

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

May 10, 2019

1:06 p.m.

**MEMBERS PRESENT**

Representative Matt Claman, Chair  
Representative Steve Thompson  
Representative Louise Stutes  
Representative Adam Wool  
Representative Laddie Shaw  
Representative David Eastman

**MEMBERS ABSENT**

Representative Chuck Kopp

**COMMITTEE CALENDAR**

ELECTION OF A VICE CHAIR

- REPRESENTATIVE KOPP ELECTED VICE CHAIR

SENATE BILL NO. 71

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes."

- HEARD & HELD

HOUSE BILL NO. 123

"An Act relating to electric-assisted bicycles."

- MOVED HB 123 OUT OF COMMITTEE

HOUSE BILL NO. 115

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

- HEARD & HELD

HOUSE BILL NO. 142

"An Act relating to Alaska Native organizations; relating to the village public safety officer program; and relating to the Alaska temporary assistance program."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 71

SHORT TITLE: 2019 REVISOR'S BILL

SPONSOR(s): RULES BY REQUEST OF LEGISLATIVE COUNCIL

03/01/19 (S) READ THE FIRST TIME - REFERRALS  
03/01/19 (S) STA, JUD  
04/12/19 (S) STA REFERRAL WAIVED  
04/29/19 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
04/29/19 (S) Heard & Held  
04/29/19 (S) MINUTE(JUD)  
05/01/19 (S) JUD AT 1:30 PM BUTROVICH 205  
05/01/19 (S) Moved SB 71 Out of Committee  
05/01/19 (S) MINUTE(JUD)  
05/02/19 (S) JUD RPT 3DP 2NR  
05/02/19 (S) DP: HUGHES, MICCICHE, KIEHL  
05/02/19 (S) NR: SHOWER, REINBOLD  
05/03/19 (S) TRANSMITTED TO (H)  
05/03/19 (S) VERSION: SB 71  
05/06/19 (H) READ THE FIRST TIME - REFERRALS  
05/06/19 (H) JUD  
05/10/19 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: HB 123

SHORT TITLE: ELECTRIC-ASSISTED BICYCLES

SPONSOR(s): WOOL

04/05/19 (H) READ THE FIRST TIME - REFERRALS  
04/05/19 (H) TRA, JUD  
04/16/19 (H) TRA AT 1:00 PM BARNES 124  
04/16/19 (H) Heard & Held  
04/16/19 (H) MINUTE(TRA)  
04/18/19 (H) TRA AT 1:00 PM BARNES 124  
04/18/19 (H) Moved HB 123 Out of Committee  
04/18/19 (H) MINUTE(TRA)  
04/22/19 (H) TRA RPT 4DP  
04/22/19 (H) DP: STORY, TALERICO, DRUMMOND, WOOL  
05/03/19 (H) JUD AT 1:00 PM GRUENBERG 120  
05/03/19 (H) Heard & Held  
05/03/19 (H) MINUTE(JUD)  
05/08/19 (H) JUD AT 1:00 PM GRUENBERG 120  
05/08/19 (H) -- MEETING CANCELED --  
05/10/19 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: HB 115

SHORT TITLE: ABSENTEE VOTING

SPONSOR(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      |
| 05/01/19 | (H) | Heard & Held                      |
| 05/01/19 | (H) | MINUTE(JUD)                       |
| 05/03/19 | (H) | JUD AT 1:00 PM GRUENBERG 120      |
| 05/03/19 | (H) | Scheduled but Not Heard           |
| 05/06/19 | (H) | JUD AT 1:00 PM GRUENBERG 120      |
| 05/06/19 | (H) | -- MEETING CANCELED --            |
| 05/08/19 | (H) | JUD AT 1:00 PM GRUENBERG 120      |
| 05/08/19 | (H) | -- MEETING CANCELED --            |
| 05/10/19 | (H) | JUD AT 1:00 PM GRUENBERG 120      |

BILL: HB 142

SHORT TITLE: NATIVE ORGANIZATIONS VPSO & TANF PROGRAMS

SPONSOR(s): KREISS-TOMKINS

|          |     |                                      |
|----------|-----|--------------------------------------|
| 04/22/19 | (H) | READ THE FIRST TIME - REFERRALS      |
| 04/22/19 | (H) | TRB, JUD                             |
| 04/30/19 | (H) | TRB AT 8:00 AM CAPITOL 106           |
| 04/30/19 | (H) | Heard & Held                         |
| 04/30/19 | (H) | MINUTE(TRB)                          |
| 05/02/19 | (H) | TRB AT 8:00 AM CAPITOL 106           |
| 05/02/19 | (H) | Moved HB 142 Out of Committee        |
| 05/02/19 | (H) | MINUTE(TRB)                          |
| 05/03/19 | (H) | TRB RPT 4DP 2NR                      |
| 05/03/19 | (H) | DP: LINCOLN, ORTIZ, EDGMON, ZULKOSKY |
| 05/03/19 | (H) | NR: VANCE, TALERICO                  |
| 05/08/19 | (H) | JUD AT 1:00 PM GRUENBERG 120         |
| 05/08/19 | (H) | -- MEETING CANCELED --               |
| 05/10/19 | (H) | JUD AT 1:00 PM GRUENBERG 120         |

**WITNESS REGISTER**

JEAN MISCHEL, Revisor of Statutes  
Legal Services  
Legislative Affairs Agency  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced SB 71 on behalf of the Senate Rules Standing Committee, the prime sponsor.

DONALD BULLOCK  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of SB 71.

KEVIN HIGGINS, Assistant Attorney General  
Labor & State Affairs Section  
Civil Division  
Department of Law  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 123.

MARLA THOMPSON, Director  
Division of Motor Vehicles  
Department of Administration  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 123.

