

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 23, 2017

3:07 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Gabrielle LeDoux, Vice Chair
Representative Chris Tuck
Representative Adam Wool
Representative Chris Birch
Representative DeLena Johnson
Representative Gary Knopp

MEMBERS ABSENT

Representative Andy Josephson (alternate)
Representative Chuck Kopp (alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 91

"An Act relating to fees for certain persons filing disclosure statements or other reports with the Alaska Public Offices Commission; relating to a tax on legislative lobbyists; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 1

"An Act relating to absentee voting, voting, and voter registration; relating to early voting locations at which persons may vote absentee ballots; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 82

"An Act relating to vehicle registration; relating to off-road system restricted noncommercial drivers' licenses; relating to off-highway commercial drivers' licenses; relating to off-road system eligible areas; and relating to motor vehicle liability insurance."

- BILL HEARING CANCELLED

PREVIOUS COMMITTEE ACTION

BILL: HB 91

SHORT TITLE: APOC REGISTRATION FEES; LOBBYIST TAX

SPONSOR(s): REPRESENTATIVE(s) KITO

01/30/17	(H)	READ THE FIRST TIME - REFERRALS
01/30/17	(H)	STA, FIN
02/09/17	(H)	STA AT 3:00 PM GRUENBERG 120
02/09/17	(H)	Heard & Held
02/09/17	(H)	MINUTE(STA)
02/14/17	(H)	STA AT 3:00 PM GRUENBERG 120
02/14/17	(H)	Heard & Held
02/14/17	(H)	MINUTE(STA)
02/21/17	(H)	STA AT 3:00 PM GRUENBERG 120
02/21/17	(H)	Heard & Held
02/21/17	(H)	MINUTE(STA)
02/23/17	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 1

SHORT TITLE: ELECTION REGISTRATION AND VOTING

SPONSOR(s): REPRESENTATIVE(s) TUCK

01/18/17	(H)	PREFILE RELEASED 1/9/17
01/18/17	(H)	READ THE FIRST TIME - REFERRALS
01/18/17	(H)	STA, JUD
02/23/17	(H)	STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

CRYSTAL KOENEMAN, Staff
Representative Sam Kito
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the CS for HB 91 on behalf of Representative Kito, prime sponsor.

REPRESENTATIVE SAM KITO
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions on HB 91, as prime sponsor.

HEATHER HEBDON, Executive Director
Alaska Public Offices Commissions (APOC)
Anchorage, Alaska

POSITION STATEMENT: Testified during hearing on HB 91.

JOSIE BAHNKE, Director
Central Office
Division of Elections (DOE)
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Answered questions during hearing on HB 1.

LAURI WILSON, Elections Supervisor
Southeast Region
Division of Elections (DOE)
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Answered questions during hearing on HB 1

ACTION NARRATIVE

[3:07:06 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:07 p.m. Representatives Tuck, Wool, Birch, Johnson, Knopp, and Kreiss-Tomkins were present at the call to order. Representative LeDoux arrived as the meeting was in progress.

HB 91-APOC REGISTRATION FEES; LOBBYIST TAX

[3:08:18 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 91, "An Act relating to fees for certain persons filing disclosure statements or other reports with the Alaska Public Offices Commission; relating to a tax on legislative lobbyists; and providing for an effective date."

[Because of their length, some amendments discussed or adopted during the meeting are found at the end of the minutes for HB 91. Shorter amendments are included in the main text.]

[3:09:00 PM](#)

REPRESENTATIVE KNOPP moved to adopt the proposed committee substitute (CS) for HB 91, Version 30-LS0067\D, Bullard, 2/21/17, as the working document.

