

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

May 1, 2019

1:22 p.m.

**MEMBERS PRESENT**

Representative Matt Claman, Chair  
Representative Gabrielle LeDoux, Vice Chair  
Representative Chuck Kopp  
Representative Louise Stutes  
Representative Adam Wool  
Representative Laddie Shaw  
Representative David Eastman

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 115

"An Act relating to absentee voting; and providing for an effective date."

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 18

Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund and to appropriations from the Alaska permanent fund.

- HEARING CANCELED

**PREVIOUS COMMITTEE ACTION**

BILL: HB 115

SHORT TITLE: ABSENTEE VOTING

SPONSOR(S): REPRESENTATIVE(S) TUCK

|          |     |                                 |
|----------|-----|---------------------------------|
| 03/27/19 | (H) | READ THE FIRST TIME - REFERRALS |
| 03/27/19 | (H) | STA, JUD                        |
| 04/02/19 | (H) | STA AT 4:00 PM GRUENBERG 120    |
| 04/02/19 | (H) | Scheduled but Not Heard         |
| 04/04/19 | (H) | STA AT 3:00 PM GRUENBERG 120    |
| 04/04/19 | (H) | Heard & Held                    |
| 04/04/19 | (H) | MINUTE(STA)                     |

04/09/19 (H) STA AT 3:00 PM GRUENBERG 120  
04/09/19 (H) -- MEETING CANCELED --  
04/18/19 (H) STA AT 3:00 PM GRUENBERG 120  
04/18/19 (H) Moved HB 115 Out of Committee  
04/18/19 (H) MINUTE (STA)  
04/22/19 (H) STA RPT 3DP 1NR  
04/22/19 (H) DP: STORY, FIELDS, KREISS-TOMKINS  
04/22/19 (H) NR: WOOL  
05/01/19 (H) JUD AT 1:00 PM GRUENBERG 120

#### **WITNESS REGISTER**

MIKE MASON, Staff  
Representative Chris Tuck  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced HB 115 on behalf of  
Representative Tuck, the prime sponsor.

KENDRA KLOSTER, Executive Director  
Native Peoples Action  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 115.

ALEX KOPLIN  
Kenai Peninsula Votes  
Homer, Alaska

**POSITION STATEMENT:** Testified in support of HB 115.

#### **ACTION NARRATIVE**

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**CHAIR MATT CLAMAN** called the House Judiciary Standing Committee meeting to order at 1:22 p.m. Representative Stutes, Wool, LeDoux, and Claman were present at the call to order. Representatives Kopp, Shaw, and Eastman arrived as the meeting was in progress.

#### **HB 115-ABSENTEE VOTING**

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CHAIR CLAMAN announced that the first and only order of business would be HOUSE BILL NO. 115, "An Act relating to absentee voting; and providing for an effective date."

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MIKE MASON, Staff, Representative Chris Tuck, Alaska State Legislature, introduced HB 115 on behalf of Representative Tuck, the prime sponsor. Mr. Mason said HB 115 would give all Alaskans the option to receive an absentee ballot by mail for all future state elections. He noted that voters must currently submit a formal application each year they want to vote absentee. He said the Division of Elections (DOE) could modify the existing absentee ballot application with the new option proposed in HB 115. He drew attention to an example of a permanent absentee ballot application from the State of Hawaii, which he explained recently enacted similar legislation. He said there are 10 states plus the District of Columbia that allow some form of permanent absentee voting, though he noted that the privilege is often limited to the disabled and/or elderly. He argued that HB 115 would make casting a ballot more convenient for Alaskans who prefer the ease of voting by mail. He said he believes HB 115 would strengthen Alaska's representative democracy because it would make it easier for Alaskans to cast a vote.

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MR. MASON said the state of Alaska (SOA) currently has a permanent absentee voter list. He said the list is authorized by regulation and not by statute. He clarified that, under 6 AAC 25.650, the election supervisor may designate a person as a permanent absentee voter if the person is a qualified voter and the election supervisor determines that the voter resides in a remote area in Alaska where distance, terrain, or other natural conditions deny the voter reasonable access to a polling place. He said a person can also be added to the permanent absentee voter list if he/she is identified as a permanent resident of an institution that serves the aged or persons with disabilities, or if the person is a disabled voter and has requested to be designated as a permanent absentee voter. He summarized that a permanent absentee voter list already exists, is regulated, and is reserved for people who live in remote areas, people who live in places like senior homes, and/or people who are disabled. He noted that people on the list do not automatically receive an absentee ballot, rather they automatically receive the absentee ballot application. HB 115, he said, would allow Alaskans the option to receive the absentee ballot without the hassle of filling out the application every year.

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MR. MASON described the "use it or lose it" model proposed in HB 115. He explained that the bill would require DOE to continue to send a person an absentee ballot unless the person has not voted an absentee ballot for a period of four years. He said this would allow an absentee voter to miss one general election without being removed from the list. He noted that someone who has been removed from the list could apply to be reinstated. He said a ballot that is returned as undeliverable would also spur the removal of a person from the list. He explained that this would account for situations in which a voter moves without notifying DOE.