REPRESENTATIVE CHRIS TUCK  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 115 as the bill's prime sponsor.

REPRESENTATIVE JONATHAN KREISS-TOMKINS  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced HB 142 as prime sponsor.

RALPH WOLFE, 5th Vice President  
Central Council of Tlingit and Haida Indian Tribes of Alaska  
Yakutat, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 142.

**ACTION NARRATIVE**

[1:06:52 PM](#)

**CHAIR MATT CLAMAN** called the House Judiciary Standing Committee meeting to order at 1:06 p.m. Representatives Eastman, Thompson, Stutes, Shaw, and Claman were present at the call to order. Representative Wool arrived as the meeting was in progress.

### **Election of a Vice Chair**

[1:07:47 PM](#)

CHAIR CLAMAN announced that the first order of business would be the election of a vice chair in light of the recent Committee on Committees report and pursuant to Mason's Manual Section 612.

REPRESENTATIVE STUTES moved to elect Representative Kopp Vice Chair of the House Judiciary Standing Committee.

REPRESENTATIVE EASTMAN objected. He asked where Representative Kopp is. After being informed that Representative Kopp is tending to a personal matter, he suggested electing someone else vice chair, at least until Representative Kopp returns.

CHAIR CLAMAN disagreed.

REPRESENTATIVE EASTMAN maintained his objection.

REPRESENTATIVE SHAW asked a clarifying question about the vote.

CHAIR CLAMAN said the vote is "yes or no" as to whether Representative Kopp will become vice chair of the House Judiciary Standing Committee.

A roll call vote was taken. Representatives Shaw, Stutes, Thompson, and Claman voted to elect Representative Kopp as vice chair. Representatives Eastman voted against. Therefore, Representative Kopp was elected Vice Chair of the House Judiciary Standing Committee by a vote of 4-1.

### **SB 71-2019 REVISOR'S BILL**

[1:09:42 PM](#)

CHAIR CLAMAN announced that the next order of business would be SENATE BILL NO. 71, "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes."

[1:10:12 PM](#)

JEAN MISCHEL, Revisor of Statutes, Legal Services, Legislative Affairs Agency, Alaska State Legislature, introduced SB 71. She provided context for the bill by explaining that Legislative Legal Services attempts to present a revisor's bill each year. She noted that this has not been possible the past few years due to the demands of special sessions. She said this explains SB 71's considerable size, weighing in at 102 sections. She noted that AS 01.05.036 requires the Legislative Affairs Agency to review existing statutes for errors, deficiencies, conflicts, or obsolete provisions and to recommend improvements related to the form and substance of the law according to the current drafting manual standards. She addressed the sectional summary document included in the committee packet. She characterized many of the changes proposed in SB 71 as "fairly minor and technical in nature," including the addition and removal of commas. She said one of the larger changes would be the removal of all references to telegraphs.

[1:12:08 PM](#)

CHAIR CLAMAN noted that the committee received an e-mail pertaining to language located on page 14, line 14 of the bill. He pointed out that one mention of a telegraph is proposed to be removed but another is not.

MS. MISCHEL observed that the second mention of a telegraph should also be removed. She suggested that it can be done so via a conceptual amendment.

CHAIR CLAMAN said he does not intend for the bill to be moved out of committee today. He asked her to request the change be made so that the committee could take it up as an amendment during the next hearing.

[1:13:16 PM](#)

MS. MISCHEL said SB 71 also contains changes to some references to federal law. She explained that one of these references was an error while another was to the Code of Federal Regulations, which is discouraged as it can be changed and be out of alignment with legislative intent. She said SB 71 would also

delete cross references to statutes that have been repealed. She explained it would also update references to agency names that have since changed. She stated that SB 71 would also consolidate repetitious definitions, insert missing definitions, and repeal definitions of terms no longer used. She said the drafters have also eliminated "but not limited to" following "including," as that is provided for in AS 01.10.040(b). She said references to "Alaska state" or "this state" would be changed to "the state." She said some terms would be reworded to fit their definitions.

MS. MISCHEL noted that the most significant technical changes proposed in SB 71 pertain to AS 17.38, "the marijuana initiative." She explained that the person who drafted the marijuana initiative was not necessarily familiar with the Manual of Legislative Drafting, to which SB 71 would conform the language. As an example, she pointed out that instances of the words "shall not" would be replaced with "may not." She noted that SB 71 would also remove obsolete provisions of AS 17.38 pertaining to the possible adoption of regulations because they were dependent upon a 2015 date that is long past and has no future significance. She noted that all the provisions that would be repealed by SB 71 are listed in the back of the sectional summary document.

[1:16:42 PM](#)

REPRESENTATIVE EASTMAN asked if obsolete references to things like telegraphs and telegrams would be replaced with modern equivalents such as e-mail.

MS. MISCHEL said SB 71 is not a bill to substitute language; its purpose is to clean up language. She said if there is a provision that he thinks should contain reference to a more modern form of communication, that can be accomplished via a substantive bill. She noted that the affected provisions often contain references to another form of communication, such as a telephone or facsimile machine. She said the exceptions to that are the provisions relating to crimes involving transmittal of telegrams.

REPRESENTATIVE EASTMAN asked about the process by which the revisor's bill is created.

MS. MISCHEL said it is a laborious process. She described how drafting attorneys comb the titles assigned to them for errors, then submit memoranda suggesting corrections or modifications.

She explained that the revisor of statutes also receives suggested changes from the publisher and office editors. She said it is ultimately a group decision between the revisor and the assist revisors about which provisions can or should be corrected by way of the revisor's bill. She noted that some corrections require substantive changes, so they are not included in the revisor's bill.

REPRESENTATIVE EASTMAN asked what happens to the recommended changes that do not appear in the revisor's bill.

