

**ALASKA STATE LEGISLATURE**  
**HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE**

April 5, 2018

8:05 a.m.

**MEMBERS PRESENT**

Representative Justin Parish, Co-Chair  
Representative Tiffany Zulkosky, Co-Chair  
Representative Harriet Drummond  
Representative John Lincoln  
Representative George Rauscher  
Representative David Talerico

**MEMBERS ABSENT**

Representative Dan Saddler  
Representative DeLena Johnson (alternate)  
Representative Jonathan Kreiss-Tomkins (alternate)

**COMMITTEE CALENDAR**

CS FOR SENATE JOINT RESOLUTION NO. 4 (RES)  
Urging the United States Congress to pass legislation providing for the exemption of legally acquired walrus, mammoth, and mastodon ivory from laws that ban the sale, use, and possession of ivory.

- MOVED CSSJR 4 (RES) OUT OF COMMITTEE

HOUSE BILL NO. 390

"An Act establishing a ranked-choice primary election system for nomination to state executive and state and national legislative offices; establishing a ranked-choice general election system for election to state and national legislative offices; repealing the special runoff election for the office of United States senator or United States representative; and requiring certain written notices to appear in election pamphlets and polling places."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SJR 4

SHORT TITLE: AK LEGALLY ACQUIRED IVORY USE EXEMPTION

SPONSOR(S): SENATOR(S) OLSON

02/01/17 (S) READ THE FIRST TIME - REFERRALS  
 02/01/17 (S) CRA, RES  
 03/28/17 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)  
 03/28/17 (S) Heard & Held  
 03/28/17 (S) MINUTE(CRA)  
 04/04/17 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)  
 04/04/17 (S) Moved SJR 4 Out of Committee  
 04/04/17 (S) MINUTE(CRA)  
 04/05/17 (S) CRA RPT 4DP  
 04/05/17 (S) DP: BISHOP, GARDNER, MACKINNON, STEDMAN  
 01/29/18 (S) RES AT 3:30 PM BUTROVICH 205  
 01/29/18 (S) Moved CSSJR 4(RES) Out of Committee  
 01/29/18 (S) MINUTE(RES)  
 01/31/18 (S) RES RPT CS 6DP NEW TITLE  
 01/31/18 (S) DP: GIESSEL, WIELECHOWSKI, COGHILL, VON  
 IMHOF, STEDMAN, MEYER  
 02/16/18 (S) TRANSMITTED TO (H)  
 02/16/18 (S) VERSION: CSSJR 4(RES)  
 02/19/18 (H) READ THE FIRST TIME - REFERRALS  
 02/19/18 (H) CRA, JUD  
 04/03/18 (H) CRA AT 8:00 AM BARNES 124  
 04/03/18 (H) Heard & Held  
 04/03/18 (H) MINUTE(CRA)  
 04/05/18 (H) CRA AT 8:00 AM BARNES 124

BILL: HB 390

SHORT TITLE: RANKED-CHOICE PRIMARY ELECTIONS

SPONSOR(s): REPRESENTATIVE(s) PARISH

02/21/18 (H) READ THE FIRST TIME - REFERRALS  
 02/21/18 (H) CRA, STA, FIN  
 03/22/18 (H) CRA AT 8:00 AM BARNES 124  
 03/22/18 (H) <Bill Hearing Canceled>  
 03/27/18 (H) CRA AT 8:00 AM BARNES 124  
 03/27/18 (H) -- MEETING CANCELED --  
 03/29/18 (H) CRA AT 8:00 AM BARNES 124  
 03/29/18 (H) Heard & Held  
 03/29/18 (H) MINUTE(CRA)  
 04/05/18 (H) CRA AT 8:00 AM BARNES 124

**WITNESS REGISTER**

JIM PUCKETT, Staff  
 Senator Donny Olson  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on CSSJR 4 (RES) on behalf of Senator Olson, prime sponsor.

