

**ALASKA STATE LEGISLATURE**  
**SENATE STATE AFFAIRS STANDING COMMITTEE**

March 8, 2018

3:32 p.m.

**MEMBERS PRESENT**

Senator Kevin Meyer, Chair  
Senator Cathy Giessel  
Senator John Coghill  
Senator Dennis Egan

**MEMBERS ABSENT**

Senator David Wilson

**COMMITTEE CALENDAR**

SENATE BILL NO. 186

"An Act relating to voter registration; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 186

SHORT TITLE: VOTER REGISTRATION & PFD APP REGISTRATION

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

|          |     |                                 |
|----------|-----|---------------------------------|
| 02/16/18 | (S) | READ THE FIRST TIME - REFERRALS |
| 02/16/18 | (S) | STA, FIN                        |
| 03/08/18 | (S) | STA AT 3:30 PM BUTROVICH 205    |

**WITNESS REGISTER**

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

**POSITION STATEMENT:** Provided an overview of SB 186.

SARAH RACE, Director  
Permanent Fund Dividend Division  
Alaska Department of Revenue

Juneau, Alaska

**POSITION STATEMENT:** Answered questions regarding the implementation of SB 186.

CAROL THOMPSON, Absentee and Petition Manager

Alaska Division of Elections  
Office of the Lieutenant Governor  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions regarding SB 186.

MIKE COONS, representing self

Palmer, Alaska

**POSITION STATEMENT:** Testified in opposition of SB 186.

DEBORAH BROLLINI, representing self

Anchorage, Alaska

**POSITION STATEMENT:** Did not provide a position on SB 186.

PHILLIP MALANDER, Systems Administrator

Alaska Division of Elections  
Office of the Lieutenant Governor  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions regarding SB 186.

#### **ACTION NARRATIVE**

[3:32:54 PM](#)

**CHAIR KEVIN MEYER** called the Senate State Affairs Standing Committee meeting to order at 3:32 p.m. Present at the call to order were Senators Giessel, Coghill, Egan, and Chair Meyer.

#### **SB 186-VOTER REGISTRATION & PFD APP REGISTRATION**

[3:33:39 PM](#)

**CHAIR MEYER** announced the consideration of Senate Bill 186 (SB 186).

[3:34:20 PM](#)

**JOSIE BAHNKE**, Director, Alaska Division of Elections, Office of the Lieutenant Governor, Juneau, Alaska, noted that she testified on SB 182 the previous week. She summarized SB 182 would allow voters to designate their residence and mailing addresses as confidential. She specified that SB 186 is a bill that addresses an opt-out of voter registration when an individual applies for a Permanent Fund Dividend (PFD) and detailed as follows:

In 2016 Alaska voters passed Ballot Measure 1 which stipulated that information provided on PFD applications will be used to register to vote or update the applicant's existing voter registration unless the applicant opts-out of voter registration.

The intent of Ballot Measure 1 was to automatically register voters or update existing voter registration data with information provided on the PFD application. The ballot measure became law effective March 1, 2017 and in the inaugural year of implementation the opt-out provision in Ballot Measure 1 required the Division of Elections to send a notice in the mail to the PFD applicants giving them an opportunity to opt-out. If the applicant didn't opt-out within 30 days of receiving the notice, the PFD application information was used to register or update the existing registration record.

The administration is 100-percent supportive of the intent of Ballot Measure 1 in allowing voters to use information on their PFD application to update their existing voter registration. In addition to helping register Alaskan voters, the administration also supports other goals of the ballot measure which was to enhance accuracy of voter rolls and to save the state money.

[3:36:41 PM](#)

MS. BAHNKE explained why SB 186 was introduced as follows:

The reason why SB 186 was introduced is so that the PFD Automatic Voter Registration process established with passage of Ballot Measure 1 is truly automated, more streamlined and cost efficient by allowing applicants the opportunity to opt-out of voter registration at the time they are applying for their PFD. Adoption of SB 186 would allow the Division of Elections to more effectively manage this new program, would eliminate the cost of sending out an expensive mailing every year and would register voters immediately, eliminating the 30-day opt-out period required under current law.