MS. MISCHEL said some end up in substantive bills if a legislator or committee requests a change to a section where one was identified. She clarified that this is something Legal Services will discuss with the bill's prime sponsor. She noted that, most frequently, Legislative Legal Services asks the Department of Law (DOL) to include recommended changes in one or more of its bills submitted by the governor.

[1:20:22 PM](#)

CHAIR CLAMAN opened public testimony on SB 71.

[1:21:01 PM](#)

DONALD BULLOCK stressed the importance of the revisor's bill and commended the revisor's team for the work it has done in drafting it. He spoke to the importance of maintaining consistency across all statutes regarding style, language, punctuation, and other elements. He noted that those elements contribute to the way statutes are interpreted and offered the example of a term that could potentially have conflicting definitions across different statutes. He asked the committee to expeditiously pass the bill.

CHAIR CLAMAN noted that Mr. Bullock is the person who had alerted the committee about the overlooked telegraph language mentioned earlier.

[1:22:27 PM](#)

CHAIR CLAMAN, after ascertaining that no one else wished to testify, closed public testimony on SB 71.

[1:22:43 PM](#)

REPRESENTATIVE EASTMAN drew attention to Section 29 and recommended the committee eliminate it from the bill or--

CHAIR CLAMAN interjected that the committee would not act on the bill today. He said the plan is to take up the bill at the next meeting. He said if a committee member wants to offer an amendment, it must be submitted to his office by 9 a.m. tomorrow.

REPRESENTATIVE EASTMAN said he is not looking for an amendment at this point. He observed that the wording in Section 29 is such that it might impact policy. He said the committee should decide whether it wants to treat it as a policy change and, if not, he would entertain an amendment to remove it.

CHAIR CLAMAN said the only way to meaningful address the issue is to propose an amendment.

[1:24:11 PM](#)

CHAIR CLAMAN announced that the committee would hold SB 71 for further review.

MS. MISCHEL asked if he would like the proposed change pertaining to telegraphs to be included as part of a new committee substitute (CS).

CHAIR CLAMAN said it would be better if it were presented in the form of an amendment so as to allow other members the opportunity to offer amendments of their own.

### **HB 123-ELECTRIC-ASSISTED BICYCLES**

[1:25:21 PM](#)

CHAIR CLAMAN announced that the next order of business would be HOUSE BILL NO. 123, "An Act relating to electric-assisted bicycles." He announced that his office did not receive any proposed amendments to HB 123.

[1:25:55 PM](#)

REPRESENTATIVE EASTMAN relayed that there were some questions left unanswered at the previous bill hearing. After a request for further clarification, he noted that the committee was hoping to hear from a representative from the Department of Law

(DOL) to speak to how police officers are supposed to handle situations involving electric-assisted bicycles.

CHAIR CLAMAN thanked him for that reminder. He observed that Kevin Higgins from DOL is available for questions.

[1:26:42 PM](#)

REPRESENTATIVE EASTMAN referenced an anecdote offered at the previous hearing in which one of Representative Wool's constituents was pulled over for riding an electric-assisted bicycle and told he could not ride it without a driver's license. Representative Eastman explained that knowing whether the conduct was appropriate or not will help the committee decide how to act on HB 123.

[1:27:24 PM](#)

KEVIN HIGGINS, Assistant Attorney General, Labor & State Affairs Section, Civil Division, Department of Law, said the answer he gave at the previous hearing still stands, that whether it is appropriate for law enforcement to stop or conduct an investigative detention of any individual is a highly fact-specific determination. He stated that, from what he heard, he does not have the facts necessary to offer an opinion as to whether the law enforcement encounter was lawful.

[1:28:13 PM](#)

REPRESENTATIVE EASTMAN asked whether "the department" has a position on HB 123.

MR. HIGGINS asked him to clarify if he means DOL or the Division of Motor Vehicles (DMV) under the Department of Administration (DOA).

REPRESENTATIVE EASTMAN said if it were not the same answer in both cases, he would be curious to know how they differ.

CHAIR CLAMAN observed that he wants to know the administration's perspective, as the administration supervises both those departments.

MR. HIGGINS said DOL does not have any sort of official position on HB 123. He deferred to Director Marla Thompson of the DMV as to whether the DMV has a position.

[1:29:26 PM](#)

MARLA THOMPSON, Director, Division of Motor Vehicles, Department of Administration, answered that the DMV does not take a position on HB 123.

[1:30:14 PM](#)

REPRESENTATIVE WOOL said the bill clearly defines what an electric bicycle is and how large its motor can be. He added that the bill would treat an electric bicycle, as defined, like a bicycle and not like a motorized vehicle. He noted that other states have passed similar legislation. He said the municipalities would be welcome to impose more restrictions if they choose. He spoke to the rising popularity of electric-assist bicycles and how they are currently used. He restated his intention of defining what is and what is not an electric-assist bicycle in Alaska statute.

[1:31:57 PM](#)

REPRESENTATIVE STUTES moved to report HB 123 out of committee with individual recommendations and attached fiscal notes. There being no objection, HB 123 was reported out of the House Judiciary Standing Committee.

**HB 115-ABSENTEE VOTING**

[1:32:43 PM](#)

CHAIR CLAMAN announced that the next order of business would be HOUSE BILL NO. 115, "An Act relating to absentee voting; and providing for an effective date." He said the committee would take up amendments to the bill. He noted that the Director of the Division of Elections (DOE) is unavailable today to answer committee questions, so the plan is to hold the bill after taking up amendments to allow for questions to be answered at a future hearing.

