

SENATE FINANCE COMMITTEE
March 28, 2018
9:01 a.m.

[9:01:46 AM](#)

CALL TO ORDER

Co-Chair MacKinnon called the Senate Finance Committee meeting to order at 9:01 a.m.

MEMBERS PRESENT

Senator Lyman Hoffman, Co-Chair
Senator Anna MacKinnon, Co-Chair
Senator Click Bishop, Vice-Chair
Senator Peter Micciche
Senator Donny Olson
Senator Gary Stevens
Senator Natasha von Imhof

MEMBERS ABSENT

None

ALSO PRESENT

Brittany Hartman, Staff, Senator Anna MacKinnon; Senator John Coghill, Member, Senate State Affairs Committee; Jordan Schilling, Staff, Senator John Coghill; Carmen Lowry, Executive Director, Alaska Network of Domestic Violence; Ed Sniffen, Deputy Attorney General, Civil Division, Department of Law; Dan Spencer, Director, Administrative Services, Department of Law.

PRESENT VIA TELECONFERENCE

Alpheus Bullard, Counsel, Legislative Legal; Lynette Clark, Self, Fox.

SUMMARY

SB 154 PFD CONTRIBUTIONS TO GENERAL FUND

SB 154 was SCHEDULED but not HEARD.

SB 192 VOTING: ADDRESS CONFIDENTIALITY; FEES

SB 192 was HEARD and HELD in committee for further consideration.

#sb192

SENATE BILL NO. 192

"An Act relating to the confidentiality of voters' addresses; and relating to the fees charged by the division of elections for providing a copy of the state's master voter registration list or a copy of the list of individuals who voted in an election."

9:02:47 AM

BRITTANY HARTMAN, STAFF, SENATOR ANNA MACKINNON, explained the original intent of the bill. She stated that the constitution outlined that the right of the people to privacy was recognized and shall not be infringed. She stressed that the constitutions allowed Alaskans the right to privacy and prioritized victims' rights. She felt that the state was not living up to its own standards, and should be leading the nation on privacy and victims' rights. She shared that some were not happy that their addresses were being sold by the state to the general public. She remarked that some were choosing not to register to vote, because of the lack of privacy of their information. She stated that there were specific requests related to public safety and privacy. She shared that there was an individual who had escaped persecution and harassment by her family. She chose not to register to vote due to fear of being found by her family. She stated the after years of not voting she and her husband chose to register to vote. She stated that within two weeks of registering to vote, her family had found her and caused harassment. That harassment was from someone considered unstable, however they did not want to file charges against that family member.

Senator Olson wondered whether there were items in the House district that may not be questionable. Ms. Hartman stated that the original bill specifically mentioned the address.

Co-Chair MacKinnon announced that she was the sponsor, but she asked that the chair of the State Affairs Committee address the committee substitute.

[9:08:02 AM](#)

SENATOR JOHN COGHILL, MEMBER, SENATE STATE AFFAIRS COMMITTEE, explained an amendment that he offered in the State Affairs Committee. He did not agree with the original approach in the bill. He felt that there were ways a person's information could be available. He remarked that there were two tasks on a voter roll. He noted that one was to see that a person was a credible resident, but he felt that individuals should also verify that address. He remarked that there was a desire to be a resident of the state for many different reasons. He noticed that other states had an address confidentiality program, which was incorporated as an amendment into the bill. He stated that it was asked to be housed in the Department of Law. He shared that a person who had a protective order for domestic violence, stalking, or sexual assault could apply for the confidentiality program. He remarked that the person could have a broad confidentiality protection. He understood that it did not answer the question of the person who chose not to seek that protection.

Co-Chair MacKinnon wondered whether a victim of stalking could simply report the incident to law enforcement, or whether the victim needed a court order.

[9:13:47 AM](#)

JORDAN SCHILLING, STAFF, SENATOR JOHN COGHILL, replied that eligibility for the program did not require a conviction. Rather, the crime must be reported to a criminal justice agency.

Co-Chair MacKinnon wondered whether the victim had to reapply every three years. Senator Coghill replied in the affirmative.

Co-Chair MacKinnon stated that she served as the executive director at Standing Together Against Rape (STAR). She remarked that there was an issue of whether a victim wanted to report to an agency. She felt that the reapplication process required a revictimization process. She agreed that the intent was to solve one problem, and not the overall

problem of data collection. Senator Coghill responded that that he agreed on the major issue. He wanted to determine a way to provide safety.

[9:20:22 AM](#)

Mr. Schilling looked at Section 4:

Creates the Alaska Address Confidentiality Program under the Department of Law. An individual in this program may use an address designated by the department as the individual's own address, designate the department to receive mail, legal process and voter registration or absentee ballots on behalf of the individual, and provide that the department forward the mail, legal process, and voter materials to the individuals actual mailing address.

An individual is eligible for this program completes an application for this section, is a resident of the state, and must have their incident reported to a criminal justice agency.

For application requirements, see subsection (c).