KARLA HART  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 390.

BRIAN JACKSON, Elections Program Manager  
Division of Elections  
Office of the Lieutenant Governor  
Juneau, Alaska

**POSITION STATEMENT:** Provided the division's feedback on HB 390 and answered questions.

JOSIE BAHNKE, Director  
Division of Elections  
Office of the Lieutenant Governor  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 390.

KAY BROWN  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 390.

#### **ACTION NARRATIVE**

[8:05:41 AM](#)

**CO-CHAIR TIFFANY ZULKOSKY** called the House Community and Regional Affairs Standing Committee meeting to order at 8:05 a.m. Representatives Lincoln, Drummond, Talerico, Parish, and Zulkosky were present at the call to order. Representative Rauscher arrived as the meeting was in progress.

#### **SJR 4-AK LEGALLY ACQUIRED IVORY USE EXEMPTION**

[8:06:16 AM](#)

**CO-CHAIR ZULKOSKY** announced that the first order of business would be CS FOR SENATE JOINT RESOLUTION NO. 4 (RES), Urging the United States Congress to pass legislation providing for the exemption of legally acquired walrus, mammoth, and mastodon ivory from laws that ban the sale, use, and possession of ivory.

[8:06:52 AM](#)

CO-CHAIR PARISH moved to adopt [Conceptual] Amendment 1, to CSSJR 4 (RES), to change "Alaska artist" to "Alaskan artist" on page 1, line 14, and page 2, lines 6 and 11. He then objected for purposes of explanation.

[8:07:25 AM](#)

The committee took an at-ease from 8:07 a.m. to 8:16 a.m.

[8:16:43 AM](#)

CO-CHAIR PARISH restated the motion to adopt Conceptual Amendment 1.

[8:17:11 AM](#)

REPRESENTATIVE DRUMMOND objected.

CO-CHAIR PARISH offered his understanding that Conceptual Amendment 1 would bring the proposed legislation in line with common language usage. He opined that one can find work by Alaskan artists; to say Alaska artists would be "unusual." He said he had spoken with staff in the sponsor's office before he considered offering the amendment.

[8:18:39 AM](#)

REPRESENTATIVE DRUMMOND, regarding the choice between "Alaska" or "Alaskan," cited the University of Alaska (UAF) style manual. She read: "Alaskan is a noun describing a person, not a place. It is never an Alaskan city, for example." She said the example sentence read, "The professors are longtime Alaskans." She continued: "When you're not using Alaska as a proper noun, use it as an adjective to describe things. Lots of us who live in Alaska love to eat Alaska salmon and berries." She highlighted all the correct usages of Alaska as an adjective in the proposed legislation, as in "Alaska Native", on page 1, lines 6, 8, and 10, and "Alaska artists", on page 1, line 14. She pointed out that on page 2, line 16, it says "the Alaska State Legislature". She remarked, "If you are actually applying this amendment appropriately, you would also be seeking to change the name of the institution, on page 2, line 16; therefore, I object, and I will be voting against this amendment."

[8:21:12 AM](#)

JIM PUCKETT, Staff, Senator Donny Olson, Alaska State Legislature, offered his understanding after hearing Representative Drummond's explanation, that she was correct.

[8:22:05 AM](#)

CO-CHAIR PARISH proffered that if Alaskan refers to people and Alaska describes things, then the question is whether artists are people. He reasoned that if they are people, then they should be referred to as Alaskan artists. He added, "And in the case of 'Alaska Natives', the second word is the one which carries the modifier."

[8:22:59 AM](#)

REPRESENTATIVE TALERICO said typically Alaskan means an individual or individual thing and is not used for a group; therefore, he said he agrees with Representative Drummond.

[8:23:52 AM](#)

REPRESENTATIVE RAUSCHER suggested that if the proposed legislation applies to a group of people rather than every Alaskan, then perhaps that has some bearing on the discussion.