[1:34:03 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 1, labeled 31-LS0213\A.1, Bullard, 5/2/19, which read:

Page 1, line 3:  
Delete "a new subsection"  
Insert "new subsections"

Page 1, lines 4 - 11:

Delete all material and insert:

"(m) An absentee ballot application must include options for a qualified voter to choose to receive absentee ballots by mail for

(1) all future regularly scheduled state elections;

(2) future state

(A) special elections;

(B) primary elections; or

(C) general elections; or

(3) any combination of future elections described in (2)(A) - (C) of this subsection.

(n) The division may not require a voter who chooses to receive absentee ballots under this section to reapply to receive absentee ballots by mail unless the voter has not voted an absentee ballot for a period of four years or an absentee ballot sent to the voter under this section is returned to the division as undeliverable. A voter may change the voter's absentee ballot selection under (m) of this section by reapplying under this section."

[1:34:04 PM](#)

CHAIR CLAMAN objected for purposes of discussion.

REPRESENTATIVE EASTMAN explained that the current language of the bill does not allow voters the option to choose which absentee ballots they want to receive. He relayed that DOE said it spends approximately \$2.50 when it sends out an absentee ballot. He argued that unused absentee ballots are wasteful, and it would save money if voters could designate ballots they do not wish to use.

CHAIR CLAMAN asked Representative Tuck, the prime sponsor of HB 115, if he supports Amendment 1.

[1:35:18 PM](#)

REPRESENTATIVE CHRIS TUCK, Alaska State Legislature, said Amendment 1 would make a simple matter more complicated. He stated that Alaskans who would choose to always receive a permanent absentee ballot under HB 115 "would not be obligated to vote on that ballot unless they miss a particular election."

He said he wants to ensure voters can always show up at the polls and vote, and not be limited to "this type of voting here."

[1:36:34 PM](#)

REPRESENTATIVE STUTES asked Representative Tuck if Amendment 1 or a similar amendment had already been heard in another committee. She mentioned that she feels she has heard the amendment before.

REPRESENTATIVE TUCK said it is possible there was a similar amendment proposed to an omnibus elections bill during the Thirtieth Alaska State Legislature. He spoke to his intention to keep HB 115 simple and focused on the issue of absentee voting.

[1:37:39 PM](#)

REPRESENTATIVE WOOL asked where Representative Eastman got the \$2.50 per ballot figure and requested that he expound on it.

REPRESENTATIVE EASTMAN said that number was forwarded to him from DOE. He clarified that it only relates to state elections and not municipal elections. He said \$2.50 is the cost per ballot and said he believes that includes preparation, printing, and mailing.

REPRESENTATIVE WOOL posited that DOE took the total cost and divided by the number of ballots to reach \$2.50 per ballot. He said, "If you subtracted a couple, you may not save exactly \$2.50 per ballot since the ... initiation fee might be particularly high." He noted that there is no one from DOE to confirm that.

CHAIR CLAMAN reminded the committee that the plan is not to move the bill out of committee today.

REPRESENTATIVE SHAW mentioned that he and his wife voted absentee during the last election and "it was a 50-cent stamp."

[1:39:36 PM](#)

REPRESENTATIVE EASTMAN drew attention to line 9 of the amendment and said it is his understanding that the language is the exact same as is in HB 115, so that even with the amendment passing voters would be able to check a box to sign up for all future

elections. He asked if Representative Tuck reads it the same way.

REPRESENTATIVE TUCK identified where language is the same in HB 115 and in the amendment. He said his concern is that a person who regularly votes by mail could miss out on a special election and potentially be dropped from the list. He said special elections are currently an exception in the bill. He called Amendment 1 "a policy call" about whether a voter should have to check a box for special elections.

[1:41:41 PM](#)

REPRESENTATIVE WOOL asked if that means the bill, as written, does not include special elections, so a person who signs up for the permanent list would not receive a special election ballot.

REPRESENTATIVE TUCK said, "Actually, now that I reread this, that may be correct." He said the bill would probably require a special absentee ballot application to vote absentee in a special election. He suggested the bill could be amended so that the language "future regularly scheduled state elections" is replaced by "all future scheduled state elections."

CHAIR CLAMAN noted that the amendment currently before the committee is Amendment 1.

[1:43:25 PM](#)

REPRESENTATIVE WOOL said his preference would be for a voter to receive all the ballots for which he/she is eligible instead of having to preselect them because there may be things that change during an election. He said it is better to err on the side of giving too many voting options. He also noted that it could be an administrative hassle for DOE to determine and keep track of who gets which ballots. He opined that it is better to send voters every ballot.

[1:44:40 PM](#)

CHAIR CLAMAN said he appreciates the intent of the amendment to give voters a range of choices. He said he understands the appeal but observed that having DOE implement Amendment 1 would invite error and confusion on both the division and the voter. He commented that some voters - particularly elderly voters - might forget whether they signed up for a particular ballot. He spoke to the convenience of voting by mail in the Municipality

of Anchorage. Arguing that it is likely to seed confusion and extra expense for DOE, he stated that he would not support Amendment 1.

[1:46:11 PM](#)

REPRESENTATIVE EASTMAN said there is another amendment to come that might alleviate concerns about voters forgetting whether they have signed up for an absentee ballot. He remarked that Amendment 1 addresses that the bill does not currently allow an option to sign up for special elections. He said it also recognizes that some voters like to go to the polls for general elections but only vote absentee in special elections. He remarked that those people would be given the option to designate which ballots to receive. He noted that he has not fashioned the amendment so that absentee ballots would be the norm and those who wish not to receive them could opt out. He said if there is a concern that not enough people are getting absentee ballots, that would be a way to solve that problem. He remarked that his approach is to include a line on the form that would allow voters to sign up for all, some, or none of the ballots.

[1:47:55 PM](#)

A roll call vote was taken. Representatives Eastman voted in favor of adopting Amendment 1. Representatives Wool, Shaw, Stutes, Thompson, and Claman voted against it. Therefore, Amendment 1 failed by a vote of 1-5.