She detailed that the since 2015 and prior to voter approval of the PFD Automatic Voter Registration, the Division of Elections

made several technological advancements to improve access, efficiency and voter registration rolls. She detailed as follows:

The division has fully implemented an online voter registration process, making registering to vote or updating an existing voter registration easy and efficient. When the PFD Automatic Voter Registration petition was being circulated, online voter registration was not yet available. Since being implemented in November 2015, 49,000-plus voters have used the Online Voter Registration System (OLVR) to either register or update their existing voter registration.

The Division of Elections has also fully automated the process of receiving voter registration information electronically from the Division of Motor Vehicles (DMV) when Alaskans update their driver's license or state ID. When the PFD Automatic Voter Registration petition was being circulated, the DMV registration process was not automated, and registrations were sent to division on paper applications. Since implementation, 63,000-plus voters have either registered or had their existing voter registration updated through the DMV electronic process.

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MS. BAHNKE explained the changes that would occur if SB 186 is approved as follows:

If SB 186 is adopted the PFD Automatic Voter Registration process will closely mimic how the Division of Elections presently receives and handles a majority of voter registrations; it would save an estimated \$200,000-plus annually in mailing costs and provide for a mechanism by which voter registration transactions performed by the division are fully automated and reduce paper transactions.

Should SB 186 become law, PFD applicants will have the opportunity to decline to register to vote or to update their registration at the time of completing their PFD application; this change will provide a more efficient and user-friendly mechanism for voters to decide to opt-out by eliminating the opt-out notice in

the mail to reduce paper transactions and saving costs in mailing the opt-out notice to eligible applicants.

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SENATOR COGHILL asked if the Division of Elections received legal analysis on whether the bill is a significant or minimal change to the initiative.

MS. BAHNKE answered yes. She explained that the legal determination was that the technical fix to the bill would not change the intent of the ballot initiative.

SENATOR COGHILL asked to confirm that in the PFD application that a person would now get an opt-out "block" on their application rather than a mailing.

MS. BAHNKE explained that the online application would be a two-step opt-out process rather than strictly an unsubscribe-box to opt-out.

[3:43:17 PM](#)

SENATOR COGHILL inquired if a voter opt-in registration would be a violation of the initiative.

MS. BAHNKE replied that an opt-in would significantly change the intent of the initiative.

SENATOR COGHILL asked her to explain the two-step process.

MS. BAHNKE explained that the applicant during the online process will have two opportunities to verify their action.

SENATOR COGHILL summarized that a person would have to decide before completing their PFD application.

MS. BAHNKE answered correct.

[3:45:07 PM](#)

SENATOR EGAN asked if the state's "myAlaska" system could be used because it seems that it would save a lot of money.

MS. BAHNKE answered that the division discussed that idea and found it would create a significant fiscal note.

SENATOR EGAN asked her to confirm that coordinating with myAlaska would create a significant fiscal note.

MS. BAHNKE answered correct.

CHAIR MEYER asked why using myAlaska would create a large fiscal note for.

MS. BAHNKE replied that she would get back to the committee with an answer.

SENATOR EGAN opined that using myAlaska should save money rather than cost more money because myAlaska is all set up.

SENATOR GIESSEL pointed out that myAlaska is used to apply for the PFD online.

MS. BAHNKE suggested that Sarah Race, director for the Permanent Fund Division, should be able to address Senator Egan's question.

SENATOR EGAN noted that he uses myAlaska to file Alaska Public Offices Commission (APOC) reports. He pointed out that everyone working at the capitol has a myAlaska account.

[3:46:52 PM](#)

SARAH RACE, Director, Permanent Fund Dividend Division, Alaska Department of Revenue, Juneau, Alaska, pointed out that signing up online for a PFD does not require a person to have myAlaska. She specified that a person can file for their PFD online, but they would have to print a signature page.

