

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 28, 2013

9:02 a.m.

MEMBERS PRESENT

Senator Fred Dyson, Chair
Senator Cathy Giessel, Vice Chair
Senator John Coghill
Senator Bill Wielechowski

MEMBERS ABSENT

Senator Bert Stedman

COMMITTEE CALENDAR

SENATE BILL NO. 45

"An Act setting special registration fees for alternative fuel vehicles; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 44

"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."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 44

SHORT TITLE: ELECTION PROCEDURES; REAA ADVISORY BOARDS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/06/13	(S)	READ THE FIRST TIME - REFERRALS
02/06/13	(S)	STA
02/28/13	(S)	STA AT 9:00 AM BUTROVICH 205

BILL: SB 45

SHORT TITLE: FEE/TAX EXEMPTION FOR CERTAIN VEHICLES

SPONSOR(S): MCGUIRE

02/06/13	(S)	READ THE FIRST TIME - REFERRALS
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02/06/13 (S) STA, FIN
02/28/13 (S) STA AT 9:00 AM BUTROVICH 205

WITNESS REGISTER

GENEVIEVE WOJTUSIK, staff
Senator Lesil McGuire
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented information on SB 45 on behalf of the sponsor.

AMY ERICKSON, Director
Division of Motor Vehicles (DMV)
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Answered questions related to SB 45.

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

POSITION STATEMENT: Presented information on SB 44.

SCOTT STINSON, Policy Analyst
Federal Voting Assistance Program
Department of Defense
Washington, D.C.

POSITION STATEMENT: Answered questions related to SB 44.

KATHIE WASSERMAN, Executive Director
Alaska Municipal League
Juneau, Alaska

POSITION STATEMENT: Discussed concerns regarding SB 44.

ACTION NARRATIVE

[9:02:05 AM](#)

CHAIR FRED DYSON called the Senate State Affairs Standing Committee meeting to order at 9:02 a.m. Present at the call to order were Senators Giessel, Wielechowski, and Chair Dyson. Senator Coghill arrived shortly thereafter.

SB 45-FEE/TAX EXEMPTION FOR CERTAIN VEHICLES

[9:02:37 AM](#)

CHAIR DYSON announced that the first order of business would be SB 45

GENEVIEVE WOJTUSIK, staff to Senator Lesil McGuire, introduced SB 45 on behalf of the sponsor.

SENATOR GIESSEL moved to adopt SB 45, labeled 28-LS0411\A, as the working document before the committee. There being no objection, it was so ordered.

MS. WOJTUSIK explained the SB 45 is an Act setting special registration fees for alternative fuel vehicles and providing for an effective date. It is a progressive approach to providing incentives to the public for this new technology. It will help air quality issues and promote additional jobs through the application of this new technology and line of products. Compressed natural gas (CNG) vehicles will also help to displace petroleum and reduce emissions. They can help Alaska diversify energy requirements and help insulate the state from potential shocks to the state's oil supply.

She said promoting the sale of CNG vehicles will lower operating costs for consumers at a time when fuel costs represent an increasing portion of Alaskan family and small business budgets. This bill reduces registration costs from \$100 bi-annually to \$20 for electric, CNG, liquid natural gas, liquefied petroleum gas, and hydrogen vehicles.

SENATOR WIELECHOWSKI said he supports the concept of alternative fuel vehicles. He wondered if saving \$75 would have a big impact on someone planning to buy an electric car. He asked about the high programming costs found in the fiscal note. It provides for an estimated 250 hours of programming at \$143 per hour, plus \$25,000 every year. He surmised that the cost to the state would be more than the savings incurred to the population.

MS. WOJTUSIK deferred to the Department of Motor Vehicles to answer.

AMY ERICKSON, Director, Division of Motor Vehicles (DMV), Department of Administration, stated that there were programming costs in the fiscal note due to the need to create several new fields in DMV's database. The initial cost for the VIN decoding software is \$75,000. The recurring subscription is \$25,000. She explained that DMV does not currently track fuel types and the VIN decoder would be necessary to do so.

[9:06:22 AM](#)

CHAIR DYSON complimented the DMV on how well they administer services to the public.

MS. ERICKSON said thank you.

CHAIR DYSON stated that he has been following the issue of alternative fuel vehicles for a long time. He thought the bill may be a bit premature, but it is part of a plan to encourage the use of alternative fuel vehicles. He suggested there may need to be more discussion if it triggers continuing high costs on the part of DMV.

[9:07:41 AM](#)

MS. WOJTUSIK agreed. She hoped the costs would even out over time.

CHAIR DYSON asked for more information about the timing of the bill.

MS. WOJTUSIK offered to find out.