[1:48:25 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 2, labeled 31-LS0213\A.2, Bullard, 5/2/19, which read:

Page 1, lines 4 - 11:

Delete all material and insert:

"(m) An absentee ballot application must include an option for a qualified voter to choose to receive absentee ballots by mail for future regularly scheduled state elections. The division shall stop mailing absentee ballots to a voter and require the voter to reapply to receive absentee ballots by mail if

(1) the voter does not vote an absentee ballot sent to the voter; or

(2) an absentee ballot sent to the voter under this section is returned to the division as undeliverable."

CHAIR CLAMAN objected for purposes of discussion.

REPRESENTATIVE EASTMAN explained that Amendment 2 recognizes the fact that the State of Alaska (SOA) should not have to waste money on absentee ballots that are not going to be used. He said the amendment would make it so that a voter who does not use an absentee ballot would not receive future absentee ballots unless he/she reapplies.

[1:49:06 PM](#)

REPRESENTATIVE TUCK, when asked for his stance on Amendment 2, said he opposes it. He said some people only vote in general elections and, under this amendment, would be dropped from the list if they skip a primary election. He identified language in the bill that would allow for a four-year grace period before a voter is dropped from the list due to inactivity. He said that language allows for voters who only wish to vote in general elections to do so without being dropped.

[1:49:57 PM](#)

REPRESENTATIVE STUTES said she opposes Amendment 2 because of the current mail situation on Kodiak Island. She explained that all mail on Kodiak goes through Anchorage, even if it is something mailed by a person on Kodiak to a person on Kodiak. She said Kodiak Island Borough currently does not have mail-in ballots but that does not mean it won't in the future. She said, "If the planes don't get in with the ballots, then everybody who is used to getting these ballots in the mail is off the list." She said she can see some real problems brewing for rural Alaskans who may have mail-in ballots.

[1:50:57 PM](#)

REPRESENTATIVE EASTMAN agreed with Representative Tuck's stance that many Alaskans only vote in general elections and said that is a reason to only send them ballots for general elections. He said the situation referenced by Representative Stutes is a bigger problem having to do with voting access. He remarked that the bill and the amendments being offered already assume that the voting system is not broken and nothing in them can solve that problem.

1:51:53 PM

A roll call vote was taken. Representatives Eastman voted in favor of adopting Amendment 2. Representatives Thompson, Wool, Shaw, Stutes, and Claman voted against it. Therefore, Amendment 2 failed by a vote of 1-5.

1:52:22 PM

REPRESENTATIVE EASTMAN moved to adopt Amendment 3, labeled 31-LS0213\A.3, Bullard, 5/2/19, which read:

Page 1, line 9:  
Delete "or"

Page 1, line 11:  
Delete "."  
Insert "; or

(3) a person at an address to which an absentee ballot is sent under this section provides evidence satisfactory to the division that the voter to whom the absentee ballot was sent no longer lives or receives mail at the address."

CHAIR CLAMAN objected for purposes of discussion.

REPRESENTATIVE EASTMAN explained that Amendment 3 would instruct DOE to cease sending absentee ballots to an address if the resident informs DOE that the voter no longer lives there.

1:53:01 PM

CHAIR CLAMAN asked Representative Tuck for his position on Amendment 3.

REPRESENTATIVE TUCK asked Representative Eastman if Amendment 3 relates to situations in which a resident receives an absentee ballot addressed to a prior resident and writes "no longer at this address" on the envelope before dropping back in the mailbox.

REPRESENTATIVE EASTMAN said the amendment is addressing situations in which a resident says, "I got this ballot. It's not mine. Please stop sending ballots." He explained that the amendment would allow DOE to use that information to remove the prior resident from the list.

REPRESENTATIVE TUCK said the amendment makes sense. He noted the current bill currently has two conditions for removal from the list, including items of mail that were returned as undeliverable. He said the bill does not currently have a provision for DOE being informed that the voter is no longer at the address.

[1:54:17 PM](#)

CHAIR CLAMAN asked a question about mail returned to the sender with a yellow United States Postal Service (USPS) label. He questioned how the provision proposed in Amendment 3 differs from that official USPS action. He asked if that means, under Amendment 3, that DOE would rely on a handwritten note by an unknown person to remove a voter from the mailing list.

REPRESENTATIVE EASTMAN said that he queried how many people are registered to vote at his home address and learned that "an awful lot of people" he had never met were. He said he does not want to have to receive someone else's ballot for four years. He said Amendment 3 would allow him to call DOE and ask that it stop sending the ballot.

CHAIR CLAMAN asked if Amendment 3 would require DOE to publish and enact regulations about what qualifies as "evidence satisfactory to the division."

REPRESENTATIVE EASTMAN said he does not know if it would. He noted "evidence satisfactory to the division" is language that was recommended by the drafter of the amendment. He remarked that immediate contact with DOE about a ballot may be deemed satisfactory where delayed contact may not.

CHAIR CLAMAN asked if Representative Eastman has a definition for "evidence satisfactory to the division."

REPRESENTATIVE EASTMAN said he does not. He said the drafter wanted to leave that up to the division.

[1:57:25 PM](#)

REPRESENTATIVE TUCK asked for confirmation that the version of the bill in front of the committee is Version 31-LS0213\A.

CHAIR CLAMAN answered correct.

REPRESENTATIVE TUCK read the language in line 10: "the voter's previous absentee ballot sent under this section was returned to the division as undeliverable." He said he thinks a previous draft of the bill may have read "any mail returned to the division as undeliverable" so that a returned voter registration card or any other mail sent by DOE could result in the removal of the voter from the list. He said he would talk to DOE about what it would prefer.

REPRESENTATIVE EASTMAN said the current language of the amendment may capture that because the language "a voter to whom the absentee ballot was sent" identifies that the issue is the person, not the ballot.