SENATOR EGAN pointed out that using the printed signature page requires the use of a facsimile machine. He opined that using myAlaska is a lot easier.

MS. RACE conceded that she wished she could convince everybody to use myAlaska but there are individuals that choose to file online with a signature page rather than using the myAlaska electronic signature feature.

[3:48:20 PM](#)

SENATOR COGHILL asked if the opt-out option in the bill changed the one-step process to a two-step process.

MS. RACE answered that the division is working out the two-step logistics. She detailed that the division is considering an online opt-out choice that is followed by a paper application that is mailed.

SENATOR COGHILL noted that the two-step process would end up with a significant portion of mail flowing back and forth. He asked if the opt-out form would be prepaid and foldable.

MS. RACE replied that the division has not worked out all the logistics. She noted that another consideration is to first follow up with an e-mail to first verify before mailing an opt-out form. She concurred that consideration must be given to handling paper. She disclosed that the division still receives 100,000 to 120,000 paper PFD applications a year.

SENATOR COGHILL pointed out that verifying an individual's identification is self-qualifying without a witness. He noted that in-person voter registration requires an affidavit. He asked what occurs if the division finds out that a person is not who they say they are.

MS. BAHNKE answered that voter registration would be declined.

[3:51:32 PM](#)

CAROL THOMPSON, Absentee and Petition Manager, Alaska Division of Elections, Juneau, Alaska, explained that the division is required to verify voter proof of identity. She disclosed that the division verifies through DMV and the Social Security Administration. She explained that if a new voter's identity cannot be verified then a manual review occurs through DMV and a type of Help America Vote Act (HAVA) processes to ensure an individual is identifiable.

SENATOR COGHILL asked for an explanation of the review process.

MS. RACE answered that first-time filers go through a step beyond checking with DMV where an individual is also asked for their birth certificate or passport. She disclosed that the division matches information with DMV on an annual basis.

SENATOR COGHILL noted that DMV has the social security numbers and birth certificates. He said DMV applications have an opt-in to register to vote. He asked if the process is self-verified.

[3:53:23 PM](#)

MS. THOMPSON answered that DMV does have requirements for verifying a person's identity. She explained that under federal law, the division is required to access DMV to verify if an individual has a valid driver's license on file. She said the division accesses the Social Security Department database if an individual does not have a record in DMV. She summarized that a

person is specially coded in the division's system if they are not verified through DMV or the Social Security Administration where the person must present their identification when they show up to vote.

SENATOR COGHILL asked how the Division of Elections checks to ensure that felons do not vote.

3:55:23 PM

MS. THOMPSON replied that the division receives the felon list from the court system that allows people to be tagged as felons. She added that the PFD list allows the division to compare to their list to locate any known felons. She emphasized that the division checks the felony lists monthly.

SENATOR COGHILL noted that his work in criminal justice reform has shown him that the Division of Elections, "has holes in the system." He continued as follows:

That's why I was interested in the process because what we have set up here under the initiative was a system that is a little more open, but it requires us to actually be able to tell who people are. So, that's why I've kind of snooped down the opt-in version and even though you think it is unconstitutional, I'm not convinced yet. So, I will probably snoop in there a little further because I think that might be a cleaner way of getting people to act, but I will look at your two-step process because I see an amendment here that looks like that's going to be part of the discussion.

3:57:09 PM

MS. BAHNKE detailed that when Congress passed the National Voter Registration Act in 1993, Alaska became an opt-in state through the "Motor Voter Law." She disclosed that the division has been processing opt-in voter registrations since 1994 through the paper application process until 2016.

She detailed that people applying for their driver's licenses are asked if they want to register to vote or update their voter information. She noted that the changes from SB 186 would allow the PFD process to mimic the DMV process where PFD applicants are asked if they want to opt-out.

