

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE

April 12, 2021

1:04 p.m.

MEMBERS PRESENT

Representative Matt Claman, Chair
Representative Liz Snyder, Vice Chair
Representative Harriet Drummond
Representative Jonathan Kreiss-Tomkins
Representative David Eastman
Representative Christopher Kurka
Representative Sarah Vance

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Representative Ivy Spohnholz
Representative Chris Tuck

COMMITTEE CALENDAR

HOUSE BILL NO. 116

"An Act relating to care of juveniles and to juvenile justice; relating to employment of juvenile probation officers by the Department of Health and Social Services; relating to terms used in juvenile justice; relating to mandatory reporters of child abuse or neglect; relating to sexual assault in the third degree; relating to sexual assault in the fourth degree; repealing a requirement for administrative revocation of a minor's driver's license, permit, privilege to drive, or privilege to obtain a license for consumption or possession of alcohol or drugs; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 66

"An Act relating to voting, voter qualifications, and voter registration; relating to poll watchers; relating to absentee ballots and questioned ballots; relating to election worker compensation; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 116

SHORT TITLE: JUVENILES: JUSTICE, FACILITES, TREATMENT

SPONSOR(s): REPRESENTATIVE(s) SPOHNHOLZ

02/24/21	(H)	READ THE FIRST TIME - REFERRALS
02/24/21	(H)	HSS, JUD
04/09/21	(H)	HSS REFERRAL MOVED TO AFTER JUD
04/09/21	(H)	BILL REPRINTED
04/12/21	(H)	JUD AT 1:00 PM GRUENBERG 120

BILL: HB 66

SHORT TITLE: ELECTIONS, VOTING, BALLOTS

SPONSOR(s): REPRESENTATIVE(s) TUCK

02/18/21	(H)	PREFILE RELEASED 1/15/21
02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	STA, JUD
04/09/21	(H)	STA REFERRAL MOVED TO AFTER JUD
04/09/21	(H)	BILL REPRINTED
04/12/21	(H)	JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

REPRESENTATIVE IVY SPOHOHNOLZ

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: As prime sponsor, provided information and answered questions during the hearing on HB 116.

MEGAN HOLLAND, Staff

Representative Ivy Spohnholz

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for HB 116 on behalf of Representative Spohnholz, prime sponsor.

TRACEY DOMPELING, Director

Division of Juvenile Justice

Department of Health and Social Services

Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during the hearing on HB 116.

MATT DAVIDSON, Social Service Program Officer
Division of Juvenile Justice
Department of Health and Social Services
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 116.

NANCY MEADE, General Counsel
Office of the Administrative Director
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 116.

REPRESENTATIVE CHRIS TUCK
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, introduced HB 66.

PADDY MCGUIRE
Harstine Island, Washington

POSITION STATEMENT: Testified during the hearing on HB 66.

AMBER MCREYNOLDS, Chief Executive Officer
National Vote at Home Institute
Denver, Colorado

POSITION STATEMENT: Provided invited testimony in support of HB 66.

KENDRA KLOSTER, Executive Director
Native Peoples Action Community Fund
Anchorage, Alaska

POSITION STATEMENT: Provided invited testimony in support of HB 66.

JOEL HANSON
Sitka, Alaska

POSITION STATEMENT: Testified in support of HB 66.

TERRI LYONS
Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to HB 66.

DOUG WOODBY
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 66.

LOREN PETERSON, Chairman & President
Azachorok Incorporated
Anchorage Alaska

POSITION STATEMENT: Testified in support of HB 66.

CELESTE HODGE GROWDEN,
President & Chief Executive Officer
Alaska Black Caucus;
Executive Vice President
National Association for the Advancement of Colored People
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 66.

JESSICA LINDMAN
Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 66.

RICK PHILIPS
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 66.

ALEX KOPLIN, Member
Kenai Peninsula Votes
Homer, Alaska

POSITION STATEMENT: Testified in support of HB 66.

CHARLES MCKEE
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 66.

CASSIE LAWVER
Homer, Alaska

POSITION STATEMENT: Testified in opposition to HB 66.

JOHN SONIN
Douglas, Alaska

POSITION STATEMENT: Testified in support of HB 66.

MIKE COONS
Palmer, Alaska

POSITION STATEMENT: Testified in opposition to HB 66.

ANNETTE ALFONSI
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 66.

BERT HOUGHTALING

Big Lake, Alaska

POSITION STATEMENT: Testified in opposition to HB 66.

NICK MOE

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 66.

EVAN ANDERSON, Director of Civic Engagement

Alaska Center Education Fund

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 66.

REBECCA MOORE

Homer, Alaska

POSITION STATEMENT: Testified in opposition to HB 66.