[1:59:42 PM](#)

CHAIR CLAMAN suggested that Amendment 3 be tabled until DOE can weigh in on it.

REPRESENTATIVE TUCK said he supports that idea. He noted that the wording "any mail returned" could potentially result in a situation where a person seeking to mess with someone could covertly get that person removed from the list.

[2:00:41 PM](#)

REPRESENTATIVE STUTES REPRESENTATIVE moved to table Amendment 3. There being no objection, it was so ordered.

[2:01:04 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 4, labeled 31-LS0213\A.7, Bullard, 5/2/19, which read:

Page 1, lines 3 - 11:

Delete all material and insert:

**"\* Section 1.** AS 15.20.081 is amended by adding a new subsection to read:

(m) An absentee ballot application must include an option for a qualified voter to choose to receive absentee ballots by mail for future regularly scheduled state elections. A voter who selects the option to receive future absentee ballots by mail shall provide the division with the voter's electronic mail address, if any. At least 90 days before each state election, the division shall send to each voter who has requested to receive future absentee ballots

by mail, and who has provided the division with an electronic mail address, notice by electronic mail indicating that the voter is scheduled to receive an absentee ballot by mail for the election. A voter's selection of the option to receive future absentee ballots by mail remains in effect, and the division may not require a voter to reapply to receive absentee ballots by mail under this section, unless the

(1) voter has not voted an absentee ballot for a period of four years; or

(2) voter's previous absentee ballot sent under this section was returned to the division as undeliverable."

CHAIR CLAMAN objected for purposes of discussion.

REPRESENTATIVE EASTMAN said Amendment 4 addresses the possibility that a voter may not remember whether he/she has applied to receive an absentee ballot. He said the amendment would instruct DOE to send an e-mail reminder to voters who have signed up for an absentee ballot if DOE has an e-mail address on file.

[2:02:01 PM](#)

CHAIR CLAMAN asked Representative Tuck for his position on Amendment 4.

REPRESENTATIVE TUCK said he opposes it because it is unnecessary. He stated an absentee ballot may only be returned by the person that requested the ballot. He spoke to the identification procedures employed to verify an absentee voter's identity. He said it is illegal to submit a falsified ballot. He said it is already legal "to allow someone who is a registrar to provide an absentee application to somebody else to fill out to vote by mail." He noted that one need not be a registrar to do that. He said it is a regular practice for political parties to send out absentee applications to party members. He said he does not see anything wrong with an entity making an absentee ballot application available to a voter.

[2:03:46 PM](#)

REPRESENTATIVE STUTES asked for confirmation that Amendment 4 is before the committee.

CHAIR CLAMAN said yes.

REPRESENTATIVE STUTES shared concerns with the following language beginning on line 6 of Amendment 4: "A voter who selects the option to receive future absentee ballots by mail shall provide the division with the voter's electronic mail address." She said she receives enough junk e-mail at her e-mail address and does not want to be required to submit her e-mail address simply because she wants to vote by mail.

CHAIR CLAMAN commented that he worries every time the committee adds "one more thing" to a department's to-do list. He said Amendment 4 feels like an unfunded mandate. He echoed Representative Stutes misgivings about the e-mail address requirement.

[2:04:58 PM](#)

REPRESENTATIVE EASTMAN said he agrees with Representative Stutes. He said that language is not what he intended when he submitted the amendment to the drafter and agreed that it should be optional for a voter to provide his/her e-mail address.

REPRESENTATIVE EASTMAN moved Amendment 1 to Amendment 4, which would remove the word "shall" in line 7 and insert in its place the word "may." There being no objection, so ordered.

REPRESENTATIVE EASTMAN noted that Amendment 4 would not cause DOE to substantially alter its current practices. He said it would simply allow for voters who have provided their e-mail address to receive an e-mail notification. He remarked that this would be important because some voters will not remember if they have already applied for their absentee ballot. He said the e-mail notification would ensure that such voters do not take up DOE's time by calling to confirm or by submitting a redundant application.

[2:07:37 PM](#)

A roll call vote was taken. Representatives Eastman voted in favor of adopting Amendment 4, as amended. Representatives Stutes, Thompson, Wool, Shaw, and Claman voted against it. Therefore, Amendment 4, as amended, failed by a vote of 1-5.

[2:08:08 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 5, labeled 31-LS0213\A.5, Bullard, 5/2/19, which read:

Page 1, following line 11:

Insert a new bill section to read:

"\* **Sec. 2.** AS 15.20.220 is amended by adding a new subsection to read:

(c) Before the certification of a state ballot counting review under AS 15.15.450, the director shall select random voters in each house district who submitted absentee ballots. The director shall attempt to contact the voter to confirm that the voter returned an absentee ballot. On or before the day the director certifies a state ballot counting review under AS 15.15.450, the director shall aggregate the information collected under this subsection, deliver the information to the senate secretary and the chief clerk of the house of representatives, and notify the legislature that the information is available. The director shall include in the information delivered under this subsection the number of absentee voters, by district, that

- (1) the division attempted to contact;
- (2) the division successfully contacted;
- (3) reported voting by absentee ballot in the applicable election; and
- (4) reported not voting by absentee ballot in the applicable election."

Page 1, line 12:

Delete "**Sec. 2**"

Insert "**Sec. 3**"

[2:08:09 PM](#)

CHAIR CLAMAN objected for purposes of discussion.

REPRESENTATIVE EASTMAN said it is important to implement safeguards to ensure that the increased number of absentee ballots be used appropriately. He relayed that DOE found on more than one occasion during the last election cycle that a person in whose name an absentee ballot was received reported that he/she did not submit an absentee ballot. He said this is of great public concern. He explained that Amendment 5 would require that the Director of DOE contact a random selection of absentee voters from each house district in order to confirm that the voters returned an absentee ballot. He said the amendment does not specify the size of the random selection. He

stated that the amendment would call for a "check" to ensure absentee ballots are being used appropriately.