MS. BAHNKE addressed Senator Coghill's concern regarding the felon list and detailed how the division has made great strides in improving the quality of the felon list. She disclosed that

prior to the 2017 the division relied on a list from the Department of Corrections, but the report system was changed in coordination with the court system for weekly updates to catch those that may have fallen through the cracks.

[3:59:43 PM](#)

SENATOR COGHILL asked how long the new reporting process has been used.

MS. BAHNKE answered approximately six months.

SENATOR COGHILL commented that he believed the reporting change is a good solution.

He addressed voter opt-in and opt-out options as follows:

The principle that I think about when I think about this is one is, the state has the right to register unless you say "no." The other one is, you get to register if you say "yes." So, one is on the responsibility of the individual to say the government shouldn't include me, the other one says, "No, we want you included," and I prefer that methodology. So that's why you will probably seeing me going down that road, hunting down that road, and I know it's kind of the question on the initiative, I don't know that's a constitutional question other than the initiative timing, so I am going to look at it.

[4:00:57 PM](#)

SENATOR EGAN asked why the Division of Elections does not use myAlaska. He said he cannot imagine \$200,000 being spent for the implementation that the division explained when myAlaska can be used.

MS. BAHNKE answered that the division has had its own portal through its Online Voter Registration (OLVR) since 2015.

SENATOR EGAN inquired why the division does not consider using myAlaska as well. He opined that using myAlaska seems to be easier for the filer since 90 percent of the state's population is using myAlaska. He remarked that using myAlaska will allow people to avoid having to use multiple sites.

MS. BAHNKE explained that the division embedded the registration process into the PFD applications three year ago and the process has been very effective at no cost.

CHAIR MEYER asked if voter registration could be done through myAlaska.

MS. THOMPSON replied that voter registration cannot be done through myAlaska. She explained that a cost would be associated with adding myAlaska, but the division would get back to the committee.

CHAIR MEYER concurred with Senator Egan that using myAlaska was the most logical way to go.

[4:05:37 PM](#)

MS. RACE replied as follows:

I believe that was the intent of the voter initiative, to allow individuals to apply for their dividend and do exactly what you are speaking to, to have kind of a one-stop shop, "I can go ahead and apply for my dividend and also be registered to vote as well;" I do believe that was a big part of the intent of the initiative.

CHAIR MEYER concurred and asked the division to get back to the committee on using myAlaska.

SENATOR EGAN suggested that the link could be changed.

CHAIR MEYER commented as follows:

It's concerning, we had another bill last week about folks that may be a victim of sexual assault or domestic violence and then making sure that they are not included in the voter registration printouts that people can get that right now you charge \$20 and I think the sponsor of that bill wants to up that as well. My concern is, and especially after we recently heard that Alaska is one of the seven states that the Russians hacked into, how can we assure our constituents that the system is secure and that this information now that we are getting either through the PFD or DMV or voter registration is not getting out into the wrong hands?

[4:07:26 PM](#)

MS. BAHNKE asked if Chair Meyer was asking about voter registration and the division's election management security system.

CHAIR MEYER answered correct.

MS. BAHNKE replied as follows:

The NBC report reported that Alaska was one of seven states that had a part of their election system compromised, this was not our voter registration election management system. We had an IP address associated with these Russian hackers that had visited our public-facing website and the analogy was like a burglar knocking on the door and rattling the door knob and then moving on from that, this did not occur. We have many layers of security with our voter registration election management system. We've implemented very robust controls to access controls and have also implemented many measures aside from collaborating with [Department of Homeland Security] (DHS) to conduct some scans and doing some cyber hygiene testing with us, so we have a lot of things built into that.

I think your question is a very important question. Election security is central to the focus of us as election administrators and certainly is worthy of a discussion that we are happy to follow up on, but we are very confident in the security of it, but we are also very vigilant in the fact that these threats are out there ongoing and taking measures that we can to protect voter registration information.

[4:09:49 PM](#)

CHAIR MEYER asked if Alaska's election system was not compromised.

