

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

May 11, 2019

9:35 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Representative Chuck Kopp
Representative Steve Thompson

COMMITTEE CALENDAR

SENATE BILL NO. 71

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

- MOVED HCS SB 71(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 115

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

- MOVED HB 115 OUT OF COMMITTEE

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
 05/10/19 (H) Heard & Held
 05/10/19 (H) MINUTE(JUD)
 05/11/19 (H) JUD AT 9:30 AM 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
05/10/19 (H) Heard & Held
05/10/19 (H) MINUTE(JUD)
05/11/19 (H) JUD AT 9:30 AM GRUENBERG 120

WITNESS REGISTER

REPRESENTATIVE CHRIS TUCK
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 115, as the bill's prime sponsor.

GAIL FENUMIAI, Director
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 115.

ACTION NARRATIVE

[9:35:28 AM](#)

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 9:35 a.m. Representatives Wool, Shaw, Stutes, and Claman were present at the call to order. Representative Eastman arrived as the meeting was in progress.

SB 71-2019 REVISOR'S BILL

[9:36:10 AM](#)

CHAIR CLAMAN announced that the first 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." He

announced that the committee would take up amendments to the bill. He stated for the record that Legislative Legal Services has permission to make any technical or conforming changes to the bill.

[9:36:37 AM](#)

REPRESENTATIVE STUTES moved to adopt Amendment 1, labeled 31-LS0095\S.1, Mischel, 5/10/19, which read as follows:

Page 14, line 14:

Delete "or telegraph"

Insert "[OR TELEGRAPH]"

CHAIR CLAMAN objected for purposes of discussion. He noted that Amendment 1 is the result of discussions from the previous bill hearing and that it is supported by the revisor of statutes.

REPRESENTATIVE STUTES explained that the amendment would remove a mention of the word "telegraph" from statute.

CHAIR CLAMAN removed his objection. There being no further objection, Amendment 1 was adopted.

[9:37:29 AM](#)

REPRESENTATIVE STUTES moved to adopt Amendment 2, labeled 31-LS0095\S.2, Mischel, 5/10/19, which read as follows:

Page 20, following line 31:

Insert a new bill section to read:

"* **Sec. 54.** AS 15.80.010(1) is amended to read:

(1) "absent uniformed services voter" has the meaning given in 52 U.S.C. 20310 [42 U.S.C. 1973ff-6];"

Renumber the following bill sections accordingly.

There being no objection, Amendment 2 was adopted.

[9:38:00 AM](#)

REPRESENTATIVE STUTES moved to report SB 71, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCSSB 71(JUD) was reported from the House Judiciary Standing Committee.

HB 115-ABSENTEE VOTING

[9:38:22 AM](#)

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

CHAIR CLAMAN relayed the events of the bill's preceding hearing, wherein Amendments 1, 2, 4, 5, and 6 failed. He noted that the committee tabled Amendment 3 [moved for adoption by Representative Eastman with an objection by Chair Claman left pending] in order to seek answers to some outstanding questions.

[9:39:12 AM](#)

REPRESENTATIVE STUTES moved to remove from the table Amendment 3, labeled 31-LS0213\A.3, Bullard, 5/2/19, which read as follows:

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."

There being no objection, Amendment 3 was before the committee.

[9:39:38 AM](#)

REPRESENTATIVE CHRIS TUCK, Alaska State Legislature, the bill's prime sponsor, said he would like to confirm that if someone were to write "not at this address" on an absentee ballot envelope and return it through the mail, the ballot would qualify as "undeliverable" and therefore would be covered by the bill as drafted.

CHAIR CLAMAN asked if it is Representative Tuck's view that Amendment 3 is unnecessary.

REPRESENTATIVE TUCK said yes. He added that he would like to confirm that with DOE.

[9:40:10 AM](#)

GAIL FENUMIAI, Director, Division of Elections, Office of the Lieutenant Governor, confirmed that she has reviewed HB 115 and Amendment 3. She said DOE, upon considering information received from someone residing at an address where a ballot was sent, would determine that the voter's condition status should be changed to "undeliverable." She noted that DOE would not know that a voter's status should be changed if the ballot is not returned by the person who now lives at the address.

CHAIR CLAMAN asked if DOE has existing regulations for how to determine whether a ballot is undeliverable and how to address such a situation.

MS. FENUMIAI said she cannot recall if there are regulations. She said that when DOE receives mail returned as undeliverable by the United States Postal Service, DOE can change that voter's condition status to "undeliverable." She said [returned mail] is also one of the factors used by DOE when it conducts its list maintenance process according to federal law.

CHAIR CLAMAN asked for verification that DOE's list maintenance is governed by federal law requirements and not by state law.

MS. FENUMIAI said that is correct. She mentioned that the State of Alaska's (SOA) list maintenance laws are formulated based on federal law in the National Voter Registration Act.