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

3:09:43 PM

CRYSTAL KOENEMAN, Staff, Representative Sam Kito, Alaska State Legislature, presented the CS for HB 91 on behalf of Representative Kito, prime sponsor. She pointed out that the CS modifies Section 1 of HB 91 to link the candidate fee to the election cycle. She stated that there are no changes to Section 2. She relayed that Section 3 maintains the removal of the \$250 lobbyist fee and is amended to incorporate the "stair-step" schedule of lobbyist fees, which would replace the "income tax" language. She cited language on page 2, line 31, through to page 3, line 5, which read as follows:

For each lobbying contract, a lobbyist shall pay a fee of

- (1) \$350 for a contract with a value of less than \$30,000;
- (2) \$650 for a contract with a value of between \$30,000 and \$60,000; and 5
- (3) \$850 for a contract with a value of more than \$60,000.

CHAIR KREISS-TOMKINS removed his objection to the motion to adopt the proposed CS for HB 91, Version 30-LS0067\D, Bullard, 2/21/17, as the working document. There being no further objection, Version D was before the committee.

3:13:21 PM

REPRESENTATIVE TUCK moved to adopt Conceptual Amendment 1, which read as follows [original punctuation provided]:

Page 1, line 11:

Following "files":

Delete: "a declaration of candidacy under AS 15.25.030, a letter of intent under AS 15.13.105, or a nominating petition under AS 15.25.170"

Insert: "under 15.13.060(c)"

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

REPRESENTATIVE TUCK explained that Conceptual Amendment 1 corrects a drafting error by deleting language beginning on page 1, line 11, of Version D, which read, "a declaration of candidacy under AS 15.25.030, a letter of intent under AS 15.13.105, or a nominating petition under AS 15.25.170", and inserting "under 15.13.060(c)". He explained that declarations

of candidacy are functions of the Division of Elections (DOE) and not functions of the Alaska Public Offices Commission (APOC). The correction replaces the DOE requirements with APOC requirements for declarations of candidacy.

CHAIR KREISS-TOMKINS removed his objection to Conceptual Amendment 1. There being no further objection, it was so ordered.

[3:15:26 PM](#)

REPRESENTATIVE KNOPP moved to adopt Amendment 2, [labeled 30-LS0067\D.1, Bullard, 2/23/17]. [Amendment 2 is provided at the end of the minutes on HB 91.]

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

REPRESENTATIVE KNOPP explained that Amendment 2 would eliminate the requirements for individuals appointed to boards and commissions to file public official financial disclosures (POFDs); therefore, exempting them from the annual registration fee of \$50, in Section 7 of HB 91. He asserted that in his experience with local government, it is difficult to find people willing to serve on boards and commissions, and he opined that the requirements for APOC filing discourages them even more. He expressed his hope that by eliminating these reporting requirements, more people will be encouraged to serve on boards and commissions. He added that the second reason for introducing Amendment 2 is to reduce APOC workload.

REPRESENTATIVE WOOL asked if Amendment 2 would remove the requirement for filing POFDs for anyone running for city council, borough, or assembly.

REPRESENTATIVE KNOPP replied no. The amendment would exclude just those serving on boards and commissions, not public officials serving on municipal assemblies or councils.

REPRESENTATIVE SAM KITO, Alaska State Legislature, as prime sponsor of HB 91, testified that exempting board and commission members from filing would alleviate a financial burden on uncompensated individuals, as well as reduce the workload of APOC, which is required to audit 100 percent of its filings.

[3:20:06 PM](#)

HEATHER HEBDON, Executive Director, Alaska Public Offices Commissions (APOC), testified that the exemption of volunteer, appointed members of municipal boards and commissions would relieve APOC of a considerable amount of work. She asked for clarification that Amendment 2 refers to boards and commissions on the municipal level, not on the state level.

REPRESENTATIVE KNOPP answered that his intent for Amendment 2 is to include state boards and commissions in the exemption. He added that some board and commission members are compensated, some are not, and not all boards and commissions are required to file with APOC.

MS. HEBDON asserted that the exemption of state level board and commission members would decrease APOC workload immensely. She added that APOC relies heavily on third-party sources for information on appointments and terminations of terms, and the tracking procedure is difficult.

[3:22:44 PM](#)

REPRESENTATIVE LEDOUX cited Representative Knopp's statement that not all boards and commissions are subject to filing with APOC. She asked which boards and commissions are exempt from filing.