CO-CHAIR PARISH noted that a change had been made [to the original legislation], which removed Native from "Alaska Native artists", because non-Native Alaskans can make a living working mastodon ivory.

[8:25:38 AM](#)

MR. PUCKETT, in response to a question from Representative Rauscher, reviewed that under the federal Marine Mammal Protection Act, only Natives can work on raw walrus ivory; non-Native Alaskans can work only with fossilized ivory.

REPRESENTATIVE RAUSCHER stated that he would [support Representative Drummond's standpoint].

[8:26:27 AM](#)

REPRESENTATIVE DRUMMOND maintained her objection.

CO-CHAIR PARISH encouraged committee members to ask themselves which, Alaska or Alaskan, sounds more natural.

REPRESENTATIVE DRUMMOND said she edited copy for over 30 years as a professional graphic designer and has been lectured by people who know far more about the subject. She offered her understanding that the Associated Press (AP) Style Manual has a section just for Alaska, and she said she would guarantee it would "say the same thing."

[8:27:57 AM](#)

REPRESENTATIVE DRUMMOND [moved] to adopt a conceptual amendment to Conceptual Amendment 1, such that in every instance where "Alaska" [is used as an adjective] it be changed to "Alaskan". She then withdrew her motion and explained she had just been making a point.

CO-CHAIR PARISH reiterated that "Alaskan" refers to a person, not a place.

[8:29:34 AM](#)

A roll call vote was taken. Representative Parish voted in favor of Conceptual Amendment 1. Representatives Lincoln, Drummond, Talerico, Rauscher, and Zulkosky voted against it. Therefore, Conceptual Amendment 1 failed by a vote of 5-1.

[8:30:17 AM](#)

CO-CHAIR ZULKOSKY noted there was a zero fiscal note for CSSJR 4 (RES).

[8:30:34 AM](#)

CO-CHAIR PARISH moved to report CSSJR 4 (RES) out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, CSSJR 4 (RES) moved out of the House Community and Regional Affairs Standing Committee.

[8:31:02 AM](#)

The committee took an at-ease from 8:31 a.m. to 8:35 a.m.

#### **HB 390-RANKED-CHOICE PRIMARY ELECTIONS**

[8:35:07 AM](#)

CO-CHAIR ZULKOSKY announced that the final order of business would be HOUSE BILL NO. 390, "An Act establishing a ranked-

choice primary election system for nomination to state executive and state and national legislative offices; establishing a ranked-choice general election system for election to state and national legislative offices; repealing the special runoff election for the office of United States senator or United States representative; and requiring certain written notices to appear in election pamphlets and polling places."

[8:35:32 AM](#)

KARLA HART testified that she had tried to bring forward an initiative in Juneau in support of ranked choice voting (RCV); however, she said the idea never gained traction, because people thought it was too complicated. She said she is glad to see HB 390 and encouraged the committee to "really look at it." Ms. Hart talked about "the spoiler effect" on the municipal and sometimes the state level. She explained this is when there are two candidates with similar political positions, who split votes, leaving a third candidate with the most votes. For example, the two candidates may be from the same party, and the result could be a minority representation of a district. She said [in terms of the popular vote], people often vote for the candidate they think has the best chance of winning rather than the candidate who best reflects their values and beliefs. Ms. Hart urged the committee to pass HB 390. She said although it may not have a great chance of making it all the way through the legislative process, the discussion would be kept alive. She posited that [ranked choice voting] would make the election system "more reflective of the people and their votes" and encourage people to vote for their preferred candidate.

[8:37:23 AM](#)

CO-CHAIR PARISH asked why Ms. Hart does not think HB 390 has a chance to make it through the legislature.

MS. HART responded that it is late in the legislative session, and the legislature has a lot of business to finish. She added, "And it's a House bill and we're in the House." She said she hopes she could be surprised, but "it seems that this is the ripening period of time for the bill."