MR. MASON summarized that HB 115 would give voters the option to always receive an absentee ballot without having to fill out an application. He added that HB 115 would allow Alaskans to vote without the Election Day hassles experienced by many.

MR. MASON stated that the Director of DOE was unable to be present but can answer questions later. He noted that SB 105 is the companion bill to HB 115. He added that the provisions contained within HB 115 were part of a larger comprehensive bill that passed the House of Representatives during the previous session but did not pass the Senate.

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REPRESENTATIVE EASTMAN established a scenario in which a person submits his absentee ballot at the polling place. He asked if that would be categorized as having voted absentee for the purposes of HB 115.

MR. MASON said he does not believe a person can vote the absentee ballot at the polling place, rather the person can fill out a "question ballot." He explained the process by which it is ensured that a person who has already voted absentee and then votes in person is not counted twice.

REPRESENTATIVE EASTMAN posited that the person in the scenario would not be given credit for the purposes of remaining on the list.

MR. MASON said that is a good question and that he had not considered that scenario. He said he would inquire with DOE to see how it would treat that situation. He said he thinks the person would remain on the list as he would be casting a ballot.

CHAIR CLAMAN noted that the bill language states that a person would be removed from the permanent absentee voter list after four years of not voting in any election.

MR. MASON said, "I believe you are correct."

[1:30:44 PM](#)

REPRESENTATIVE WOOL asked why a person who fills out his/her absentee ballot would not just drop it in the mailbox rather than take it to the polling place. He also asked whether the absentee ballot envelope comes pre-stamped or if the voter must apply his/her own stamp.

MR. MASON said he does not believe the voter needs to apply postage.

REPRESENTATIVE WOOL said that is even more reason to simply drop the ballot in a mailbox.

MR. MASON said that is the way it would most commonly work.

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REPRESENTATIVE EASTMAN asked how Mr. Mason expects HB 115 to impact the number of people who apply for an absentee ballot. He asked if there are any expected costs or savings to SOA.

MR. MASON said it is unclear how many people would take advantage of a permanent absentee voting system. He said the only comparable example in Alaska is the Municipality of Anchorage, where election costs doubled because vote by mail became the only option. He said the fiscal note reflects an anticipation that the implementation of HB 115 would not make a significant fiscal impact. He said he does not anticipate that everyone will sign up for a permanent absentee ballot.

REPRESENTATIVE EASTMAN asked about the intent of HB 115 regarding individuals who vote absentee in local elections.

MR. MASON noted that many local elections are separate from state elections. He said HB 115 would only apply to state elections. He said he assumes SOA and the municipalities coordinate to some degree but restated that HB 115 would be limited to state elections.

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REPRESENTATIVE EASTMAN asked about costs related to a person being on the permanent absentee ballot list but never voting absentee.

MR. MASON said he does not have that information. He noted that it could be challenging to acquire it from DOE but said he would try.

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CHAIR CLAMAN opened public testimony on HB 115.

[1:34:08 PM](#)

KENDRA KLOSTER, Executive Director, Native Peoples Action, testified in support of HB 115. She said her organization is passionate about the issue of voting and works with DOE to ensure people have greater access. She said she previously supported House Bill 1 [introduced in the Thirtieth Alaska State Legislature]. She called HB 115 a good step forward. She noted that she has always found it odd that people must reapply for absentee ballots. She said she thinks HB 115 would help get more people involved, and that her organization would like to see other legislation brought forward that would improve voter access across Alaska.

[1:35:39 PM](#)

ALEX KOPLIN, Kenai Peninsula Votes, lauded Representative Tuck for attempting to make voting easier. He noted that absentee voters do have to pay for a stamp. He said HB 115 would make it easier for people to vote. He remarked that it would save time and energy for many voters, including people in college and people in the military. He said it would not cost too much and there would likely be problems but said they should be easy to fix. He said HB 115 is a marvelous idea.

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CHAIR CLAMAN, after ascertaining that no one else wished to testify, closed public testimony on HB 115.

[1:37:47 PM](#)

CHAIR CLAMAN asked if any committee members would like to offer amendments to the bill.

REPRESENTATIVE KOPP said he would like to hear from DOE before moving the bill.

MR. MASON restated that the Director of DOE is currently on an airplane and is therefore unavailable to take questions today.

CHAIR CLAMAN said the committee would not move the bill today. He set a deadline for amendments.

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REPRESENTATIVE EASTMAN said other states offer absentee voters the ability to choose the elections - primaries, generals, and/or specials - for which they receive absentee voters. He suggested adding that provision to HB 115.

CHAIR CLAMAN suggested he offer that in an amendment.

MR. MASON said Representative Eastman makes a good point but noted that, theoretically, a voter could use the absentee ballot system as it currently exists and only submit applications for the desired elections. He said he would inquire about that with DOE.

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CHAIR CLAMAN asked Mr. Mason to coordinate with the Director of DOE so that she can be available for questions on Friday, May 3.

[HB 115 was held over.]

[1:40:40 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:41 p.m.