REPRESENTATIVE KNOPP offered that the Alaska Gasline Development Corporation (AGDC) board is not required to file with APOC.

MS. HEBDON responded that she does not have a list of the boards and commissions not required to file with APOC. She added that of the existing boards and commissions, only 40 are required to file with APOC under state statutes.

CHAIR KREISS-TOMKINS asked for examples of boards and commissions that are required to file with APOC.

MS. HEBDON relayed examples of boards and commissions that file with APOC, as follows: Alaska State Council on the Arts (ASCA), Alcohol Beverage Control (ABC) Board, State Assessment Review Board (SARB), State Board of Education & Early Development, Alaska Public Broadcasting Commission (APBC), APOC, Alaska Commercial Fisheries Entry Commission (CFEC), Fishermen's Fund Advisory and Appeals Council (FFAAC), Big Game Commercial Services Board (BGCSB), Board of Agriculture and Conservation (BAC), and Board of Trustees of the Alaska Mental Health Trust Authority (AMHTA).

MS. HEBDON opined that she agrees with the exemption but believes there should be more scrutiny before applying a blanket exemption. She offered that some of the boards and commissions oversee significant policy decisions and suggested that it may be good for them to continue reporting to APOC.

[3:25:40 PM](#)

REPRESENTATIVE BIRCH referred to Section 3(g) of Version D, which states that subsection (g) does not apply to a volunteer lobbyist or a representational lobbyist. He asked if volunteer or representational lobbyists are exempt from registering with APOC.

MS. HEBDON responded that she does not believe that a volunteer lobbyist is required to file a registration with APOC.

REPRESENTATIVE BIRCH asked for confirmation that if a volunteer lobbyist exceeds the "10 hours in 30 days" lobbying activity threshold that identifies one as a lobbyist, he/she still would not have to register because he/she is unpaid.

MS. HEBDON replied that she does not know.

REPRESENTATIVE BIRCH asked for a description of a representational lobbyist.

MS. HEBDON said that she doesn't know but would provide that information. She added that her focus has not been on lobbying laws. She offered that her understanding of representational lobbyists is that their focus is other than lobbying.

REPRESENTATIVE BIRCH offered that his interest in this question is to estimate the scope of APOC filings.

[3:29:08 PM](#)

CHAIR KREISS-TOMKINS asked for an estimate of how many POFDs are filed annually and how many would be excluded under Amendment 2.

MS. HEBDON answered that she estimates about 600 members of boards and commissions would be exempt but pointed out that for communities of less than 15,000 population, municipal filers are neither required to file with APOC nor file electronically. She added that many of the filings are in hard copy and filed with

city clerks. She said she could provide a breakdown of board, commission, and municipal filers by requirement to file.

CHAIR KREISS-TOMKINS asked how many POFDs are filed with APOC annually.

MS. HEBDON answered there are about 1,300-1,350 electronic filers, which includes all categories of filers.

[3:31:16 PM](#)

REPRESENTATIVE KNOPP offered that the APOC website indicated that 1,268 POFDs were filed; there were 360 board and commission filings.

MS. HEBDON verified that the "360" number refers to state boards and commissions, not municipal boards and commissions.

[3:32:15 PM](#)

REPRESENTATIVE BIRCH, in response to Representative LeDoux, cited the language regarding representational and volunteer lobbyists, on page 2 of Version D, starting on line 29, which read as follows:

The commission may not accept an application for registration or renew a registration until the fee is paid. This subsection does not apply to a volunteer lobbyist under AS 24.45.161 or a representational lobbyist under regulations of the commission.

REPRESENTATIVE BIRCH asked, "Who's keeping track of volunteer and representational lobbyists?"

[3:33:47 PM](#)

REPRESENTATIVE KITO clarified that Amendment 2 would address the POFD filers, and the bill language that Representative Birch cited speaks to which lobbyists must register as lobbyists. He added that the representational and volunteer lobbyists must follow certain rules before they are considered lobbyists, and one goal of HB 91 is to support APOC so that it can put more resources into APOC's functions regarding lobbyists.