ACTION NARRATIVE

[1:04:01 PM](#)

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 1:04 p.m. Representatives Drummond, Kreiss-Tomkins, Vance, Snyder (via teleconference), and Claman were present at the call to order. Representatives Kurka and Eastman arrived as the meeting was in progress.

HB 116-JUVENILES: JUSTICE, FACILITES, TREATMENT

[Contains discussion of HB 105]

[1:04:56 PM](#)

CHAIR CLAMAN announced that the first order of business would be HOUSE BILL NO. 116, "An Act relating to care of juveniles and to juvenile justice; relating to employment of juvenile probation officers by the Department of Health and Social Services; relating to terms used in juvenile justice; relating to mandatory reporters of child abuse or neglect; relating to sexual assault in the third degree; relating to sexual assault in the fourth degree; repealing a requirement for administrative revocation of a minor's driver's license, permit, privilege to drive, or privilege to obtain a license for consumption or possession of alcohol or drugs; and providing for an effective date."

CHAIR CLAMAN recalled to the committee that the bill had been previously introduced during the Thirtieth and the Thirty-First Alaska State Legislatures.

[1:05:48 PM](#)

REPRESENTATIVE IVY SPOHOHNOLZ, Alaska State Legislature, as prime sponsor, explained that HB 116 would accomplish three main objectives: close a loophole pertaining to sexual abuse of a minor; update terminology that defines and references the definition of juvenile justice facilities and staff; and codify the Division of Juvenile Justice's (DJJ's) best practices.

REPRESENTATIVE SPOHNHOLZ paraphrased from the sponsor statement [included in the committee packet], which read as follows [original punctuation included]:

In 2013, Daniel Carey, staff at a Division of Juvenile Justice (DJJ) facility, engaged in a sexual relationship with a 17-year-old girl he had previously supervised at work. The State of Alaska sought conviction of Mr. Carey for sexual abuse of a minor. However, the court found that DJJ staff are not explicitly listed as being in a "position of authority" under AS 11.41.470(5). Mr. Carey was acquitted in 2017 due to this finding. HB 116 closes this loophole. If such inappropriate behavior were to occur again with youth in their custody, DJJ staff could be prosecuted for the offense of sexual abuse of a minor.

In addition, HB 116 updates terminology in state statute referring to facilities operated by DJJ and clarifies the authorities and responsibilities of DJJ staff. HB 116 does not substantively change DJJ operations. The updated definitions, clarifications, and codified best practices will:

- provide clarity for law enforcement;
- give the division the authority needed to oversee juvenile cases in court, and;
- close a loophole for sexual abuse of a minor in the 2nd degree as exhibited by the Carey case in 2017.

HB 116 enhances DJJ's ability to operate with clear policies and regulations and, codifies best practices, and strengthens protections against the sexual abuse

youth in their custody to ensure safe and secure treatment of juveniles in Alaska.

[1:07:23 PM](#)

REPRESENTATIVE SPOHNHOLZ explained that HB 116 would update language that describes the division's facilities, which, in current statute, has been determined to be outdated, inaccurate, or obsolete. She added that the passage of HB 116 would result in codification of best practices within the division that had been determined not to reflect the authority nor the standard operations of the division. She explained that HB 116 would add division staff and probation officers to the list of mandatory reporters of child abuse and neglect, would clarify that probation officers would have the authority to file amended petitions on behalf of youth. She added that the bill would add language to permit DJJ to disclose confidential information related to an offense. She offered that HB 116 would permit the division to better complete its mission.

[1:08:47 PM](#)

MEGAN HOLLAND, Staff, Representative Ivy Spohnholz, Alaska State Legislature, on behalf of Representative Spohnholz, prime sponsor of HB 116, directed attention to the presentation included in the committee packet, titled "HB 116 PowerPoint Presentation 4.12.2021." She explained that slide 2 listed the definitions in Section 6 of the bill that would clarify that division staff are in a position of authority of a minor and referred to the acquittal that was referenced by the bill's sponsor. She explained that slides 3 [and 4] illustrate a list of definitions that would be changed or repealed with the passage of HB 116, and [slide 5] illustrates additional definitions that would be amended by HB 116. She explained the reason for the change of definition from "youth counselors" to "juvenile probation officers" was because the former position title had not been in use since 2003. She added that Section 3 of the bill would repeal the definition for juvenile probation officers and stated that, currently, it inaccurately defines the position and limits the officers to only those in custody between the ages of 18 and 19. She added that a new definition in Section 26 would expand the age range up to 21 years, reflecting current practices.

[1:11:45 PM](#)

MS. HOLLAND directed attention back to slide 4 in the presentation which illustrated the repeal of several outdated definitions as listed for added accuracy and consistency throughout the statute. She directed attention to slide 5, highlighting the change in Section 30 of HB 116 to amend the definition of "minor" to more accurately reflect the age of individuals in custody of the division that may exceed the age of 18. She explained that the definition of "juvenile detention facility" is currently limiting a facility to separate quarters in a city jail, and that some communities do not have adequate sight and sound separation of facilities as federally required between adult and youth detention areas.

