

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 29, 2021

4:02 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Matt Claman, Vice Chair
Representative Geran Tarr
Representative Andi Story
Representative Sarah Vance
Representative James Kaufman
Representative David Eastman

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 163

"An Act relating to vehicle title applications."

- HEARD & HELD

HOUSE BILL NO. 142

"An Act relating to eligibility for the permanent fund dividend."

- 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

HOUSE BILL NO. 39

"An Act relating to voter preregistration for minors at least 16 years of age."

- BILL HEARING CANCELED

HOUSE BILL NO. 25

"An Act relating to the duties of the state Board of Education and Early Development; relating to statewide standards for instruction in social-emotional learning; and providing for an effective date."

- BILL HEARING CANCELED

HOUSE BILL NO. 187

"An Act relating to the elimination or modification of state agency publications that are outdated, duplicative, or excessive or that could be improved or consolidated with other publications or exclusively delivered electronically; and providing for an effective date."

- BILL HEARING CANCELED

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 5

"An Act relating to sexual abuse of a minor; relating to sexual assault; relating to the code of military justice; relating to consent; relating to the testing of sexual assault examination kits; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 163

SHORT TITLE: FORM OF SIGNATURE ON VEHICLE TITLE

SPONSOR(s): REPRESENTATIVE(s) SCHRAGE

04/05/21	(H)	READ THE FIRST TIME - REFERRALS
04/05/21	(H)	CRA, STA
04/13/21	(H)	CRA AT 8:00 AM BARNES 124
04/13/21	(H)	Heard & Held
04/13/21	(H)	MINUTE(CRA)
04/15/21	(H)	CRA AT 8:00 AM BARNES 124
04/15/21	(H)	Moved HB 163 Out of Committee
04/15/21	(H)	MINUTE(CRA)
04/16/21	(H)	CRA RPT 6DP
04/16/21	(H)	DP: MCCABE, PRAX, MCCARTY, DRUMMOND, SCHRAGE, HANNAN
04/27/21	(H)	STA AT 3:00 PM GRUENBERG 120
04/27/21	(H)	Heard & Held
04/27/21	(H)	MINUTE(STA)
04/29/21	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 142

SHORT TITLE: PFD ELIGIBILITY
SPONSOR(s): REPRESENTATIVE(s) MCCARTY

03/20/21 (H) READ THE FIRST TIME - REFERRALS
03/20/21 (H) STA, JUD, FIN
04/09/21 (H) STA REFERRAL MOVED TO AFTER JUD
04/09/21 (H) BILL REPRINTED
04/21/21 (H) JUD AT 1:00 PM GRUENBERG 120
04/21/21 (H) Heard & Held
04/21/21 (H) MINUTE(JUD)
04/26/21 (H) JUD AT 1:00 PM GRUENBERG 120
04/26/21 (H) Moved CSHB 142(JUD) Out of Committee
04/26/21 (H) MINUTE(JUD)
04/28/21 (H) JUD RPT CS(JUD) NT 3DP 2NR 1AM
04/28/21 (H) DP: SNYDER, KREISS-TOMKINS, CLAMAN
04/28/21 (H) NR: EASTMAN, DRUMMOND
04/28/21 (H) AM: VANCE
04/29/21 (H) STA AT 3:00 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
04/12/21 (H) Heard & Held
04/12/21 (H) MINUTE(JUD)
04/14/21 (H) JUD AT 1:00 PM GRUENBERG 120
04/14/21 (H) Heard & Held
04/14/21 (H) MINUTE(JUD)
04/19/21 (H) JUD AT 1:00 PM GRUENBERG 120
04/19/21 (H) Moved CSHB 66(JUD) Out of Committee
04/19/21 (H) MINUTE(JUD)
04/21/21 (H) JUD RPT CS(JUD) 4DP 3DNP
04/21/21 (H) DP: KREISS-TOMKINS, DRUMMOND, SNYDER,
CLAMAN
04/21/21 (H) DNP: EASTMAN, VANCE, KURKA
04/21/21 (H) FIN REFERRAL ADDED AFTER STA
04/21/21 (H) BILL REPRINTED
04/29/21 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

REPRESENTATIVE CALVIN SCHRAGE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, provided a brief statement during the hearing on HB 163.