[3:34:57 PM](#)

REPRESENTATIVE WOOL referred to the phrase beginning on page 1, line 2, of Amendment 2, which read, "exempting certain members of state boards or commissions, municipal school or utility boards, and city, borough, or unified municipal planning and zoning commissions". He asked for clarification that the exemption would be for certain state boards, because the work involved with filing with APOC is a deterrent from serving; however, some should not be exempt because of the scope of their policy decisions.

REPRESENTATIVE KNOPP offered that "exempting certain members" is stated because not all members of boards and commissions are required to file.

REPRESENTATIVE WOOL asked for verification that Ms. Hebdon indicated that some members of boards and commissions should continue to be required to file.

MS. HEBDON responded yes, that is what she meant.

[3:37:09 PM](#)

CHAIR KREISS-TOMKINS asked for examples of boards and commissions having significant policy-making powers that merit their inclusion in the POFD filing requirements.

MS. HEBDON responded that two examples are the University of Alaska Board of Regents (UABoR) and the Regulatory Commission of Alaska (RCA).

REPRESENTATIVE KNOPP opined that AGDC should be required to file but does not. He asked Ms. Hebdon for an explanation for how it was determined which boards and commissions should file and which were exempt.

MS. HEBDON offered that there is long history behind the statutory filing requirements for the various state boards and commissions, and there are about 40 statutes addressing POFDs.

[3:39:08 PM](#)

The committee took an at-ease from 3:39 p.m. to 3:46 p.m.

[3:46:10 PM](#)

REPRESENTATIVE KNOPP moved to adopt Conceptual Amendment 1 to Amendment 2, to delete "certain members of state boards" on page 1, line 2, [as numbered on] Amendment 2.

CHAIR KREISS-TOMKINS objected for discussion.

[3:47:24 PM](#)

MS. KOENEMAN, regarding Conceptual Amendment 1 to Amendment 2, suggested there could be a conforming change made to remove "state board or commission" throughout Amendment 2. For example, she cited page 2, line 3, [as numbered on] Amendment 2.

[3:48:30 PM](#)

The committee took an at-ease from 3:48 p.m. to 3:53 p.m.

[3:52:49 PM](#)

CHAIR KREISS-TOMKINS stated that the scope of Amendment 2 was substantial and indicated HB 91 would be held over.

REPRESENTATIVE BIRCH asked for information on the number of volunteer and representational lobbyists.

[3:55:02 PM](#)

REPRESENTATIVE KNOPP withdrew his motion of adopt Conceptual Amendment 1 to Amendment 2.

REPRESENTATIVE KNOPP withdrew his motion to adopt Amendment 2.

[3:55:47 PM](#)

REPRESENTATIVE LEDOUX asked for an explanation of the difference between a volunteer lobbyist and a representational lobbyist.

MS. HEBDON answered that a representational lobbyist is someone who: engages in lobbying for an entity; receives no compensation or fees other than reimbursement of travel and personal living expenses; and is required to register with APOC but not file reports. She added that a volunteer lobbyist receives no compensation, receives no reimbursement for personal expenses, and is not required to register or report.

CHAIR KREISS-TOMKINS indicated HB 91 would be held over.

AMENDMENTS

The following amendment to the proposed committee substitute (CS) for HB 91, Version 30-LS0067\D, Bullard, 2/21/17 was adopted during the hearing. [Shorter amendments are provided in the main text only.]