[1:13:45 PM](#)

MS. HOLLAND explained that the new definitions depicted on slide 6 were a change from "institutions" to "facilities" and that the division had advocated to the change of definition to more accurately reflect the facilities which they operate. She noted that Section 31 of the bill would create a new definition for "temporary secure juvenile holding area" to more accurately reflect various communities that do not maintain adequate juvenile facilities. She highlighted Section 26 of the bill, which would create a new definition for "juvenile probation officers" for which one does not currently exist. She drew attention to slide 7, which depicts the alignment of statute with the best practices within the division. She said Section 5 clarifies that employees of juvenile treatment institutions and juvenile probation officers qualify as legal guardians for those youth committed into their custody. She added that Sections 16 and 18 would provide officers with authority to file amended and supplemental petitions. She noted that Sections 24 and 25 would clarify that the authority to arrest and detain minors would rest with juvenile, not adult, probation officers.

[1:16:38 PM](#)

MS. HOLLAND referenced slide 8, which illustrated that Section 27 would add "secure residential psychiatric treatment centers" to the list of facilities from which, when a juvenile is released, victims would receive notification, adding that current statute limits the notification requirements to only the release of those in DJJ facilities. She noted that Section 28 would correct language authorizing the department to disclose confidential information in cases that have been adjudicated. She noted that Section 40 would add juvenile probation officers, DJJ office staff, and staff of juvenile facilities to the list

of mandatory reporters of child abuse or neglect. Section 41 would repeal revocation of juvenile driver licenses for offenses involving a controlled substance that were handled informally by the division; the proposed legislation would not provide that youth driver licenses cannot be revoked, rather, the division would address the matters in the district courts.

[1:18:09 PM](#)

MS. HOLLAND drew attention to slide 9, which summarized the three key changes that would occur under HB 116: closing a loophole regarding the sexual abuse of minors; updating terms and definitions pertaining to DJJ facilities and staff; and codifying best practices to improve the division's ability to complete its mission.

[1:18:58 PM](#)

TRACEY DOMPELING, Director, Division of Juvenile Justice, Department of Health and Social Services, stated that HB 116 would address long identified and newly emerging statutory issues related to juvenile justice. She stated that HB 116 had been submitted at the request of the division. She reiterated that previous versions of the bill had been submitted and it is similar in content to House Bill 133, which passed out of committee during the Thirty-First Alaska State Legislature. She explained that the statutes had been drafted approximately 20 years prior, when the division had been created as a separate division within the department. She offered that, while most of the bill contains conforming language, the definitions have a direct impact on the operations of the division and the duties and authority of its staff.

[1:21:25 PM](#)

CHAIR CLAMAN stated that during a hearing on HB 105, matters related to the sight and sound [separation] requirements had been discussed, and he asked whether there exists overlap between the two proposed bills, and how the committee should proceed should any overlap exist.

[1:22:04 PM](#)

MATT DAVIDSON, Social Service Program Officer, Division of Juvenile Justice, Department of Health and Social Services, confirmed that there exists overlap in a couple of Sections in both bills, but that the language is not in conflict. He stated

that [HB 116] was conceived in response to changes in federal law pertaining to holding minors in custody. He added that HB 105 did not mirror the changes proposed in HB 116 intentionally. He suggested that the bills were not in conflict; however, the division would monitor the progression of both bills and attend to any issues that may arise and work with the legislature in order to align both bills. He added that the term "juvenile detention home" would remain in statute should HB 105 pass.

[1:23:31 PM](#)

CHAIR CLAMAN asked whether the provisions in HB 105 appeared in HB 116.

[1:23:47 PM](#)

MR. DAVIDSON answered that the changes proposed in HB 116 do not appear in HB 105. He added that HB 105 corrects alignment with federal laws.

[1:24:26 PM](#)

CHAIR CLAMAN stated his understanding to be that the bills pertained to one another topically but that both bills would effect separate, but related, outcomes.

[1:24:37 PM](#)

MR. DAVIDSON stated his agreement with Chair Claman's statement.

[1:25:02 PM](#)

CHAIR CLAMAN referred to Section 41 pertaining to driver license revocation involving substance abuse charges delegated by the district courts, and asked whether it was the intention to direct these cases to district court, rather than superior court.

[1:25:57 PM](#)

MR. DAVIDSON offered background information related to misconduct involving controlled substances among minors and effects of past legislation on the ability for DJJ to advocate for revocation of a minor's driver license.