CHAIR DYSON said he plans to hold the bill pending that information.

SENATOR GIESSEL shared a concern about electric cars and the need for batteries in cold climates such as Fairbanks. She wondered how realistic the technology is for Alaska. She termed it a big expenditure for something that may not be implementable for a long time.

MS. WOJTUSIK noted that Juneau is currently trying an experimental program through AEL&P that allows ten users to drive electric cars with meter readers.

SENATOR COGHILL asked if dual fuel would be in the same coding range.

MS. ERICKSON said yes.

[9:09:48 AM](#)

CHAIR DYSON suggested a conceptual amendment on page 1, line 14, to add after (2) "power train and fuel supply may not be modified". He did not want someone to add modifications that negatively affect the efficiency of alternative fuels.

CHAIR DYSON held SB 45 in committee.

SB 44-ELECTION PROCEDURES; REAA ADVISORY BOARDS

[9:10:51 AM](#)

CHAIR DYSON announced the consideration of SB 44.

SENATOR GIESSEL moved to adopt the CS for SB 44, labeled 28-GS1983\U, as the working draft before the committee. There being no objection, version U was before the committee.

GAIL FENUMIAI, Director, Division of Elections, Office of the Lieutenant Governor, explained the changes in the new CS from the original version of the bill. The first change is in Section 3 where an amendment was added by Representative Lynn in the House State Affairs Committee. It would require poll watchers to be registered voters in the state of Alaska.

She said Section 4 is another amendment proposed by Representative Lynn that would require people who serve on the state ballot counting review board to be registered voters in the state of Alaska. She noted that is a current requirement.

She said Section 5 is another amendment proposed by Representative Lynn. It states, if a name of a person who requests an advisory opinion from the Alaska Public Offices Commission (APOC) is redacted, that opinion is released to the public. The name of the person is not released to the public.

She stated that the last change is found in Section 20, which is a section that relates to election pamphlets. It states that for the primary election, candidate information such as their statement, biography, and photograph will be published on the division's web site not later than 15 days before each election in which the candidate would appear on the ballot. It is a practice the division started in 2010. Representative Lynn felt it would be good to put it into statute.

[9:13:04 AM](#)

CHAIR DYSON requested that MS. Fenumiai explain the whole bill, beginning with the solutions to problems the bill solves.

MS. FENUMIAI related that bill serves several purposes. The main purpose is to ensure that the Division of Elections can meet the federal mandate of mailing ballots to military and overseas voters at least 45 days prior to each election. The division has been able to meet that deadline, but it has been very tight.

She explained that some of the provisions in the bill provide for the ability to change dates, such as candidacy withdrawal deadlines and the primary election date. It moves the primary election date two weeks earlier than it currently is. She said it is not as difficult for the division to meet the primary election date; however, the post-primary process encroaches on the deadline for mailing military and overseas ballots. The provisions in the bill would harmonize state law with federal law and make things easier for the division to continue to be successful.

9:15:01 AM

SENATOR WIELECHOWSKI asked why Alaska's primary was in August. Many other states have their primary in February.

MS. FENUMIAI did not have that history.

MS. FENUMIAI related information about the sectionals. She said Section 1 states that the division may conduct advisory school board elections in regional educational attendance areas (REAA). The division currently conducts elections for REAA's in 19 areas of the state. This provision would state that the state would also conduct an advisory school board election as part of that REAA.

9:16:14 AM

CHAIR DYSON asked for clarification of "advisory." He wondered if the school boards did not have policy authority and only serve to advise.

MS. FENUMIAI explained that each REAA has an advisory board in the community. She assumed that they serve as an advisory capacity to the school board.

SENATOR WIELECHOWSKI asked what the current practice is regarding REAA's.

MS. FENUMIAI explained the advisory school board elections are currently conducted by the school board and they usually take place on the same day on which the division conducts the REAA elections. The division was asked to also do the advisory school board elections, but did not have statutory authority to do so.

SENATOR WIELECHOWSKI asked for a definition of the REAA election.

MS. FENUMIAI replied that they are regional educational attendance area elections of school boards in unorganized areas of the state.

SENATOR WIELECHOWSKI assumed there would be no additional costs for Section 1.

MS. FENUMIAI said that was correct.

MS. FENUMIAI stated that Section 2 would allow a child who turns 18, while residing outside of the United States with their parents, and/or guardian, whose parents or guardian were previously domiciled in Alaska before moving overseas for purposes of serving in the military, work, living overseas, to vote absentee in federal elections. Currently, those voters are not allowed to register to vote in Alaska.

SENATOR WIELECHOWSKI inquired if they are allowed to vote in state elections.