The program requires: a participant be enrolled for 3 years, develop a safety plan in consultation with the department, the department must notify all state and municipal agencies and units of government that the individual is a participant in, may re-enroll every 3 years.

[9:28:06 AM](#)

Senator von Imhof surmised that the program could be expensive. Mr. Schilling replied that he had not seen a fiscal note, but had some preliminary discussions with the Department of Law. He shared that the bill outlined that the department may not charge a fee to apply for or participate in the program.

Senator von Imhof stated that it was free to the victim, but not free to the state. She wondered what would happen if someone in the program was sharing their information. Mr. Schilling replied that it would defeat the purpose of their participation in the address confidentiality program. He stated that some states include provisions in the

application. He looked at page 4, line 2, which highlighted the concern.

[9:30:57 AM](#)

Co-Chair MacKinnon wondered whether the Department of Law was trained to develop safety plans for victims. Mr. Schilling replied that there were conversations with Alaska Network on Domestic Violence, and they generally supported confidentiality programs. He stated that there was a concern about that plan.

Co-Chair MacKinnon felt that Department of Law was not trained to provide safety plans. She looked at page 3, lines 25 and 26. She wondered whether there was a concern about the lack of conviction. She noted that the language required an acknowledgement and notification of other people of a possible issue. She wondered whether there was an exposure to other problems in the state. Mr. Schilling replied that page 3, line 10 described the eligibility provisions. He stated that a victim or parent/guardian of a minor child who was a victim stalking, domestic violence, or sexual assault; or a crime in another jurisdiction with elements substantially similar to stalking, domestic violence, or sexual assault that was reported to a criminal justice agency. He stated that the requirement was a report.

Co-Chair MacKinnon wondered whether the applicant must notify their employer, if they work for a state agency. Mr. Schilling replied that it was about whether an individual worked for a state agency, so it was important to note that to the Department of Law.

[9:36:38 AM](#)

ALPHEUS BULLARD, COUNSEL, LEGISLATIVE LEGAL (via teleconference), introduced himself.

Co-Chair MacKinnon queried the identification of a state or municipal employee that there could be an alleged charge. Mr. Bullard replied that the intent was to ensure that a participant's actual address was not provided to a person against whom a complaint was directed.

Senator von Imhof felt that the problem was the collecting and selling of data available on a public website. She

wondered whether there was a way to apply confidentiality broadly across the state. Senator Coghill replied that it was a problem that should be pondered moving forward. He hoped to fix a problem for people that felt that they needed protection for safety reasons.

[9:41:41 AM](#)

Co-Chair MacKinnon stressed that the P.O. box allowed for a stalker to wait at the post office. She understood that it was a complex issue, and there should be a larger conversation about the complexities of confidentiality with the internet.

[9:46:59 AM](#)

Senator Micciche remarked that the original bill was about the voter registration, but now the bill had expanded to be more about witness protection. He felt that the issue could not be solved in the legislative session.

Co-Chair MacKinnon noted that the application for the permanent fund dividend resulted in automatic voter registration.

Senator Micciche struggled with a reason that one would not have a right to privacy. He felt that voter rolls were a very useful tool in research. He stressed that there was a way to find someone who was not registered to vote. He felt that there were now two different efforts within the bill.

Senator Coghill thanked the chair for discussing the issue.

[9:51:52 AM](#)

Co-Chair MacKinnon wanted to get the eleven senators in support of the issue.

Senator von Imhof remarked that she wanted to hear from the Attorney General and Department of Law about the post office box clearing house.

[9:54:09 AM](#)

CARMEN LOWRY, EXECUTIVE DIRECTOR, ALASKA NETWORK OF DOMESTIC VIOLENCE, originally offered their support of the bill, because a person should register to vote without

their personal information be shared. She stated that she was also in support of the amendment, and felt that there should be further conversations about the Department of Law's preparation for safety planning. She felt that there should be an examination of more application opportunities.

[9:56:26 AM](#)

LYNETTE CLARK, SELF, FOX (via teleconference), announced that she was a "strong constitutionalist." She agreed that there should be a bigger conversation in order to initiate what was going to work.

Co-Chair MacKinnon CLOSED public testimony.

[9:58:37 AM](#)

ED SNIFFEN, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, DEPARTMENT OF LAW, introduced himself. He discussed the bill's possible impacts to the DOL. He remarked that there was an attempt to understand the impacts, and whether the department was a sophisticated mail forwarding service for the program. He remarked that the bill allowed for DOL to receive and forward mail for those that qualify for the program. He shared that there were many variables related to the program. He remarked that there may be a concern related to property tax records. He stressed that Alaska was unique, and stressed that one model for Alaska may not work.

[10:08:02 AM](#)

Senator Stevens expressed concern about the alternate address. He wondered how it would be determined that the voter was in the correct district. Mr. Sniffen replied there would be a designated address to track the program.

Senator Stevens expressed more concern about the election process to ensure that they were voting in the right district.

Co-Chair MacKinnon replied that the information was available to election workers when a person votes. She stated that the two versions of the bill were very different.