[1:28:03 PM](#)

CHAIR CLAMAN clarified that his question pertained more to the jurisdiction of juvenile delinquents between superior court and district court. He asked how juvenile delinquency is within district court jurisdiction now, and what effect on jurisdiction HB 116 would have on defendants under the age of 18, if passed.

[1:28:47 PM](#)

MR. DAVIDSON answered that drug offenses would not be within the jurisdiction of district court for minors, but that underage drinking offenses were currently under the jurisdiction of district court. He added that the district court has the privilege of requesting revocation of driver licenses under another title.

[1:29:35 PM](#)

CHAIR CLAMAN asked whether juveniles were treated as non-juveniles in the cases of underage drinking, in that they were identified in [district] court [records].

[1:29:48 PM](#)

MR. DAVIDSON stated that in 2016, there passed legislation that made those cases not available in CourtView. He referred Chair Claman to Ms. Meade to provide additional information on that legislation.

[1:30:12 PM](#)

CHAIR CLAMAN asked Ms. Meade to offer clarification on juvenile jurisdiction pertinent to cases of underage drinking.

[1:30:23 PM](#)

NANCY MEADE, General Counsel, Office of the Administrative Director, Alaska Court System, stated that under Title 47, juveniles charged with minor consuming are not treated as a juvenile, they are treated as an adult. She drew a comparison to the offense as akin to a traffic ticket, which goes to district court, not superior court. She said the district court does not revoke driver licenses for minor consuming; but rather the defendant, if convicted, is imposed with a fine. She added that the court may revoke driver licenses for possession of a controlled substance or the illegal use or possession of a firearm. She confirmed the chairman's earlier statement that

some of those charges would be within the jurisdiction of the superior court as correct.

[1:31:49 PM](#)

CHAIR CLAMAN asked whether the charges of possession of a controlled substance or the illegal possession or use of a firearm could be brought in district court.

[1:32:16 PM](#)

MS. MEADE stated her belief that those charges would be in the jurisdiction of superior court, not district court.

[1:32:26 PM](#)

CHAIR CLAMAN asked whether HB 116 would change what types of charges could be brought in juvenile court.

[1:32:47 PM](#)

MS. MEADE offered her understanding that the proposed bill would not affect jurisdiction of charges related to controlled substances for minors.

[1:33:02 PM](#)

CHAIR CLAMAN asked whether the bill, if passed, would pertain only to minor consumption of alcohol.

[1:33:19 PM](#)

MR. DAVIDSON stated that HB 116 would not make any changes to jurisdiction. He offered that the referral of any controlled substance or weapons charges to the division would be in the jurisdiction of superior court, and that HB 116 would address the matter of driver's license revocation in cases involving minor consumption.

[1:34:18 PM](#)

REPRESENTATIVE EASTMAN, referring to Sections 24 and 25, asked to what extent HB 116 would change the ability for adult probation officers to aid in the arrest of minors.

[1:34:46 PM](#)

MS. DOMPELING answered that Department of Corrections adult probation officers do not have the authority to intervene on juvenile arrests that have been referred to the Department of Health and Social Services, Division of Juvenile Justice.

[1:35:14 PM](#)

REPRESENTATIVE EASTMAN asked for confirmation that the bill would not have any impact on the authority of adult probation officers.

[1:35:25 PM](#)

MS. DOMPLING confirmed this as correct.

[1:35:31 PM](#)

REPRESENTATIVE EASTMAN referred to Section 28 and asked who has access to the confidential information currently in statute, and how the passage of HB 116 would change that.

[1:36:04 PM](#)

MR. DAVIDSON cited the existing statute 47.12.135(c) and pointed out a lack of alignment with Sections (a), (b), and (c). He offered that the proposed language would align the language to the timing of when information could be released to the public; specifically, the information can be publicly released after adjudication. He added that the proposed language would allow for the matter that was adjudicated - the defendant's conviction - to be released to the public, not the original charge or allegations filed in the first petition.

[1:37:55 PM](#)

REPRESENTATIVE EASTMAN asked to whom the division would be authorized to release information prior to adjudication with the passage of HB 116.

[1:38:17 PM](#)

MS. DOMPELING stated that the bill would provide that information only be released to an inquiring entity for a specific juvenile after adjudication.

[1:39:08 PM](#)

REPRESENTATIVE EASTMAN offered a scenario wherein a child is alleged to have committed an offense, and he asked whether a parent or guardian would be allowed access to the information of the allegations deemed confidential.

[1:39:36 PM](#)

MS. DOMPELING explained that, in the example described by Representative Eastman, a parent or guardian would be a party to the hearing and would have access, but not individual representation, at the actions and hearings pertaining to the allegations. She added that a parent or guardian would have access to confidential information such as probable cause.