MS. FENUMIAI clarified that the provision in statute is aimed at federal elections only.

SENATOR WIELECHOWSKI asked if it could apply to state elections, also.

MS. FENUMIAI replied that it would be up to the will of the committee. The division would have no objections. She pointed out that there is a group of voters that are permanently domiciled overseas known as "federal overseas voters." They are allowed to be registered in Alaska and vote only in federal elections.

CHAIR DYSON addressed Senator Wielechowski's question about the statute applying to state elections. He said he assumed that it would be a problem because the state would not be able to identify an overseas voter's state residency.

MS. FENUMIAI agreed. The overseas voters were domiciled in the state but were never registered to vote in Alaska prior to leaving the state.

SENATOR WIELECHOWSKI said there are many who move outside and no longer have an Alaska address but are allowed to vote.

MS. FENUMIAI said that was correct. If a voter is registered in the state of Alaska, and leaves the state, as long as they

maintain intent to return, they are allowed to maintain their voter registration in Alaska.

SENATOR WIELECHOWSKI gave an example of someone who has not lived at an address for ten years, but is still registered at that address. He did not understand the policy differentiation between allowing people to vote who lived here, moved out, and maintain no ties with the district, versus a student who is turning 18.

MS. FENUMIAI offered to think about that.

She explained that the statutes Section 2 would amend apply to those who reside outside the United States who want to register and vote absentee because they were not previously registered to vote in Alaska prior to leaving.

[9:21:04 AM](#)

CHAIR DYSON asked if the assumption is that if they were registered to vote in Alaska and moved out, they continue to have the right to vote in the district they were registered in when they move back.

MS. FENUMIAI said that was correct.

[9:21:54 AM](#)

SCOTT STINSON, Policy Analyst, Federal Voting Assistance Program, Department of Defense, said his office was charged with assisting members of the uniformed services and citizens overseas with absentee voting for U.S. elections.

CHAIR DYSON explained that it is a policy decision to allow someone who has been registered to vote in Alaska, has moved, and is allowed to vote in state and local elections, based upon the area in which they registered. He asked if Mr. Stinson has dealt with that issue.

MR. STINSON reported that his office has a form called the Federal Coast Guard Application, which is a voter registration form - an absentee ballot request for members of the services and citizens living overseas. One of the questions on the form for the overseas citizens is if they intend to return. States determine whether the citizen gets a federal-only ballot or a full ballot with state and local offices on it. States do it differently and it is a policy decision made at the state level.

MS. FENUMIAI said she would look into the history of AS 15.05.011 and find out why it was crafted the way it was.

SENATOR WIELECHOWSKI assumed students attending college out of Alaska have parents who live in Alaska. He suggested that students be registered at their parents' address.

MS. FENUMIAI said that is how it works now. She noted that looking at AS 15.05.011, if the child was not previously domiciled in Alaska before leaving, the provisions of the federal overseas statute would apply. She gave an example of parents who live in, and are registered in, Anchorage, transferred to Texas where their child was born, and then they moved overseas. Section 2 of SB 44 addresses that situation.

SENATOR WIELECHOWSKI asked if the child was born overseas and lived overseas for 18 years.

MS. FENUMIAI reiterated the previous example and said Section 2 would allow the child to vote in federal elections.

[9:26:23 AM](#)

CHAIR DYSON raised the question as to how long a person can be gone from Alaska and still be qualified to vote as an Alaskan.

MS. FENUMIAI replied that the statute does not address that; it only references a voter's intent to return to the state.

SENATOR WIELECHOWSKI gave an example of someone who continues to vote even though they have not lived in Alaska for years. He asked if there are ways other states deal with that, similar to how the permanent fund is dealt with.

MS. FENUMIAI did not have information on how other states handle "intent to return" voter registration laws. The state does have a procedure that is guided by federal law. Prior to the National Voter Registration Act, voters were removed solely for the purposes of not voting, which is no longer the case. She said if the division has had no contact with a voter for four years, they are sent a notice. If a notice comes back undeliverable, with a forwarding address, the notice is mailed to the new address. If the division does not hear back from the voter, they become inactivated. If they do not vote in the next two general elections, they are dropped off the roles.

[9:28:12 AM](#)

MS. FENUMIAI related that she has covered Sections 3, 4, and 5. She said Section 6 allows the division to designate municipal clerks as absentee voting officials in locations where there is not an absentee voting station.

She explained that Section 7 clarifies that voters, other than uniformed service officers and overseas voters, who wish to get their ballot by electronic transmission are not able to apply for that ballot until 15 days before the election, which is current law. The change is that the military and overseas voters, as allowed by federal law, may apply any time during the calendar year to get their ballots sent to them electronically.