Amendment 2 [30-LS0067\D.1, Bullard, 2/23/17] (withdrawn):

Page 1, line 2, following "Commission;":

Insert "**exempting certain members of state boards or commissions, municipal school or utility boards, and city, borough, or unified municipal planning and zoning commissions from filing financial and business interest statements with the Alaska Public Offices Commission;**"

Page 3, following line 24:

Insert new bill sections to read:

"* **Sec. 7.** AS 39.50.020(a) is amended to read:

(a) A public official other than the governor or the lieutenant governor shall file a statement giving income sources and business interests, under oath and on penalty of perjury, within 30 days after taking office as a public official. Candidates for state elective office other than a candidate who is subject to AS 24.60 shall file the statement with the director of elections at the time of filing a declaration of candidacy or a nominating petition or becoming a candidate by any other means. Candidates for elective municipal office shall file the statement at the time of filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office. Refusal or failure to file within the time prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or that a previously accepted filing fee be returned, and the candidate's name removed from the filing records. A statement shall also be filed by public officials **not** [NO] later than March 15 in each following year. On or before the 90th day after leaving office, a former public official shall file a final statement covering any period during the official's service in that office for which the public official has not already filed a statement. **A public official** [PERSONS] who **is a chair or member** [ARE MEMBERS] of **a state board or commission, municipal**

school or utility board, or city, borough, or municipal planning and zoning commission is [BOARDS OR COMMISSIONS NOT NAMED IN AS 39.50.200(b) ARE] not required to file a statement [FINANCIAL STATEMENTS].

* **Sec. 8.** AS 39.50.030(d) is amended to read:

(d) In addition to the requirements of (b) of this section, each statement filed under this chapter by a public official in the executive branch of state government [OTHER THAN THE CHAIR OR A MEMBER OF A STATE COMMISSION OR BOARD] must include a disclosure of the formation or maintenance of a close economic association involving a substantial financial matter as required by this subsection. The disclosure must be sufficiently detailed so that a reader can ascertain the nature of the association. A public official shall disclose a close economic association with

- (1) a legislator;
- (2) a public official who is not an elected or appointed municipal officer;
- (3) a lobbyist; or
- (4) a public officer if the person required to make the disclosure is the governor or the lieutenant governor.

* **Sec. 9.** AS 39.50.060(b) is amended to read:

(b) Any person failing or refusing to comply with the requirements of this chapter, in addition to the penalties prescribed, shall forfeit nomination to office and may not be seated or installed in office if the person has not complied. Nominated, hired, or appointed officials or [,] commissioners [, CHAIRS, OR MEMBERS OF COMMISSIONS OR BOARDS SPECIFIED IN AS 39.50.200(b)] may not be confirmed by the legislature if compliance has not been made. In the case of elected officials, the lieutenant governor, or other certifying authority, may not certify a person's nomination for office or the person's election to office if compliance was not made within the time required. The nomination to office or election to office shall be certified to the highest vote getter for that nomination for that office or election to that office who has complied within the times required and who shall be declared nominated or elected. For purposes of this subsection, a person is considered to have complied within the time required if the person complies within 30 days after the due date established by this chapter.

* **Sec. 10.** AS 39.50.070 is amended to read:

Sec. 39.50.070. Failure to report by certain public officials. A public official in the executive branch of state government, other than the governor or lieutenant governor [OR A CHAIR OR MEMBER OF A STATE BOARD OR COMMISSION], who refuses or fails to file a report of financial interests required under this chapter when due may not hold office, and the person's name may not be submitted to the legislature for confirmation, until the person complies. The person may not be confirmed, hired, or appointed, and the person forfeits and may not be paid any salary, per diem, or travel expenses, until the person complies. If, after installation in office or beginning employment in the position, the person refuses or fails to file the required statement when due, the person is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and shall be removed from office if compliance is not made within 30 days after the due date of the report."

Renumber the following bill sections accordingly.

Page 4, following line 13:

Insert a new bill section to read:

"* **Sec. 13.** AS 39.50.080 is repealed."

Renumber the following bill section accordingly.

[End of amendment - HB 91 was held over.]

HB 1-ELECTION REGISTRATION AND VOTING

[3:57:16 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE BILL NO. 1, "An Act relating to absentee voting, voting, and voter registration; relating to early voting locations at which persons may vote absentee ballots; and providing for an effective date."