[8:38:22 AM](#)

CO-CHAIR ZULKOSKY, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 309. She then announced she would begin invited testimony.

8:39:10 AM

BRIAN JACKSON, Elections Program Manager, Division of Elections, Office of the Lieutenant Governor, advised that the current tabulation system used by the division does not accommodate a ranked choice process for counting ballots. He specified that the current system can count only one round of ballots; therefore, to meet the requirements under HB 390, the division would need to replace the system with one that can handle multiple rounds. Mr. Jackson stated that in 2017, the division's current vendor, Dominion Voting Systems, provided a "discussion quote" of \$5,755,455 to replace the current system with newer equipment that would use the same precinct-based system. The vendor indicated that the (RCV) module would cost an additional \$250,000. He related that the division's current annual hardware and license fees amount to \$152,000, and this would increase to \$489,000 - an increase of \$337,000 - with the new system. Mr. Jackson said that for a period of one full cycle, the division would be required to educate the public and inform voters of the changes brought about under HB 390, and the estimate cost of outreach through an "education mailer" would be \$200,000 the first year and another \$50,000 the second year.

MR. JACKSON said while the division has no objection to HB 390, Section 5 would allow voters to vote using Roman or Arabic numbers, and the current system does not support character recognition during ballot scanning. Further, he said it is the understanding of the division that there are no current systems that support the type of character recognition as described in Section 5. He said the division understands the committee would consider amending Section 5, and the division would support changes to that section.

8:42:17 AM

REPRESENTATIVE RAUSCHER asked how many other states use [ranked choice voting] equipment.

MR. JACKSON answered he does not know but could [provide an answer later]. In response to a follow-up question, he confirmed that under an RCV system, the division would maintain its current practice of counting ballots multiple times [for accuracy].

REPRESENTATIVE RAUSCHER asked if voters would still receive a paper ballot to fill out under the new system.

MR. JACKSON answered yes.

[8:43:30 AM](#)

CO-CHAIR PARISH offered his understanding that Mr. Jackson had said the cost of new voting machines would be \$5.7 million.

MR. JACKSON answered yes.

CO-CHAIR PARISH asked how much of that amount would be necessary in the absence of HB 390. He clarified that even without HB 390, that is a cost that the division anticipates covering.

MR. JACKSON explained that the division currently is looking into replacing the current voting system because of its age.

[8:44:24 AM](#)

REPRESENTATIVE DRUMMOND expressed that a recent mail-in election in Anchorage had been successful and the mail-in method of voting seems to be growing in popularity, which saves the Municipality of Anchorage money. She talked about the cost of hiring 500 people for a day and a half and staffing and equipping 120 polling places. She estimated there are upwards of 400 precincts in Alaska.

[8:45:17 AM](#)

JOSIE BAHNKE, Director, Division of Elections, Office of the Lieutenant Governor, in response to Representative Drummond, stated that Alaska has 441 precincts that the division staffs for elections, at which time the staffing of the division increases from 28 full-time employees to approximately 2,500 employees.

REPRESENTATIVE DRUMMOND expressed her hope that the division would consider the savings resulting from mail-in ballots. She acknowledged that mail-in ballots could create issues in having to provide interpretive ballots or ballots that can be used by those with visual impairment; however, she reasserted that mail-in balloting would save the state money in the long-run. She said new equipment would be necessary, but she assumed it all would be housed with the division, in one location where all the ballots would be counted; therefore, she said she does not think the division would have to spend "the millions and millions of dollars you're talking about to replace all that equipment."

She said Anchorage borrowed the equipment from the state for many years, and the equipment was getting worn out, and sometimes poll workers would have to go find a counting machine.

[8:47:10 AM](#)

CO-CHAIR PARISH asked if a ranked choice system could be compatible with a mail-in system, and, if so, he asked if that could help "defray the cost of the mailer and the confusion ... people might experience."