[1:40:50 PM](#)

MS. HOLLAND added that HB 116 would not change what information would or will be disclosed; rather, it would clarify who could receive such information.

[1:41:27 PM](#)

REPRESENTATIVE EASTMAN asked whether confidential information would be allowed to be released to anyone who is not party to such charges, prior to adjudication.

[1:42:09 PM](#)

MR. DAVIDSON explained that those who are party to a case, such as the victim, parents, and attorneys, will have access to confidential information throughout the case. He added that there exist provisions that allow the division to share confidential information with entities such as insurance companies and other law enforcement agencies for continuing investigations. He noted that juveniles in the system will often receive referrals for services prior to or in lieu of adjudication, and that some confidential information could be shared with service agencies involved with the juvenile as part of his/her delinquency proceeding.

[1:43:36 PM](#)

REPRESENTATIVE VANCE stated that HB 105 was currently under consideration by the House Health and Social Services Standing Committee and encouraged that any overlapping language between HB 105 and HB 116 be taken into consideration early in the process for consistency and conformity.

[1:44:15 PM](#)

CHAIR CLAMAN explained that the order of referral of the bills had resulted in the House Judiciary Standing Committee hearing HB 105 prior to that of the House Health and Social Services Standing Committee. He suggested that the committee compare HB 105 and HB 116 to confirm the division staff's claims that the language in both bills is not in conflict.

[1:45:21 PM](#)

REPRESENTATIVE VANCE opined that the sponsor's intent would be to create consistency among definitions and encouraged the committee to scrutinize each bill for consistency. She expressed her concern of the bill having taken so long to gain passage, and she asked the sponsor to provide some history on the bill.

[1:46:38 PM](#)

REPRESENTATIVE SPOHNHOLZ expressed her belief that the bill would have passed in the prior legislative session. She added that a companion bill had been taken into consideration by the Senate. She offered that there exist other legislative priorities that may take precedence, and that the passage of this bill is subject to those priorities. She added that HB 116 is a long and complex bill.

[1:47:42 PM](#)

REPRESENTATIVE EASTMAN referred to Section 30 of the sectional analysis [included in the committee packet] regarding the definition of a minor. He asked how broad in scope the change in definition of a minor would be under HB 116 and what other statutes the change of definition might affect.

[1:48:37 PM](#)

MS. DOMPELING responded by offering some historical background. She said previously if a minor committed a crime and the crime was not discovered until after the individual turned 18, the division did not have jurisdiction. There occurred a change in statute to enable jurisdiction to petition an individual - especially in serious cases such as those involving restitution - in such cases where the individual is over the age of 18 and the offense was committed prior to his/her eighteenth birthday.

She expressed her opinion that under HB 116, the change of definition would apply only to the specific chapter under statute.

[1:50:18 PM](#)

REPRESENTATIVE EASTMAN expressed his understanding that an individual under the age of 18 is traditionally referred to as a minor and asked whether anyone had evaluated the impacts within the chapter that a change to the definition of "minor" would bring [should HB 116 pass].

[1:51:04 PM](#)

MR. DAVIDSON stated that the change of definition would be a change to the delinquency statute. He said he could not speak to the impacts that a change of definition would have on other statutes but expressed that it was not intended that the definitions of other statutes would be impacted.

[1:53:11 PM](#)

CHAIR CLAMAN offered that, due to the language in the bill changing the definition in Title 4, chapter 12, which deals with delinquent minors, the change would only apply to the definitions contained therein.

[1:53:53 PM](#)

REPRESENTATIVE SPOHNHOLZ, in response to Representative Vance's earlier question regarding a previous version of the bill, clarified that it had been passed by the House and, prior to adjournment, the bill had been heard and passed out of the Senate Health and Social Services Standing Committee and had been referred to Senate Judiciary Standing Committee as the last committee of referral.

[1:54:23 PM](#)

MR. DAVIDSON offered to provide to the committee a comparative analysis between HB 116 and HB 105.

[1:55:30 PM](#)

REPRESENTATIVE SNYDER, as co-chair of the House Health and Social Services Standing Committee requested that the division's

comparative analysis be provided to that committee for its consideration of HB 105.

[1:55:49 PM](#)

CHAIR CLAMAN opened public testimony on HB 116. After ascertaining that there was no one who wished to testify, he closed public testimony.

[1:56:15 PM](#)

CHAIR CLAMAN announced that HB 116 was held over.

HB 66-ELECTIONS, VOTING, BALLOTS

[Contains discussion of SB 39.]

[1:56:24 PM](#)

CHAIR CLAMAN announced that the final order of business would be HOUSE BILL NO. 66, "An Act relating to voting, voter qualifications, and voter registration; relating to poll watchers; relating to absentee ballots and questioned ballots; relating to election worker compensation; and providing for an effective date."