9:42:26 AM

REPRESENTATIVE STUTES asked Ms. Fenumiai to confirm that Amendment 3 would be redundant.

MS. FENUMIAI answered, "I believe so." She said if the individual who now resides at the address contacts DOE and says, "this person no longer lives here," DOE would ask the individual to indicate that on the envelope and return it through the mail. She said DOE would accept that as "an undeliverable ballot."

9:43:06 AM

REPRESENTATIVE WOOL noted that a question was raised at a previous hearing about how much it costs to mail out a ballot. He relayed that Representative Eastman had said it costs \$2.50. Representative Wool explained that the implication was that for every ballot not sent out, the savings to DOE is \$2.50. He said he would like to verify that information.

MS. FENUMIAI said the dollar amount provided to Representative Eastman on was the per ballot cost of all envelopes, instructions, and postage, plus printing costs. She said DOE would be saving \$2.50 based on the last batch of printing it did if it did not have to send out an individual ballot.

REPRESENTATIVE WOOL asked if it as simple as a per ballot cost, or if \$2.50 is the cost of "the whole program" and DOE would not necessarily save that much money if it were to send out 5 or 10 or 100 fewer ballots.

MS. FUNUMIAI answered that \$2.50 is the cost of a per ballot package based on an average of supplies ordered over the past several years. She clarified that it is probably not a consistent per ballot charge. She noted that DOE would still have supplies available as it orders its materials in bulk.

9:45:02 AM

REPRESENTATIVE STUTES said she was going to ask whether there are leftover supplies after DOE sends out its ballots, but the answer has already been provided. She said that would reduce the per ballot cost.

CHAIR CLAMAN posited that the one fixed cost for absentee ballots is the postage. He commented that ordering materials in bulk results in per piece savings.

[9:45:53 AM](#)

CHAIR CLAMAN maintained his objection to adopting Amendment 3. He noted that the prime sponsor of HB 115 no longer supports the adoption of Amendment 3.

A roll call vote was taken. Representative Wool, Shaw, Stutes, and Claman voted against adopting Amendment 3. Therefore, Amendment 3 failed by a vote of 0-4.

[9:47:05 AM](#)

REPRESENTATIVE WOOL asked if the question of special elections raised at the previous hearing was resolved. He noted that the bill calls for absentee ballots to be sent for all [future regularly scheduled state elections]. He said he does not know if that would include special elections.

CHAIR CLAMAN asked Ms. Fenumiai if absentee voters would automatically receive a ballot for special elections should the bill, as proposed, become law.

MS. FENUMIAI noted that she is not an attorney, but her interpretation of the term "regularly" means a consistently scheduled election. She clarified that this would mean only state primaries and state general elections.

[9:48:10 AM](#)

CHAIR CLAMAN asked whether Representative Tuck would prefer that the bill be held so that an amendment resolving the special

election question can be drafted and offered, or if he would prefer trying to amend the bill when it reaches the House floor.

REPRESENTATIVE TUCK said he thinks a floor vote on changing the language to "all state elections" would be noncontroversial.

CHAIR CLAMAN said it sounds like Representative Tuck is comfortable with the committee moving the bill.

[9:49:10 AM](#)

REPRESENTATIVE EASTMAN noted that HB 115 would expand the frequency of absentee voting. He expressed concern that the bill does not include any additional checks against fraud nor provisions ensuring cost-effectiveness.

REPRESENTATIVE STUTES commented that she is happy that HB 115 would enable people who do not currently vote to vote. She opined that it is a good thing for the people of Alaska. She thanked Representative Tuck for bringing it forward.

REPRESENTATIVE WOOL echoed Representative Stutes's comments. He said he is not concerned with "erring on the side of too many ballots."

CHAIR CLAMAN echoed those sentiments. He relayed that he recently saw a photo from 1994 of long lines of South Africans waiting to vote in that country's first free and open elections. He noted that voter turnout was approximately 95 percent. He said he wishes the United States of America could generate a voter turnout rate like that. He noted that there has been a significant increase in participation in municipal elections in the Municipality of Anchorage ever since it switched to mail-in voting. He opined that anything that improves voting is good for democracy.

REPRESENTATIVE SHAW echoed the positive values of HB 115. He opined, "We probably could save a lot more money with this bill than we can with the amount of amendments that sometimes follow through on a bill, so I think we are way ahead of the game by passing this bill."

9:51:37 AM

REPRESENTATIVE STUTES moved to report HB 115 out of committee with individual recommendations and attached fiscal note. There being no objection, HB 115 was reported from the House Judiciary Standing Committee.

9:52:45 AM

REPRESENTATIVE WOOL thanked the committee for passing HB 123 out of committee during the previous meeting. He noted that he misspoke during the previous hearing when he said electric-assist bicycles help "elderly people" and clarified that he meant "older people" including people in his age bracket that may want to do more bicycle riding.

9:53:28 AM

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 9:53 a.m.