MS. BAHNKE replied as follows:

This story is the same from last September is that we were one of 21 states that had a known Russian IP address visit our public information website which is totally separate than our election management database.

CHAIR MEYER noted that the NBC report said, "One of seven states."

SENATOR EGAN emphasized that the Russian IP address looked at the website.

CHAIR MEYER asked if the Russian IP address visited 7 or 21 states.

MS. BAHNKE clarified that the previous week's NBC story mentioned seven.

CHAIR MEYER asked if she was saying that the number was really 21.

MS. BAHNKE answered as follows:

Initially it was, that was the report last week. DHS has denied that they have anymore information. We've been in direct contact with DHS, our contacts there. We've been in direct contact with the state [Office of Information Technology] (OIT) office and there's no proof supporting that.

[4:11:02 PM](#)

CHAIR MEYER asked how people get a PFD versus those that are already registered to vote.

MS. RACE replied approximately 672,000 individuals applied for the PFD last year.

CHAIR MEYER asked how many of those individuals are registered voters.

MS. THOMPSON responded that there are 540,000 registered voters in Alaska.

SENATOR COGHILL remarked that the proper question to compare apples-to-apples is how many individuals that receive a PFD are of voting age.

MS. RACE answered correct. She said she would get back to the committee with the number of individuals that receive a PFD that are over the age of 18.

SENATOR EGAN asked how often the division purges its voter registration list and if purging process is based on federal law.

MS. THOMPSON replied that the division purges its voter registration list on an annual basis. She disclosed that the division is part of a program called Electronic Registration Information Center (ERIC) and has started using ERIC to compare Alaska data with other states. She detailed that the department now looks at voters that potentially may be in another state. She added that ERIC provides death notices as well and noted that approximately 700 voters were inactivated in the fall of 2017. She added that ERIC provides intrastate movement information that the division compares with its database. She said the division is always actively looking for ways to cleanup and the Permanent Fund automatic voter registration process is another method for narrowing down the pool of people.

[4:14:40 PM](#)

SENATOR EGAN noted that his mother's name remained on the voter registration list for two years after she passed.

MS. THOMPSON disclosed that updating the voter registration list is dependent on how fast the division receives information from other sources. She noted that as a son, Senator Egan could have notified the division and asked that her mother's name be removed.

[4:15:51 PM](#)

CHAIR MEYER opened public testimony.

[4:16:17 PM](#)

MIKE COONS, representing self, Palmer, Alaska, testified in opposition of SB 186. He asserted the following:

- A felon that applies for a PFD may be able to register to vote.
- Illegal aliens may use fraudulent forms of identification that passes through the PFD application process and makes it easier for voter fraud to occur.
- SB 186 unnecessarily adds another website voter registration avenue and layer.
- SB 186 would require \$283,000 in spending.
- Additional eligible voters that ultimately do not vote may decrease the state's currently low voter percentage turnout rate.

MR. COONS noted that recent data published by the Permanent Fund Division showed that LexisNexis software stopped 224 ineligible dividend payments in 2016 and the state is trying to collect another \$435,000 in dividends over the past 6 years from individuals that the software identified as ineligible, including another 111 in 2015. He said LexisNexis stopped approximately 570 fraudulent applications and pointed out that if SB 186 was currently in effect with no safeguard like LexisNexis, potentially 570 people would have voted illegally.

[4:20:50 PM](#)

CHAIR MEYER closed public testimony.

SENATOR COGHILL noted that the division uses ERIC to compare with other states and pointed out its need due to Alaska's dynamic population changes from the military. He recalled a discussion on the comparison of mirror images rather than a transfer of data and asked if the issue was still true.

MS. THOMPSON asked Senator Coghill to clarify.

SENATOR COGHILL asked how long the division has been doing state-to-state comparisons.

MS. THOMPSON replied that the division has been using the ERIC process since 2017.

SENATOR COGHILL asked if the ERIC process is a comparison of data rather than a transfer of data.