CHAIR CLAMAN recalled that, during the Thirtieth Alaska State Legislature, the House Judiciary Standing Committee had held a hearing on a previous version of HB 66 in April 2017, and the bill had been moved from committee. He added that items such as eliminating the witness requirement for absentee ballots, pay increases for workers, and "curing" provisions may not have been part of the previous version of the bill.

[1:57:18 PM](#)

REPRESENTATIVE CHRIS TUCK, Alaska State Legislature, as prime sponsor, introduced HB 66. Representative Tuck stated that 2020 was a year that exemplified safe and secure elections in Alaska and the other 49 states. He stated that it had been reported that the 2020 election was one of the most secure elections in history. He referenced reports made by the United States law enforcement and intelligence communities concluding that no evidence of significant voter fraud had occurred. He cited a publication by the Brookings Institute, titled It's Official-The Election Was Secure. He stated that in the last election, more votes than ever had been cast: 361,000 out of 599,687

eligible Alaskan voters cast a ballot. He suggested that voters were allowed to vote by mail safely and conveniently, despite the pandemic. He stated that there were two primary goals for the passage of HB 66; the first would be to allow voters to opt to vote by mail in perpetuity until an election is missed, and the second would be to expand access to voting and modernize elections by authorizing same-day voter registration and allow for notification and opportunity to cure any ballot's technical issues found. He added that the bill would allow for absentee ballots to be counted as they are received rather than awaiting the polls closing to begin counting.

[1:59:59 PM](#)

REPRESENTATIVE TUCK stated that the higher volume of absentee voting had had a more significant impact on the recent election than on prior elections. He explained that HB 66 also would seek to clarify terminology and eliminate confusion between early voting and in-person absentee voting among different locations in the state. Further, the bill would aid in creating consistent polling locations, provide that candidates and groups sponsoring ballot initiatives be allowed observers at the polls, and provide for paid postage on absentee ballots. Representative Tuck added that, currently, a voter may request to vote absentee in an election, and that HB 66 would provide an option to voters to choose to vote by absentee ballot for all future elections. He suggested that the passage of HB 66 would help to create a more equitable accessible voting system by putting voters first and ensuring that every Alaskan is entitled to one vote.

[2:03:44 PM](#)

CHAIR CLAMAN announced that the committee would hear invited testimony.

[2:04:12 PM](#)

PADDY MCGUIRE offered a brief history of his background and employment. He endorsed HB 66 as a significant step forward in correcting issues in Alaska law that would make voting from home easier and more accessible. He opined that, following the 2020 election, public sentiment has risen in favor of being able to vote from home. He offered his opinion based on experience that the provisions of HB 66 have been successfully adopted elsewhere. He stated that allowing voters to choose to vote absentee for future elections would reduce the burden on

election administrators when compared to administering repeat requests for absentee voting. He stated that, in 1998, the State of Oregon had adopted vote by mail, and it followed that 70 percent of voters chose to become permanent absentee voters. He added that the State of Washington introduced same-day voter registration and, while not without some technical difficulties, voters were able to cast a ballot rather than be turned away. He added that postage and cure remedies adopted by the State of Washington had been popular among voters, and increased security by detecting fraud by means of the cure process.

[2:07:25 PM](#)

MR. MCGUIRE imparted that the State of Washington begins tallying ballots as soon as they are received and has penalties in place to prohibit revealing results early. He added that pay to election workers in his jurisdiction ranges from \$15-18 per hour and expressed his surprise that Alaska election workers were not paid at or above the same rate and expressed his belief that the State of Washington's higher wage had increased employee retention.

[2:09:01 PM](#)

AMBER MCREYNOLDS, Chief Executive Officer of the National Vote at Home Institute, described the institute as a national, non-partisan, non-profit organization that works on expanding access to vote at home and on improving elections systems overall. She stated that the organization's values are fairness, accessibility, security, transparency, equity, and reliability in elections systems. She endorsed HB 66 on behalf of the organization. She recalled her experience as an election official in the State of Colorado, where vote by mail had been expanded and stated that, over time, more voters chose to use the vote by mail option, in record numbers. She added that HB 66 would expand voter choice to either vote in advance of election day or on election day.

[2:12:09 PM](#)

KENDRA KLOSTER, Executive Director, Native Peoples Action (NPA) and Native Peoples Action Community Fund (NPACF) testified in support of HB 66. She explained that the two sister organizations that she represents are indigenous, non-profit organizations focused on protecting traditional [Native] ways of life by providing Alaska Native communities with a voice at all levels of policymaking. She explained that her advocacy for

voting reform has evolved as more is learned about voting issues in Alaska.