REPRESENTATIVE KEN MCCARTY
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, introduced HB 142.

REPRESENTATIVE CHRIS TUCK
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, introduced HB 66.

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

POSITION STATEMENT: Answered questions during the hearing on HB 66 on behalf of Representative Tuck, prime sponsor.

ACTION NARRATIVE

[4:02:33 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 4:02 p.m. Representatives Kreiss-Tomkins, Story, Claman, and Kaufman were present at the call to order. Representatives Tarr and Eastman arrived as the meeting was in progress.

HB 163-FORM OF SIGNATURE ON VEHICLE TITLE

[4:05:25 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 163, "An Act relating to vehicle title applications."

[4:05:42 PM](#)

REPRESENTATIVE CALVIN SCHRAGE, Alaska State Legislature, as prime sponsor of HB 163, stated that he had no additional comments and welcomed questions from the committee.

[4:06:33 PM](#)

CHAIR KREISS-TOMKINS announced that there being no questions from committee members, HB 163 was held over.

HB 142-PFD ELIGIBILITY

[4:07:13 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 142, "An Act relating to eligibility for the permanent fund dividend." [Before the committee was CSHB 142(JUD).]

[4:07:34 PM](#)

REPRESENTATIVE KEN MCCARTY, Alaska State Legislature, as prime sponsor, presented HB 142. He explained that the proposed legislation would limit the permanent fund dividend (PFD) eligibility of active-duty military members to those who are physically stationed in Alaska.

CHAIR KREISS-TOMKINS invited questions from the committee.

[4:08:54 PM](#)

REPRESENTATIVE EASTMAN asked whether the bill would impact the eligibility of congressional staff who had left the state and were living and working in Washington D.C.

REPRESENTATIVE MCCARTY indicated that congressional members, members of the Peace Corps, and full-time students who were still Alaska residents would still be eligible to receive the PFD.

REPRESENTATIVE EASTMAN asked whether the proposed legislation would impact an Alaska resident who was stationed abroad for some period of time and had family residing in state.

REPRESENTATIVE MCCARTY relayed that a military member who was deployed would not lose PFD eligibility if his/her base remained in Alaska.

REPRESENTATIVE EASTMAN asked whether someone who was deployed overseas would lose eligibility.

REPRESENTATIVE MCCARTY was unsure of the answer.

[4:12:05 PM](#)

REPRESENTATIVE KAUFMAN questioned why the bill was focused solely on the military, as opposed to having a broader scope.

REPRESENTATIVE MCCARTY reported that last year, \$16 million was distributed to individuals who no longer lived in state. He indicated that the intent was to reduce the amount of PFD dollars sent to people who no longer resided in Alaska.

REPRESENTATIVE KAUFMAN cited the sponsor statement [included in the committee packet], which specified that in 2018, \$4,900,000 had been distributed to service members who spent more than 180 days out of state. He inquired about the discrepancy between \$16 million and \$4,900,000.

REPRESENTATIVE MCCARTY stated that the \$4.9 million applied to active-duty military members only, whereas the \$16 million was distributed to military members, as well as their significant others and dependents.

[4:14:33 PM](#)

REPRESENTATIVE STORY sought to clarify when a service member would become ineligible under the proposed legislation. She pointed out that some military members were serving out of state with the intent of returning to Alaska. She asked whether those people would lose their eligibility.

REPRESENTATIVE MCCARTY indicated that those individuals would lose eligibility. He explained that many people who intended to return to Alaska never did. He said if and when those military members return to Alaska, they could regain their PFD eligibility.

[4:16:13 PM](#)

REPRESENTATIVE EASTMAN, referencing a letter from the Department of Revenue (DOR) [included in the committee packet], asked Representative McCarty to quantify the forecasted increase in eligibility for individuals not serving in the military.

REPRESENTATIVE MCCARTY offered to follow up with the requested information.