MS. THOMPSON answered correct.

SENATOR COGHILL asked if the initiative has changed the security, applications and flow of information for the PFD.

[4:22:53 PM](#)

MS. RACE replied as follows:

2017 was our first go-around at it. We had transferred data over for the March filers of 2017 and we did have to make some changes to the certification page. Obviously, we wanted to make it clear that individuals by filling out a PFD application were registering to vote, so that was really the biggest change that they saw in the application in 2017.

If this bill is passed, we will have additional changes that will be the notification of wanting or offering to opt-out and then any additional follow up that we have as the two-step process.

As far as security, it hasn't changed the security. We all are within the state's security system and behind the state's security office.

[4:24:04 PM](#)

CHAIR MEYER opened public testimony.

[4:24:13 PM](#)

DEBORAH BROLLINI, representing self, Anchorage, Alaska, did not provide a position on SB 186. She noted that an error had occurred where she was registered to vote both under her maiden and married names.

[4:25:18 PM](#)

CHAIR MEYER closed public testimony.

He pointed out that the fiscal note is dependent on a grant and asked if the division is confident it will receive the grant. He inquired if the grant is coming from the [Center of Secure and Modern Elections].

MS. BAHNKE replied that the grant from the Center of Secure and Modern Elections is no longer an option and the cost would have to be absorbed by the Permanent Fund Dividend Division for an additional appropriation.

CHAIR MEYER asked if that the cost is \$35,000.

MS. RACE specified that the cost is \$29,700. She explained that the amount was placed in the fiscal note as an estimated supplemental cost if the grant did not go through.

CHAIR MEYER said the Senate Finance Committee will address the supplemental cost.

SENATOR GIESSEL asked for a sectional analysis of SB 186. She noted that documents were presented to committee members and inquired where the documents came from.

SENATOR COGHILL pointed out that the fiscal note is without the amendment for the two-step process. He said the two-step process adds a little complication. He assumed that the cost for the

change is minimal. He asked what the cost is for the Alaska Permanent Fund auto registration. He noted that a mailing cost will be involved, something that the division is trying to avoid.

4:28:03 PM

MS. BAHNKE explained that the PFD Automatic Voter Registration Law became effective on March 1, 2017 and detailed the process as follows:

- 158,000 PFD applicants were processed between March 1 and March 31, 2017.
- 76,000 mailers were sent out.
- 27,000-plus mailers were manually processed.

She said the aim of SB 186 is to eliminate the need for a costly mailer to go out to every new voter or existing voter to update their information, because the division has many other ways to address new and existing voters.

She explained that the \$200,000 cost would not only cover sending the mailers out, but also includes the printing costs, reply mail, producing and mailing a new voter card. She said the division still envisions having the staff time required to process paper applications, approximately 100,000.

She explained that the Division of Election does not have a fiscal note because implementation is not going to cost the division and asserted that the division is going to save the state money. She disclosed that under the initiative the division did not receive an appropriation to implement the PFD Automatic Voter Registration; however, since passage the division is required to invest in changes to its software program to create a 30-day hold period for applicants to be in the division's system and eventually to import some of them, not all of them. She explained that the other costs have been associated with the direct mailing in addition to staff time to process. She said the division does not see the staff-time cost to process going away; however, the division does see the cost going away with the mailing.

She addressed Senator Giessel's question regarding documentation and noted that the numbers in the documents were estimated on the division's actual implementation of voter registration in 2017.

4:31:23 PM

SENATOR COGHILL commented as follows:

This is one of the reasons why initiatives are tough to work through because they deliver not only complicated laws, but sometimes unworkable, and then they can't make appropriations, so they force on us ways to spend money and quite often they are trying to save money, but this is one of the reasons why I struggle with initiatives.

CHAIR MEYER asked for a sectional analysis.

[4:32:15 PM](#)

MS. BAHNKE reviewed the sectional analysis as follows:

**Section 1:**

Establishes the voter registration requirements that an applicant must provide in their PFD application to register to vote.

