](#)

**ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:56 a.m.