REPRESENTATIVE EASTMAN pointed out that the document from DOR suggested that paid dividends would be reduced by approximately \$8.5 million if the bill were to pass. He contended that less money wouldn't be disbursed, it would just be distributed to different people. He asked if that was correct.

REPRESENTATIVE MCCARTY shared his understanding that the existing money would be divided accordingly to "the number allocated out for the state in that year."

CHAIR KREISS-TOMKINS explained that if there were a finite amount of money going towards dividends and the denominator of eligible Alaskans grew smaller, then each remaining Alaskan would receive an incrementally larger dividend.

[4:18:44 PM](#)

REPRESENTATIVE TARR sought to clarify the concept of reestablishing residency for a service member who had left Alaska and subsequently returned. She asked whether someone who had previously established residency in Alaska would be "situated differently" than someone who was new to Alaska.

REPRESENTATIVE MCCARTY said anyone who returned to the state or moved to the state would be considered in an equitable manner. He indicated that it would create too much of a "quagmire" to differentiate between the two.

[4:21:53 PM](#)

REPRESENTATIVE STORY asked how many appeals had been submitted against the denial of an individual's PFD eligibility, as well as why certain appeals were awarded. She expressed concern about taking away PFD eligibility from military members.

REPRESENTATIVE MCCARTY recalled his conversation with two generals who indicated that there was a lot of incentive to move to Alaska for service members; further, that the proposed legislation shouldn't deter that. He expressed concern about the significant resources that were invested in the investigations into applicants' intention of returning to the state after a permanent change of station (PCS).

[4:24:08 PM](#)

CHAIR KREISS-TOMKINS asked how many PCNs were in the investigation section in the Permanent Fund Dividend Division.

[4:24:32 PM](#)

REPRESENTATIVE EASTMAN asked whether it would be beneficial to discourage snowbirds from renting out their in-state residences, as it could be perceived as a business.

REPRESENTATIVE MCCARTY stated that snowbirds were required to return to the state within 180 days or else they lose their PFD eligibility. Alternatively, military members could be deployed over 180 days for purposes of deployment and still be considered residents.

REPRESENTATIVE EASTMAN asked DOR how much time would be spent verifying people's intent to return to Alaska.

REPRESENTATIVE KREISS-TOMKINS agreed. He noted that these questions would be addressed in the next bill hearing.

REPRESENTATIVE EASTMAN questioned whether the repeal of the allowable absence eligibility criteria, which required DOR to consider relevant factors of intent, would impact individuals outside of the military.

REPRESENTATIVE MCCARTY deferred the question to the Permanent Fund Dividend Division.

[4:27:41 PM](#)

REPRESENTATIVE TARR recalled previous legislation that had proposed placing dividends in an account for [service members] who left the state with the intent to return in the future. She explained that if those individuals returned to Alaska, they would then be eligible to collect those PFDs. She asked whether that concept had been considered by the bill sponsor.

REPRESENTATIVE MCCARTY replied that it had been considered.

[4:29:00 PM](#)

CHAIR KREISS-TOMKINS asked whether the bill sponsor had considered amending any of the allowable absences in the drafting of the proposed legislation.

REPRESENTATIVE MCCARTY said he had considered making an allowance for the commercial aviation industry but ultimately

decided against it, as other industries would have requested equitable treatment.

[4:30:36 PM](#)

REPRESENTATIVE VANCE inquired about the language "is absent" on page 2, line 1, of CSHB 142(JUD), which was changed from "was absent". She asked whether the change of verb tense was made by the bill sponsor or Legislative Legal Services.

REPRESENTATIVE MCCARTY deferred the question to Legislative Legal Services.

[4:32:04 PM](#)

CHAIR KREISS-TOMKINS announced that CSHB 142(JUD) was held over.

HB 66-ELECTIONS, VOTING, BALLOTS

[4:33:39 PM](#)

CHAIR KREISS-TOMKINS 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." [Before the committee was CSHB 66(JUD).