[3:58:05 PM](#)

REPRESENTATIVE TUCK presented HB 1, as prime sponsor. He paraphrased from the sponsor statement, which read as follows [original punctuation provided]:

The right to vote embodies the spirit of American democracy. Casting a vote is the most discretely effective way to have one's voice heard in the political process. When we exercise our right to vote we impact our community far beyond an election: we can elect individuals who will make decisions on our behalf about how our government will be run, set the policies that will guide our state, and how resources, both national and local, are distributed.

Unfortunately, a surprising number of Americans don't exercise their right to vote. On average, only about half of eligible US voters cast ballots. Although, Alaska is one of a handful of states which exceeded 50 percent voter turnout in 2014, almost half of Alaskan voters are effectively not being heard.

House Bill 1 includes a series of changes designed to increase voter participation and access to voting across the state by improving and clarifying the voting process. These changes include:

- Providing same day voter registration to allow all eligible Alaskans the opportunity to vote;
- Enhancing online voter registration with electronic signatures to make the registration process quicker and easier;
- Ensuring the same early voting locations are available during every election;
- Creating on [sic] option for permanent absentee voting for individuals that plan to vote by mail every year; and
- Clarifying and unifying terminology for early voting to remove confusion between early voting and absentee in-person voting.

By adopting the changes in House Bill 1, we can take a step forward to increase the voice of all Alaskans.

[4:00:14 PM](#)

REPRESENTATIVE KNOPP asked for a definition of "permanent absentee".

REPRESENTATIVE TUCK replied that when someone goes to a voting location to "early vote" it is called "in-person absentee voting." He asserted there was confusion, even among poll watchers, about whether an absentee voter could vote in-person. He maintained that "absentee voting" is a term used by the Division of Elections (DOE) referring to how the ballot is processed. He relayed that one does not have to be absent from his/her district to vote absentee. He said that voting absentee is a form of early voting or voting by mail. He concluded that if one votes at an election polling location prior to the day of the election, it is referred to as "in-person absentee voting."

REPRESENTATIVE LEDOUX offered that when she visits homes in her district, she has discovered on numerous occasions that the person registered to vote at that address is no longer living at that address and now lives in another voting district. She said that in referring to her voter file, she has discovered that the person who moved is still voting in Representative LeDoux's district. She relayed that she has asked DOE if a candidate, poll watcher, or anyone else could challenge that person's vote and was told "no." She compared it to moving out of state and voting as if still an Alaskan resident. She asked if the vote could be challenged and if something could be done to rectify this situation.

[4:03:59 PM](#)

JOSIE BAHNKE, Director, Central Office, Division of Elections (DOS), Office of the Lieutenant Governor, asked if Representative LeDoux was referring to challenging the vote of a permanent absentee voter.

REPRESENTATIVE LEDOUX said, "No, not a permanent absentee voter." She gave the example of someone living on the south side of Anchorage who keeps coming back to Midtown to vote; who has never changed his/her voter registration to reflect where he/she now lives; who no longer owns property in Midtown; and who no longer is a resident of Midtown. She asserted that elections can be very close and expressed her belief that it is inappropriate for someone to vote in a district in which he/she no longer lives. She asked why there isn't a mechanism to challenge a voter who is voting outside of his/her district.

[4:05:57 PM](#)

LAURI WILSON, Elections Supervisor, Southeast Region, Division of Elections (DOE), Office of the Lieutenant Governor, answered that there are times when a voter moves and does not update his/her residence address with DOE, and it is up to the voter to notify DOE of an address change. She mentioned that a voter of a precinct could challenge another voter's eligibility for voting in that precinct at the time of voting, and the voter who has been challenged would vote a question ballot, which would be subject to review by the review board and elections staff. She said that during the absentee and question ballot review process, observers are present who can challenge the eligibility of the voter during the review process, and the challenges can be brought forth to the director of elections for review. She reiterated that it is up to the voter to notify DOE when he/she changes residences, and the law allows a person to have one place of residence. She added there are exceptions, which allow a voter to be away from his/her residence and continue to vote.