[10:12:09 AM](#)

Vice-Chair Bishop queried the anticipated target impact in Co-Chair MacKinnon's version of the bill.

Co-Chair MacKinnon replied that it was a continuum. She stated that people that use data were concern that all people would opt out of sharing their data when registering to vote.

[10:12:46 AM](#)

Vice-Chair Bishop wanted to see an estimate of those who would use the program.

Co-Chair MacKinnon shared that there was a huge number of Alaskans who were victims of domestic violence and sexual assault, but did not know if they would all want to opt out. She felt that the Division of Elections could answer those specific questions.

Senator Micciche felt that voter initiatives were further complicated on the election registrations. He stressed that people were registered to vote upon applying for the PFD.

Co-Chair MacKinnon stated that she had voted against the initiative, because there was an unintended consequence for those that chose not to vote for personal reasons.

[10:17:54 AM](#)

Senator Micciche expressed support for a working group to discuss the issue.

Senator Stevens agreed.

Senator von Imhof wondered whether a working group would replace movement of the bill.

Co-Chair MacKinnon felt that the Judiciary Committee should be a part of the development and conversation.

Senator von Imhof wanted to take time to consider the working group.

[10:21:08 AM](#)

Co-Chair MacKinnon stated that she wanted to ask the Department of Law to take a pause on the issue.

Vice-Chair Bishop felt that Department of Law was not the proper place to take the program.

Co-Chair MacKinnon felt that a working group would explore where the program should be housed.

Senator Olson appreciating the articulation of the main goal of the legislation. He wanted to hear the main priority of Senator Coghill, because he felt that there were two different paths addressed in the two versions of the bill.

Senator Micciche sensed that the Department of Law should cease from doing work. He stressed that this would be a massive project.

Co-Chair MacKinnon wanted to know who would have access to the voter list. She queried a range of a ball park of consideration of the cost of the program.

[10:25:49 AM](#)

AT EASE

[10:28:19 AM](#)

RECONVENED

Mr. Sniffen deferred to Mr. Spencer.

[10:28:37 AM](#)

DAN SPENCER, DIRECTOR, ADMINISTRATIVE SERVICES, DEPARTMENT OF LAW, stressed that developing a number would require many different parts. He felt that the cost would begin at a minimum of \$200,000 to initiate the program. He explained that the amendment said that all mail would be delivered, so it did not place restrictions. He remarked that restricting that mail would be through regulation or an amendment. He remarked that there would still be no estimates of participants. There would be a minimum appropriation, but there would probably be supplemental requests.

Co-Chair MacKinnon wanted to establish a working group. She stated that the issue was about the change from \$50 to

\$1000 for a statewide voter list. She asked that the work on the Department of Law fiscal not cease until further notice.

Senator Olson queried the reason for proposing the amendment.

[10:32:19 AM](#)

Senator Coghill stated that he struggled with the original idea for a "no trespassing sign for any cause." He felt that his version was a more narrow and protective solution to confidentiality. He remarked that he did not have the time for the due diligence to find a solution, because he struggled with the bill. He remarked that there could be a creation of more problems.

[10:36:40 AM](#)

Co-Chair MacKinnon wanted all senators to support the idea, but she understood that it could not be fully solved. She stressed that the fee schedule changed in the committee substitute.

Senator John Coghill agreed to the dialog at the table.

Co-Chair MacKinnon remarked that the lowest bar would only limit access to the voter database. She understood that data was available for sale through various platforms. She stressed that the original intent was to encourage voter participation. She stressed that the original intent did not solve privacy issues.

[10:42:13 AM](#)

Senator Coghill announced that there could be a requirement every time that someone changed address. He struggled with "any cause", so he asked for a higher bar. He was open for a bigger conversation.

Senator Stevens hoped to hear from the director of the Division of Elections.

Co-Chair MacKinnon announced that there were conversations with the Division of Elections. The consensus was that the efforts were doable.

Co-Chair MacKinnon wanted comment about safeguards and fraud. She stated that a committee substitute would include a process to review the safeguards.

Vice-Chair Bishop stated that he would like to have a conversation with Department of Labor and Workforce Development (DLWD).

[10:46:41 AM](#)

Co-Chair MacKinnon stated that there would be the same access between state and local governments.

Co-Chair MacKinnon stressed that the intent of the bill was to protect the voters' rights, and to stop the selling of the voter registration data.

Senator Coghill stated that both addresses would be removed, but the precinct would be included. He felt that anyone could cross reference those items.

Co-Chair MacKinnon stressed that the stalker could go into a neighborhood with the alternate address.

[10:51:31 AM](#)

Co-Chair MacKinnon stated that the afternoon meeting was cancelled. She discussed the following day's agenda.

SB 192 was HEARD and HELD in committee for further consideration.

#sb154

SENATE BILL NO. 154

"An Act relating to contributions from permanent fund dividends to the general fund."

SB 154 was SCHEDULED but not HEARD.

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ADJOURNMENT

[10:52:18 AM](#)

The meeting was adjourned at 10:52 a.m.