MR. JACKSON answered that he thinks RCV [would work with] by-mail ballots.

CO-CHAIR PARISH surmised a cost savings could be realized by including an extra instructional sheet in an envelope.

MR. JACKSON responded that the proposed legislation, as currently written, would require the division to begin the additional voter outreach in an off year leading up to the election year. He said the division would want to send out the education piece, but the division could also include instruction with a by-mail ballot.

CO-CHAIR PARISH recollected that North Carolina had spent \$200 statewide for public education, but that was with generous support of the state's public broadcasting service. He said he has not stipulated under HB 390 the amount the division would have to spend, and he would support ways to economize.

[8:49:56 AM](#)

MS. BAHNKE noted that for the purpose of the included fiscal note, the division used the discussion quote for the replacement of a precinct-based system. Alternatively, the division spoke with the vendor about replacing [the system] with one that would be entirely by-mail. She said the difference between the two was \$5.7 million for the precinct-based system and approximately \$1.7 million for the entirely by-mail system. Regarding outreach, she said the division had calculated the \$200,000 based on the average price of a ballot measure pamphlet.

[8:51:05 AM](#)

REPRESENTATIVE DRUMMOND offered her understanding that the Municipality of Anchorage took two years to educate its voters,

and "apparently it paid off." She suggested there could be extra pages in the election pamphlet for educational purposes.

[8:51:51 AM](#)

CO-CHAIR ZULKOSKY asked if the division's cost estimate for voter education considers rural communities and educating voters for whom English is a second language.

MS. BAHNKE answered that that is not something the division discussed relative to RCV; however, it was a large part of the discussion between the lieutenant governor and the Election Policy Workgroup. She relayed a mantra that if something doesn't work for rural Alaska, then it does not work for Alaska. She said, "... That has been a central focus ... as we explore a new system."

[8:53:18 AM](#)

CO-CHAIR PARISH said many ranked choice jurisdictions ultimately do away with primary elections. He asked what the fiscal impact would be for Alaska if primaries were eliminated.

MS. BAHNKE answered that the typical cost to run a primary election is approximately \$1.2 million. In response to a follow-up question, she confirmed that that is a biennial cost.

[8:54:55 AM](#)

KAY BROWN related that she is retired and a former state legislator, but is testifying on behalf of herself. She said the issue of RCV was voted on in a 2002 primary election in Alaska, in Ballot Measure 1, which failed overwhelmingly when 63.7 percent voted against it and 36 percent voted in favor of it. She said at that time she had analyzed the system and became convinced the RCV system was not the best system for Alaska. She said it may sound good in theory and may work in other jurisdictions; however, there are caveats she said the state should consider in terms of how it would play out in Alaska.

MS. BROWN said her main objection is that the entire concept seems to violate the well-established principle of one person/one vote "that we have coming down from the United States Supreme Court." Ranked choice voting allows voters to vote more than once, she maintained. She explained that when people vote for "a last-place candidate," their votes are redistributed to

their second choices, and that process would continue "until somebody gets a 50 percent plus one majority." She said this gives that voter "the extra opportunity to determine the outcome," whereas other voters would have their votes counted only once. She opined that this is fundamentally unfair.

MS. BROWN noted that RCV is sometimes referred to as "instant run-off voting," in order to avoid too many run-offs where it would be potentially difficult for any candidate to get to 50 percent. She said Alaska does not have a super majority requirement; therefore, "this is really not a problem that needs to be fixed in my opinion." She opined that there is no reason to change Alaska's voting system; it would cost extra money to do so and potentially cause confusion. She questioned how the results would be reported. For example, she asked if there would be a report on round one, and then reports for subsequent rounds. If not, there may be uncertainty and concern on the part of voters trying to understand what happened. She asked the committee to picture a race where there are many candidates and multiple reports, and she said that would be much more complex for the division and voters "to sort through that."