She said Section 8 clarifies and harmonizes with federal law, that military and overseas voters will be sent their ballots no later than 45 days prior to an election. Section 9 removes a reference to receipt of by-mail ballots postmarked from overseas. The current statute has that set at 15 days, and the proposal is to have the cutoff the same for all voters, 10 days following the election.

MS. FENUMIAI said that Section 10 is harmonizing language with federal law regarding the ballot mailing deadlines for military and overseas voters. Section 11 removes the reference to the 15 days post-election receipt of ballots postmarked from overseas.

She said that Section 12 changes the date of the primary election to the second Tuesday in August. Section 13 changes the withdrawal date for primary election candidates.

[9:30:08 AM](#)

SENATOR WIELECHOWSKI asked about possible impacts to students and rural Alaskans from changing the date in Section 12.

MS. FENUMIAI explained that there was some discussion with rural voters who did not feel that shifting the date two weeks earlier would have a substantial impact. Students who are away in college also have an absentee-by-mail option.

SENATOR WIELECHOWSKI noted school starts the third week of August in Anchorage. He pointed out that primary election turnout is at only 25 percent or less. He suggested holding the primary election earlier might suppress the voter turnout even more.

MS. FENUMIAI said she did not know how to predict voting trends. She noted that other voting options are available to voters. She

opined that voting is a very person choice and if it is important to a person, they will find a way to make it happen. Shifting it two weeks would not have such a negative impact on the lives of Alaskans.

SENATOR COGHILL suggested there might be reporting issues between the end of the legislative session and the primary election. He noted that there are certain APOC reporting requirements and restrictions on mailouts to constituents. Also, there could be an impact on ballot measures.

SENATOR WIELECHOWSKI agreed with Senator Coghill. He added that there were often special legislative sessions to consider. He suggested analyzing all situations.

MS. FENUMIAI reported that she has no knowledge of APOC standards, but offered to put in a request to APOC for that information.

SENATOR COGHILL agreed it would be a good idea.

CHAIR DYSON discussed the next meeting schedule.

[9:35:36 AM](#)

MS. FENUMIAI continued with the sectional analysis. She said that Sections 13 to 18 all have to do with changing candidate withdrawal deadlines. Section 19 addresses judicial candidates. Section 20 was previously mentioned. Section 21 adds the federal definition of absentee uniformed services voters and overseas voters. Section 22 adjusts language in Title 29 to make it harmonious with Title 15 language allowing municipal clerks to serve as absentee voting officials.

She said Section 23 is the "repealer section", which repeals the provision of receipt of ballots with overseas postmarks, repeals the allowance for an absentee application from a uniformed military overseas citizen currently set for two consecutive elections, and repeals the requirement to send special absentee ballots now that ballots are available 45 days prior to the election.

[9:37:17 AM](#)

CHAIR DYSON wondered what happens if a candidate has survived the primary and then withdraws.

MS. FENUMIAI replied that the party can replace the candidate if the candidate withdraws by the deadline set in statute. SB 44 does not change that provision.

CHAIR DYSON asked what the time period is.

MS. FENUMIAI said currently it is 48 days before the general election; SB 44 proposes to change it to 64 days before the election. She said that is to allow adequate time for the division to start printing ballots. Currently, there is a three-day window between day 48 before the election and day 45 in which ballots have to be printed and in the mail to uniformed overseas voters.

CHAIR DYSON opened public testimony.

9:39:01 AM

KATHIE WASSERMAN, Executive Director, Alaska Municipal League, voiced concerns about Sections 18 and 3, which allow municipal clerks to serve absentee votes. She reminded the committee that agencies must tighten their belts, and this bill has ramifications of providing more work for municipal clerks. She did not agree with the word "allow" to describe having municipal clerks assume more job tasks. She cautioned that in small communities the municipal clerk is often the only employee and may not even be paid full time. She suggested this bill may be a burden on the clerks. She offered to do more research on the subject.

9:40:27 AM

SENATOR WIELECHOWSKI said he was curious to hear how rural villages are impacted by this bill.

MS. WASSERMAN opined that it is a problem. Most municipalities, other than Anchorage, have their local elections in October and the federal election is in November. Now there would be another one to prepare for in August.

CHAIR DYSON said some people in Anchorage would agree.

He noted that the state will be running the elections for the local REAA advisory boards, which might relieve some of the local burden.

MS. WASSERMAN replied that the people who are on the ground are always the local people; the state will not be in the rural areas doing the work.

CHAIR DYSON held SB 44 in committee.

9:42:36 AM

There being no further business to come before the committee, Chair Dyson adjourned the Senate State Affairs Committee at 9:42 a.m.