MS. KLOSTER said that NPACF had hired fifteen rural voter engagement specialists during the 2020 election and had sent out more than 57,000 absentee voting applications in response to community concerns voiced around COVID-19. She shared NPACF's summation of voter concerns that had been identified as barriers to voting including insufficient ice on the river prohibiting travel to polls, unfulfilled online requests to receive absentee ballots, communities in lockdown due to COVID-19, and post office closures and voters' inability to obtain postage to vote absentee.

[2:15:40 PM](#)

MS. KLOSTER spoke in favor of ballot curing. She encouraged the committee to seek additional solutions to eliminate barriers to voting, and she expressed her opinion that HB 66 is a good start to addressing some of the barriers. She encouraged additional outreach and voter education efforts, including diversity in languages for election education efforts.

[2:18:17 PM](#)

REPRESENTATIVE KURKA referred to page 1, line 11, of HB 66 and asked whether the bill would allow for adequate time and process to verify citizenship [of voters seeking registration].

[2:19:37 PM](#)

REPRESENTATIVE TUCK answered that the Alaska State Constitution prescribes a 30-day residency requirement that HB 66 would not circumvent. He exemplified situations such as in which a resident changed districts or in which a voter sought new registration, he/she would be subject to a question ballot, a special needs ballot, or an in-person absentee ballot. He explained that all three ballot types are examined for voter eligibility by the same process. He noted that language in Section 12, [on page 6], line 25 through page 7, line 2 would be eliminated, but the language is included in Section 13 on how a person voting by means of a question ballot, special needs ballot, or an in-person absentee ballot would be qualified.

[2:21:02 PM](#)

REPRESENTATIVE KURKA referred to proposed language in Section 2, on page 2, line 30, through page 3, line 3, which read:

(14) an acknowledgment of understanding by the applicant that, if the applicant has previously been registered to vote in another jurisdiction, the director will notify the chief elections officer of that jurisdiction that the applicant has registered to vote in Alaska and request the applicant's voter registration be canceled in that jurisdiction.

REPRESENTATIVE KURKA asked, should the voter not inform the director, how the director would be informed as to whom to contact in another state.

[2:21:57 PM](#)

REPRESENTATIVE TUCK explained that the state has a paid partnership with the Election Registration Information Center (ERIC) that allows the Division of Elections to verify residency in a manner similar to the methodology that is used for residents to be verified to obtain a REAL ID.

[2:23:12 PM](#)

REPRESENTATIVE KURKA asked whether the verification process would be completed within the 30-day required timeframe.

REPRESENTATIVE TUCK deferred to the Division of Elections to confirm but offered that the verification process would be allowed up to the deadline of certification of the election.

[2:24:18 PM](#)

CHAIR CLAMAN opened public testimony on HB 66.

[2:25:11 PM](#)

JOEL HANSON testified in support of HB 66. He stated that he had since retired from commercial fishing and had voted absentee or by mail for many years. He stated his support of prior legislation that associated the Alaska permanent fund dividend (PFD) application process with an opt-out provision for automatic voter registration. He claimed that HB 66 would retain the opt-out provision and stated that SB 39 would change the voter registration via PFD application to an opt-in process. He cautioned that voter turnout could diminish significantly

should SB 39 pass unless HB 66 should pass and allow for same-day voter registration at the polls. He stated that he had observed public testimony regarding allegations of voter fraud and suspicious activity pertaining to the 2020 election and said that none of the allegations had convinced him of widespread voter fraud. He added that most suspicious activity reported in testimony had been resolved by voters themselves choosing not to participate in fraudulent activity.

[2:27:40 PM](#)

TERRI LYONS testified in opposition to HB 66. She specified her opposition to electronic signatures and early voting. She emphasized her opposition to eliminating witness signatures. She also stated her opposition to proposed pay raises for election officials. She suggested that the passage of HB 66 would result in the state becoming subject to extreme voter fraud. She stated that she and her late husband had received absentee ballots in the mail, though no such absentee ballots had been requested by them.

[2:29:13 PM](#)

DOUG WOODBYP testified in support of HB 66. He stated that the passage of HB 66 would expand voter access, modernize Alaska elections, make it more convenient to vote before election day, make it easier to vote on election day. The proposed legislation would require the Division of Elections to inform a voter when an absentee ballot has an error and is subject to rejection and provide for a voter to be able to cure mistakes.

[2:30:19 PM](#)

LOREN PETERSON, Chairman & President, Azachorok Incorporated, testified in support of HB 66. He explained that Azachorok Incorporated is a corporation headquartered in Anchorage and serves shareholders in Western Alaska, including the Lower Yukon. He suggested that the region had experienced disenfranchisement including in elections. He stated the board of directors of the corporation unanimously resolved support for ballot curing. He stated that he had been an active voter, as were his parents. He stated that his signature had changed over time and absentee ballots should allow for a curing process should signatures not match. He requested the committee consider allowing for a curing process for mail-in ballots. He further suggested that voter turnout would increase should HB 66 pass.