[2:09:31 PM](#)

CHAIR CLAMAN asked Representative Tuck for his position on Amendment 5.

REPRESENTATIVE TUCK said he opposes Amendment 5. He said he would like to keep HB 115 simple. He noted that he is not familiar with the DOE findings to which Representative Eastman made mention. He added that he does not know whether DOE currently has a verification process. He noted that DOE has a review process in which it examines signatures before certifying an election. He expressed concern that Amendment 5 could place a burden on the Division of Elections and could alarm voters who receive a phone call that might raise concerns about their ballot. He said the amendment is not necessary at this time.

[2:10:46 PM](#)

CHAIR CLAMAN said the amendment appears to be an unfunded mandate that creates more duties for DOE. He shared that he thinks DOE is doing a good job. He said he has not seen any meaningful evidence of election fraud in Alaska.

[2:11:01 PM](#)

REPRESENTATIVE EASTMAN alluded to news headlines related to DOE's reporting about people mailing absentee ballots under other people's names. He expressed concern and opined that something must be done so that it does continue. He noted that HB 115 would significantly expand the number of absentee ballots and thus significantly expand the potential for fraud.

[2:11:34 PM](#)

A roll call vote was taken. Representatives Eastman voted in favor of adopting Amendment 5. Representatives Stutes, Thompson, Shaw, and Claman voted against it. Therefore, Amendment 5 failed by a vote of 1-4.

[2:12:06 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 6, labeled 31-LS0213\A.6, Bullard, 5/2/19, which read:

Page 1, lines 4 - 7:

Delete all material and insert:

"(m) An absentee ballot application must include an option for a qualified voter to choose to receive absentee ballots by mail for future regularly scheduled state elections. The division shall stop sending absentee ballots to a voter under this subsection upon the voter's written request. A voter may request that the division stop sending absentee ballots at any time. If a voter does not request that the division stop sending absentee ballots, the division may stop sending absentee ballots to the voter and require the voter to reapply only if"

CHAIR CLAMAN objected for purposes of discussion.

REPRESENTATIVE EASTMAN said he noticed that there is no option for a voter who has signed up for an absentee ballot to undo that action. He opined that this would be an important option for a voter to have to avoid the risk of misuse of an unwanted absentee ballot and to avoid unnecessary DOE costs.

[2:12:59 PM](#)

REPRESENTATIVE TUCK, upon being asked his position on Amendment 6, opined that it is not necessary. He said the bill already includes an automatic mechanism to drop an absentee voter from the mailing list if the voter votes at the polls.

[2:13:36 PM](#)

REPRESENTATIVE STUTES commented that the committee should give credit to people for having common sense. She expressed that what Amendment 6 seeks to accomplish should not need to be enshrined in statute. She called it "a foolish amendment."

[2:14:20 PM](#)

REPRESENTATIVE EASTMAN remarked that the bill tells DOE to send absentee ballots to people for four years without allowing it any discretion in the process. He said it is common sense to allow DOE to take phone calls and written correspondence related to requests for removal from the mailing list.

REPRESENTATIVE EASTMAN moved Conceptual Amendment 1 to Amendment 6, which he said would prevent a third party from signing up on someone's behalf to receive future absentee ballots. He opined

that third parties should not be allowed to submit forms for someone to receive absentee ballots perpetually.

CHAIR CLAMAN remarked that the subject of Conceptual Amendment 1 to Amendment 6 is broadly separate and different from the subject of Amendment 6. He ruled it out of order and said it would be too hard to get it down into writing to make it meaningful for a vote.

[2:15:53 PM](#)

REPRESENTATIVE EASTMAN explained that he had worked with the drafters to try and get it into writing.

CHAIR CLAMAN told Representative Eastman that he can object to the rule of the chair and the committee would vote on it.

REPRESENTATIVE EASTMAN said, "I'll object because it was reduced to writing and I want that on the record."

A roll call vote was taken. Representatives Shaw, Stutes, Thompson, Wool, and Claman voted to uphold the ruling of the chair. Representative Eastman voted against it. Therefore, the ruling of the chair was upheld by a vote of 5-1.

[2:17:10 PM](#)

REPRESENTATIVE EASTMAN said Amendment 6 would allow the option for someone to contact DOE if he/she wishes to no longer receive absentee ballots.

[2:17:24 PM](#)

A roll call vote was taken. Representative Eastman voted in favor of adopting Amendment 6. Representatives Shaw, Stutes, Thompson, Wool, and Claman voted against it. Therefore, Amendment 6 failed by a vote of 1-5.

[2:18:00 PM](#)

The committee took an at-ease from 2:18 p.m. to 2:19 p.m.

[2:18:38 PM](#)

CHAIR CLAMAN announced that HB 115 would be held for further review so that the committee could hear from DOE.

**HB 142-NATIVE ORGANIZATIONS VPSO & TANF PROGRAMS**

[2:19:18 PM](#)

CHAIR CLAMAN announced that the final order of business would be HOUSE BILL NO. 142, "An Act relating to Alaska Native organizations; relating to the village public safety officer program; and relating to the Alaska temporary assistance program."