[8:59:08 AM](#)

MS. BROWN questioned how the proposed system would affect political party status. She said currently a candidate has to get a certain percent of votes to qualify to a particular party to have a spot recognized on the primary ballot. She questioned whether only the first-choice votes would be counted or those votes on down the ranking. She said that issue needs to be addressed under HB 390.

MS. BROWN summarized that she does not see the need for [ranked choice voting] and is not clear what the problem is that is being addressed by the proposed legislation. She urged the committee not to move HB 390 forward.

[9:00:21 AM](#)

REPRESENTATIVE DRUMMOND recalled how disturbed by the process Ms. Brown was several years ago. She remarked that there had been several mayoral candidates on the ballot for the Municipality of Anchorage recently, and she would not vote for several of them. In that case, she might only mark a ranked choice ballot four or five times, while another voter might mark his/her ballot for all ten candidates and thus get more votes. She stated, "I can see how the math would work, and I absolutely

agree that it's a problem regarding the concept of one person/one vote."

[9:01:45 AM](#)

CO-CHAIR PARISH asked Ms. Brown if she remembers what the voter turnout was for the last General Election.

MS. BROWN answered no.

CO-CHAIR PARISH asked Ms. Brown if she would support a system that got more people to vote.

MS. BROWN answered, "Not if it compromised our fundamental constitutional right to one person/one vote." She said she does support by-mail voting, which she said she thinks has increased voter participation in Anchorage. She said she agrees that there should be concern about voter turnout, but she doesn't think [RCV] is the best approach to a solution.

CO-CHAIR PARISH said he appreciated Ms. Brown's concern that a candidate that is unlikely to win would have his/her vote eliminated and then transferred. He called it "single transferable vote." He said, "It's not the case that in the final tally my vote would be counted a dozen times; you'd still have only the number of votes on the ballot. Well, actually, you'd probably end up with fewer votes overall, because some candidates would be eliminated and would have declined to vote for a second or subsequent rounds. But you don't end up with extra votes overall." He asked Ms. Brown why a voter should not be able to vote for a candidate who is unlikely to win and also vote a second-choice candidate.

MS. BROWN reiterated that a person's vote would be counted initially and then counted again; therefore, that person, in essence, is being allowed to vote twice. She said she thinks that is unfair. She said everyone is allowed his/her opinion concerning the best candidate and is allowed to vote for that candidate, and she does not think Alaska needs "to add this layer of complexity to our system in order to have reasonable and fair outcomes in our elections, and I don't see that this is an improvement over the system that we have presently."

CO-CHAIR PARISH said presently if a person votes for one of the two most popular candidates, then the vote essentially gets counted, while a person who votes for a marginal candidate is

described as throwing his/her vote away. He asked Ms. Brown if she had heard that.

MS. BROWN answered yes.

CO-CHAIR PARISH asked Ms. Brown if she thinks someone voting for a third-party candidate is likely to have his/her vote make a difference in the final tally.

MS. BROWN replied, "However they voted will certainly make a difference in the final tally."

CO-CHAIR PARISH asked Ms. Brown if she is aware of "results" that show that there is less negative campaigning in systems with RCV.

MS. BROWN said she is not familiar with that. She asked for confirmation that most RCV systems are used locally rather than in state elections.

CO-CHAIR PARISH confirmed that is correct.

MS. BROWN interjected, "And do we not generally have less negative campaigning in local elections than we do the higher up you go in the electoral process?"

CO-CHAIR PARISH explained that the difference he had cited is between non-RCV cities and RCV cities.

MS. BROWN replied that looking at the experience in cities may be instructive; however, the city structure is different. For example, she said Alaska's [municipal elections] are nonpartisan and do not hold primary elections. She concluded, "So, I'm not sure that the things that you're looking at are completely applicable to our state election system."

[9:07:26 AM](#)

CO-CHAIR ZULKOSKY announced that HB 390 was held over.

[9:07:38 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 9:08 a.m.