[2:33:23 PM](#)

CELESTE HODGE GROWDEN, President & Chief Executive Officer, Alaska Black Caucus; Executive Vice President, National Association for the Advancement of Colored People, described the Alaska Black Caucus as a non-partisan organization that advocates for the lives of black and other people of color in Alaska in the areas of health, education, economics, and justice. She suggested that in Alaska and other states some voter suppression bills had been introduced based on fear and unsubstantiated rhetoric that erode voting rights. She suggested that HB 66 would enable every voter to be heard by way of their ballot. She emphasized that vote by mail would allow more voters to participate in elections despite personal and economic barriers to voting. She suggested that HB 66 would make voting more accessible and more secure. She stated fierce opposition to discriminatory practices and described prior discriminatory practices that made it more difficult for people of color to vote.

[2:36:24 PM](#)

JESSICA LINDMAN testified in support of HB 66. She stated that she had been a resident of Oregon and there had voted exclusively by mail. She stated her understanding that there had not been any evidence of widespread voter fraud. She stated that the State of Oregon also had permitted a ballot curing process and expressed her dismay at learning that Alaska had no such process.

[2:37:36 PM](#)

RICK PHILIPS testified in support of HB 66. He stated that he would support any bill that would make it easier to vote. He read from the Constitution of the United States, as follows: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." He suggested that the right to vote should be assigned at birth.

[2:38:58 PM](#)

ALEX KOPLIN, Member, Kenai Peninsula Votes, testified in support of HB 66. He complimented the Division of Elections and its staff for their work on the 2020 election. He spoke in support of ballot curing, prepaid postage on absentee and mail-in

ballots, the elimination of the witness signature requirement, and the option for voters to opt for permanent absentee ballots. He claimed that SB 39 had not been subject to public testimony to date. He encouraged bipartisan support of HB 66.

[2:41:38 PM](#)

CHARLES MCKEE testified in opposition to HB 66. He stated that he had provided testimony in opposition to SB 39.

[2:43:27 PM](#)

CASSIE LAWVER testified in opposition to HB 66.

[2:43:56 PM](#)

JOHN SONIN testified in support of HB 66. He encouraged free and fair elections and making it easier to vote. He suggested that HB 66 was perfect and urged the committee to pass it.

[2:46:48 PM](#)

MIKE COONS testified in opposition to HB 66 and stated his support of SB 39. He suggested that same-day voter registration, ballot curing, and eliminating the witness signature requirement render the election system open to voter fraud.

[2:49:39 PM](#)

ANNETTE ALFONSI testified in support of HB 66. She shared a personal story of her disability and her resulting difficulty in voting in previous elections. She emphatically supported provisions of the bill that would aid disabled citizens in voting. She suggested that ballot curing for mismatched signatures would be a fraud prevention measure.

[2:51:56 PM](#)

BERT HOUGHTALING testified in opposition to HB 66. He suggested that the passage of HB 66 would weaken elections and increase the potential for voter fraud. He opined that the judicial system had subverted a free and fair election in 2020. He recommended that the committee consider revising HB 66 to align with SB 39.

[2:54:28 PM](#)

NICK MOE testified in support of HB 66. He suggested that ballot curing had been long overdue and suggested that in excess of 1,100 ballots in the previous election had been rejected and may have been counted had a cure process been available. He expressed his support for same-day voter registration, stating that he had encountered young and new voters in his capacity of student government relations at the University of Alaska who had expressed a desire to vote, but had not been allowed due to the 30-day advance registration requirement.

[2:56:10 PM](#)

EVAN ANDERSON, Director of Civic Engagement for the Alaska Center Education Fund, testified in support of HB 66. He complimented the efforts and adaptations involved in the 2020 election under a global pandemic. He encouraged outreach to existing and new voters to inform them of their voter rights. He stated that his organization had established a hotline that garnered hundreds of calls from voters seeking information. He suggested that same-day voter registration and the option for permanent absentee ballot requests would be the most effective reforms. He suggested that HB 66 would expand the electorate.

[2:58:40 PM](#)

REBECCA MOORE testified in opposition to HB 66. She expressed concerns that the passage of HB 66 would not provide increased integrity in elections.

[2:59:54 PM](#)

CHAIR CLAMAN, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 66.

CHAIR CLAMAN announced that HB 66 was held over.

[3:01:22 PM](#)

REPRESENTATIVE EASTMAN suggested that the time allotted for public testimony for HB 116 be increased to 3 minutes for each testifier due to the complexity of the bill.

[3:01:46 PM](#)

CHAIR CLAMAN answered that he would take the matter under consideration and reminded attendees that individuals may also provide written testimony on a bill.

[3:02:20 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:02 p.m.