**Section 2:**

Establishes that the Division of Elections will use the application information provided on the PFD application to register eligible applicants to vote or update their voter registration if they did not decline voter registration when completing their PFD application.

**Section 3**

Establishes that the Division of Elections will process eligible voter registration applications received from the PFD and send voters notification of their registration status which would not be the mailer, it would actually be the voter registration card. This section also removes the requirement to send a paper opt-out notice to voters who are targeted as new voter registrations or updated registrations.

**Section 4:**

Removes the requirement for the applicant to respond to the opt-out notice within 30 days.

**Section 5:**

Establishes that PFD will only submit data for applicants that did not decline to register to vote.

**Section 6:**

Establishes that changes in this law will be effective for PFD applications starting on January 1, 2019.

[4:34:15 PM](#)

CHAIR MEYER pointed out that section 7 through section 9 were not addressed.

SENATOR GIESSEL asked who wrote the sectional analysis.

MS. BAHNKE replied that the Division of Elections did the sectional analysis.

SENATOR GIESSEL remarked that the sectional analysis is usually a bit more thorough.

MS. BAHNKE explained that sections 7 through 9 allow the Department of Revenue and the division to adopt regulations necessary to implement the changes.

SENATOR GIESSEL asked how long it will take to write the regulations.

MS. THOMPSON replied approximately six months.

SENATOR GIESSEL remarked that public notice and public comment generally takes more than six months. She remarked that the January 1, 2019 effective date will be called into question. She asked when the last day is to apply for a PFD.

[4:36:33 PM](#)

MS. THOMPSON replied March 31.

SENATOR GIESSEL opined that the window is narrow for folks to apply for a PFD and apply to vote. She asked if alternate ways to register will be in place as well.

MS. RACE answered that the plan is to maintain the same method for the 2018 application. She noted that the change would occur on the 2019 application where an opt-out would be allowed.

SENATOR GIESSEL commented as follows:

My point was that starting on January 1, 2019 now have until March 31, 2019 to apply for a PFD therefore registering to vote. So, after March 31 you must have a backup plan in place.

MS. RACE explained that the Division of Elections has its online voter registration that people are currently using.

SENATOR GIESSEL asked if the online voter registration that people are currently using will still be maintained.

MS. BAHNKE answered correct.

MS. THOMPSON confirmed that the division's online voter registration plus DMV will still be an option. She explained that applicants will be able to submit forms to the division in any manner.

[4:38:21 PM](#)

CHAIR MEYER asked if the option will be available after March 31 but not on myAlaska.

MS. THOMPSON replied that the division will get back to the committee on myAlaska.

SENATOR GIESSEL addressed the document that the division presented, "Improving Alaskan Elections 2018 and Beyond." Noting that the document stated that the lieutenant governor in 2015 convened an election-policy workgroup, she asked who served on the workgroup.

MS. BAHNKE detailed that the ad hoc group included the following:

- Former lieutenant governors:
  - Fran Ulmer,
  - Craig Campbell,
  - Mead Treadwell.
- Representatives from the Senate and House:
  - Senator Gary Stevens,
  - Representative Jonathan Kreiss-Tomkins.
- Municipal and borough clerks from:
  - Ketchikan,
  - Juneau,
  - Kenai Peninsula Borough,
  - Municipality of Anchorage,
  - Fairbanks North Star Borough,
  - City of Bethel,
  - City of Sitka.
- Advocacy groups:
  - League of Women's Voters,
  - Get Out the Native Vote,
  - Alaska Federation of Natives (AFN),

- o First Alaskans Institute,
- o Native American Rights Fund.

MS. BAHNKE said she would send a roster to committee members.

4:41:16 PM

SENATOR GIESSEL asked Ms. Bahnke to include information on the Center for Election Innovation and Research (CEIR). She inquired where CEIR gets its funding, where are they located, and what is the bio of David Becker who is the executive director. She remarked that there is virtually no information about CEIR in the document that was presented to the committee.