[2:19:45 PM](#)

REPRESENTATIVE JONATHAN KREISS-TOMKINS, Alaska State Legislature, said HB 142 is a "technical fix bill" relating to the Village Public Safety Officer (VPSO) and Temporary Assistance for Needy Families (TANF) programs that have been administered for decades by the Central Council of Tlingit and Haida Indian Tribes of Alaska (CCTHITA). He explained that the current statutes authorizing partnerships with regional native nonprofit organizations such as Tanana Chiefs Conference allow those organizations to administer the VPSO and TANF programs. The problem, he said, is that CCTHITA has a different legal identity than the other regional native nonprofit organizations and is therefore technically not eligible to partner with SOA to administer those programs. He noted that CCTHITA is already administering VPSO and TANF programs and has without incident for a long time. He said the issue was recently realized between the Department of Public Safety (DPS) and CCTHITA. He added that both sides are keen to resolve it. He explained that HB 142 would adjust the statutes to add another category of eligible entity that would encompass CCTHITA so that it can legally continue to administer the VPSO and TANF programs.

CHAIR CLAMAN disclosed for the record that his wife works as General Counsel to the Cook Inlet Tribal Council (CITC), a regional native nonprofit organization. He said he does not believe CITC has any financial interest in HB 142 and that his wife's employment does not create a conflict. He explained his intention was to make the record clear.

[2:22:25 PM](#)

REPRESENTATIVE EASTMAN said there are over a dozen organizations that qualify as "Alaska Native organizations." He asked how many of those organizations want to have VPSOs. He noted that he does not think any of them currently have VPSOs.

REPRESENTATIVE KREISS-TOMKINS said he is not aware of any organizations other than CCTHITA that have an interest in administering the VPSO and/or TANF programs.

[2:23:22 PM](#)

CHAIR CLAMAN opened public testimony on HB 142.

RALPH WOLFE, 5th Vice President, Central Council of Tlingit and Haida Indian Tribes of Alaska, said he is speaking on behalf of Richard Peterson, President of CCTHITA. He echoed what Representative Kreiss-Tomkins said about HB 142 being a technical fix to an issue relating to the VPSO and TANF programs. He said CCTHITA has been administering those programs for 20 years. He explained that in 2018 the VPSO program was administered via a corporation established by CCTHITA. He said this setup created administrative difficulties. He explained that the TANF program has been administered through an agreement with the understanding that a technical fix would be made to the statute. He restated that CCTHITA has already been administering these programs and said it has endeavored to achieve long-term productivity. He said DOL has determined that there would be no negative impact to the enactment of HB 142.

[2:25:41 PM](#)

CHAIR CLAMAN, after ascertaining that no one else wished to testify, closed public testimony on HB 142.

[2:26:08 PM](#)

REPRESENTATIVE EASTMAN asked whether it is the prime sponsor's intent for HB 142 to relate solely to CCTHITA or if he intends to open a potential new avenue for other organizations to administer VPSOs.

REPRESENTATIVE KREISS-TOMKINS said the intent of the bill "is just looking at [CCTHITA]." He characterized CCTHITA's organizational structure as distinct, explaining that it was recognized by the federal government as a regional tribal organization - "an actual sovereign government" - well before the Alaska Native Claims Settlement Act (ANCSA) was signed into law. He said the goal of the bill is to encompass only CCTHITA since the other regional nonprofits are partnering at present and without incident with SOA on these programs.

CHAIR CLAMAN posited that HB 142 would put CCTHITA on the same level as other organizations that currently could choose to participate in the VPSO program, so the bill would not change the eligibility of other organizations. He said it would put CCTHITA on par with other similarly situated organizations because CCTHITA is defined differently by the federal government.

REPRESENTATIVE KREISS-TOMKINS said that is correct. He clarified that it would put CCTHITA "on par with [SOA]" given SOA is ultimately funding the programs.

CHAIR CLAMAN suggested that if there were another organization listed in the present statute that wanted to contract with the state for a VPSO program, it could do that already. He said the difference with HB 142 is that it would place CCTHITA on the same level as those other organizations. He said it would not require CCTHITA to reach agreement with SOA, but it would allow it to do so.

REPRESENTATIVE KREISS-TOMKINS said that is an accurate summary.

[2:28:26 PM](#)

REPRESENTATIVE EASTMAN said that is different from what he heard earlier. He noted that there are 13 organizations listed in AS 47.27.070. He asked, "Do we want to solidify in statute that each of these organizations can be running the VPSO program in their various areas and so forth?"

REPRESENTATIVE KREISS-TOMKINS consulted AS 47.27.070. He asked Representative Eastman to restate his question.

REPRESENTATIVE EASTMAN addressed lines 28 and 29 on page 2 of the bill, located in Section 4. He said the language therein would add a new definition of "Alaska Native organization" that draws in the list of organizations in AS 47.27.070. He asked how the prime sponsor would feel about grandfathering CCTHITA in to VPSO and TANF eligibility rather than impacting the other statutes. He cited the potential for other implications and the fact that there is no desire to change the way the other organizations operate.

REPRESENTATIVE KREISS-TOMKINS said he would have to consider that proposal. He explained that HB 142 was generated through a partnership between DOL, DPS, and CCTHITA, plus private counsel retained by CCTHITA. He said HB 142 was the final product of

several months of conversations and negotiations between all stakeholders. He said all the stakeholders knew what they wanted to accomplish; it was just a question of the right means to accomplish it. He remarked that he would not want to "upset the apple cart" given that HB 142 represents a settlement between different stakeholders. He said he would prefer to stay with the bill as presently structured. He noted that he is not able to speak for the other entities that agreed on the language of the bill.

REPRESENTATIVE EASTMAN said he would like to talk to those stakeholders to discuss whether an amendment is necessary.

[2:32:00 PM](#)

The committee took a brief at-ease from at 2:32 p.m.

[2:32:23 PM](#)

CHAIR CLAMAN announced that HB 142 would be held for further review. He expressed uncertainty that the bill would be taken up again during the current session. He explained the process through which members may submit amendments.

REPRESENTATIVE KREISS-TOMKINS quipped that he fully expects the governor to put HB 142 on the call for a special session.

[2:34:34 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:35 p.m.