4:08:15 PM

REPRESENTATIVE LEDOUX stated that she brought this concern forward to see if HB 1 could be amended to address it. She asked if there is any mechanism for objecting to a vote, if she has knowledge that someone is not living in the district in which he/she is voting.

MS. WILSON replied that DOE cannot remove voters from the voter rolls based on a belief that the voter does not live in the district anymore.

REPRESENTATIVE LEDOUX asked if there was a mechanism for challenging a vote cast by someone outside the district, such as signing an affidavit declaring his/her reasons for believing that the voter is not living in that district, and the complaint would result in DOE contacting the voter to verify residence.

MS. WILSON answered that if a voter votes in the district from which he/she has moved, and it is brought to the attention of DOE through a complaint, the law is broad in considering the intent of the voter to possibly return to his/her old residence. If he/she is still an Alaskan voter, he/she may continue to use the old address for voting purposes.

REPRESENTATIVE LEDOUX asserted that is the law for people moving out of state and considering returning to Alaska. She attested that her concern involves someone who owns a home in southside

Anchorage, sells that home, and has no intention of returning, because he/she now owns a home in Midtown.

MS. WILSON reiterated that it is up to the individual to notify DOE of a residence address change, so that the voter registration record can be updated. She added that without the update, that location continues to be his/her voting residence.

[4:11:01 PM](#)

REPRESENTATIVE LEDOUX offered that a statutory change would be needed to prevent that situation from happening.

MS. WILSON responded that's possible. She asserted that the issues are the intent of the voter regarding residency and the intent of Alaska statute allowing for temporary residence, such as a work camp, as it relates to voting.

REPRESENTATIVE LEDOUX asserted that her concern is not related to the person who is working away from home temporarily but for the person who sells his/her home and, for whatever reason, continues to vote in his/her old district. She asked if under current law that is legal.

MS. WILSON responded that making Alaska voter laws stricter must be addressed through statute.

[4:12:52 PM](#)

REPRESENTATIVE WOOL offered that the observation of a voter voting outside his/her district becomes trickier regarding an absentee or mail-in ballot.

MS. WILSON stated that the absentee review boards in the regional DOE offices review all absentee ballots, whether they are by mail, absentee in-person, or special needs. She asserted that during the review process, an observer can challenge the eligibility of the voter whose ballot is being reviewed, and the challenge will be referred to the director to review and decide, case by case.

REPRESENTATIVE LEDOUX stated that by Election Day, there are already a certain number of absentee ballots counted. She asked if those ballots are reviewed by the absentee review board or if they are considered absentee in-person ballots.

[4:14:20 PM](#)

MS. WILSON stated that there are different processes regarding absentee votes. There is a permanent absentee voter (PAV), someone who automatically gets an absentee ballot from DOE, and an absentee in-person voter. All absentee ballots are reviewed by the absentee review board. She explained that early voting is like voting at the poll on Election Day - it is a "live" ballot of an eligible voter, and it is not subject to a review process. She attested that any ballot that is not by early voting or Election Day voting at the precinct goes through the review process. She summarized that the ballots that go through the review process are absentee ballots, special needs ballots, and question ballots.

MS. WILSON went on to say that no ballots are counted before the polls close at 8:00 p.m. on Election Day. Absentee ballots are reviewed by DOE staff; voter history is entered into the computer system; and each ballot is independently reviewed by a review board. She added that a deadline date is chosen by DOE staff which represents the date by which absentee ballots must have been received and reviewed to be counted on Election Day after the polls close. All other absentee ballots are counted in subsequent counts after they are reviewed.

REPRESENTATIVE LEDOUX asked if there is any provision for poll watchers to observe the counting of absentee ballots or early voting ballots.

MS. WILSON replied yes. They are not poll watchers but observers who are present during the ballot count and review.

[4:19:29 PM](#)

REPRESENTATIVE BIRCH expressed his support for increasing voter turnout through the proposed legislation.

CHAIR KREISS-TOMKINS indicated HB 1 would be held over.

[4:21:45 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:22 p.m.