SENATOR EGAN noted that the documents showed that the Alaska Association of Municipal Clerks supported House Bill 352 (HB 352).

MS. BAHNKE explained that HB 352 is the companion bill to SB 186.

CHAIR MEYER referenced page 4 of the memo that Senator Giessel addressed and noted that the last paragraph on that page calls attention to voter trust in elections. He asked the division's systems administrator to assure members that the state's voting system is secure, even with the inclusion of the different ways for voter registration now with DMV and the Permanent Fund Dividend Division. He noted that there is an amendment and asked if it came from the Division of Elections.

MS. BAHNKE answered yes.

CHAIR MEYER asked what the amendment proposes to do.

4:44:15 PM

MS. BAHNKE replied that the amendment makes simple changes that deals with eligibility, statutory conformity, and opt-out standards, current registered voters, and allowing the division director to adopt regulations. She detailed as follows:

- The first one deals with eligibility, the word "eligible" was deleted to provide an area of clarity and to streamline the voter registration process with regards to PFD applicants and registered voters.
- The second is for conformity by adding reference to the PFD statute.
- The third sets opt-out standards and allows the director to come up with procedures including this idea of a two-step process.

- The fourth, we are adding back in already registered to vote because the Division of Elections will want to provide newly registered voters a voter card, it's not eliminating that part of the mailing, so they receive their voter card.
- The fifth, allows the division director to adopt regulations.

CHAIR MEYER referenced an NBC news report that stated Alaska was one of seven states that had its website or voter registration system compromised by Russian-backed hackers during the 2016 election. He asked if the division can assure the committee that the state's system is safe while allowing folks to register to vote via the Alaska Permanent Fund. He inquired if the additional voter registration processes create more of a security risk.

[4:46:25 PM](#)

PHILLIP MALANDER, Systems Administrator, Alaska Division of Elections, Juneau, Alaska, replied as follows:

I can assure you that to date there's been no evidence provided to us that any breach of a nature that should in anyway diminish folks' trust in the election has occurred. DHS has come out and discussed that NBC report and they have asserted that they also have no information that any of our systems were compromised in any way that would be material to anything.

Again, the scanning of a site is a somewhat common practice to occur for public-facing websites and scanning a site that only contains public information also was of little concern in relation to it being a threat; that said, we do take all scanning seriously, so we are watching who scans our sites, and DHS is watching and the state OIT office is watching. So, there are many layers to the security that is in place on these subjects.

CHAIR MEYER asked what DHS stands for.

MR. MALANDER answered the Department of Homeland Security.

[4:48:24 PM](#)

CHAIR MEYER asked Ms. Bahnke if she had any parting remarks.

MS. BAHNKE summarized as follows:

A lot of times with these ballot initiatives, they haven't gone through the legislative process and there is a need to make clarifying amendments, to make harmonizing amendments to make the law solid, and we saw this as an avenue to do that and then also as an opportunity to optimize the idea of the opt-out process of voter registration.

The Division of Elections did not receive an appropriation to implement this, we have absorbed the cost of this implementation for the first year, this is not something that we are going to be able to continue to every election cycle without an additional appropriation.

In the interest of saving cost to the state and also to create a more efficient process, this is the reason for the bill, this is pretty straight forward, and we would like to as a division, because of absorbing those costs, we have not been able to focus on other projects that we would like to do to innovate and to modernize Alaska's election system, and also to keep it secure. So, we see this as a cost saving measure and also as a way to clean up the bill as it was written.

[4:50:31 PM](#)

SENATOR GIESSEL asked Ms. Bahnke to look at the fiscal note and include the cost of the regulation package that the division will put forth. She asserted that there is a cost to the regulation package.

CHAIR MEYER held SB 186 in committee.

[4:51:39 PM](#)

There being no further business to come before the committee, Chair Meyer adjourned the Senate State Affairs Standing Committee at 4:51 p.m.