[4:34:22 PM](#)

REPRESENTATIVE CHRIS TUCK, Alaska State Legislature, as prime sponsor, presented HB 66, with a sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

In November of 2020, over 361,000 Alaskans voted. Never in Alaska's history have so many people cast a ballot in an election.

House Bill 66 seeks to build on the success of the 2020 election by making permanent some of the temporary changes put in place to ensure Alaskans could vote safely. These changes include eliminating the witness requirement for absentee ballots and a pay increase for election workers up to \$15 per hour.

HB 66 also seeks to modernize elections in Alaska by allowing electronic signatures and same-day voter registration. The bill also requires absentee ballots to be counted as they are received instead of waiting until after the polls close on election day. This will speed up the release of more complete election results.

Other provisions in House Bill 66 include:

- Creating an option for permanent absentee voting for individuals that plan to vote by mail in every election.
- Requiring the Division of Elections to offer a voter the option to fix a mailed-in absentee ballot if there are errors.
- Calling for the same early voting locations to be available during every election.
- Clarifying that candidates and groups sponsoring ballot initiatives can have poll watchers.

The overarching goal behind HB 66 is to remove barriers to the ballot box at every stage of Alaska's elections. HB 66 will make it more convenient to vote before election day and make it easier to vote on election day.

REPRESENTATIVE TUCK reported that on November 3, 2020, there were 27,686 absentee in-person votes; 98,816 mailed absentee votes; 53,229 early in-person votes; 12,026 votes via online delivery; 48 votes via fax; and 1,847 special needs ballots. Overall, 46 percent of the votes cast in the 2020 United States presidential election were submitted by mail. Additionally, nationwide, the share of voters casting ballots on election day fell from 60 percent in 2016 to 28 percent in 2020.

[4:38:42 PM](#)

CHAIR KREISS-TOMKINS invited questions from the committee.

[4:39:00 PM](#)

REPRESENTATIVE VANCE sought to clarify the difference between early absentee voting and absentee voting. Additionally, she inquired about the bill sponsor's intent for the provision regarding polling locations.

REPRESENTATIVE TUCK relayed that in the 2014 election, many of the polling locations in rural Alaska had been moved. He said the intent was to ensure that once a polling location was established after redistricting, it would remain in that specific precinct to avoid any uncertainty. He addressed in-person absentee voting, explaining that it was akin to early voting. The only difference, he said, was that with true early voting, which was only available in Juneau, Anchorage, and Fairbanks, the ballots were counted immediately, whereas in-person absentee votes were counted later because they were treated as an absentee ballot. He emphasized the importance of clarifying the terminology because in the 2014 and 2016 elections, voters who wanted to submit an in-person absentee ballot were turned away by poll workers in rural Alaska who thought the voters had to be absent to participate. He further noted that there were components of the bill that would increase the minimum wage for poll workers and improve their training by the Division of Elections (DOE).

CHAIR KREISS-TOMKINS informed the committee that early voting occurred wherever there was a DOE office; consequently, Juneau, Anchorage, Fairbanks, and Nome were the only places in Alaska where people could participate in early voting.

REPRESENTATIVE VANCE asked whether there was statutory language that specified the protocols DOE would take if a polling location needed to change. She shared a personal anecdote about a polling location in her district that had been moved prior to an election due to the pandemic. She recalled that DOE had been scrambling because within a month before the election, at least nine polling locations had to be relocated. Further, DOE had communicated to Representative Vance that the notification system consisted of a postcard in the mail. She asked whether any guidance or protocols existed to prevent confusion when those situations occurred.

[4:44:59 PM](#)

REPRESENTATIVE TUCK said the experience shared by Representative Vance highlighted the importance of maintaining established polling locations. He directed attention to AS 15.20.045(b), noting that it was the only statute that addressed [location changes]. He indicated that under the proposed legislation, polling locations would be designated to a specific place for 10 years, which would discourage DOE from choosing temporary locations. He said the bill would implement concrete polling locations; however, if a relocation had to occur, DOE would be

required to notify the public in writing, as specified on page 8, lines 19-21 of CSHB 66(JUD).

REPRESENTATIVE VANCE shared a personal anecdote about her district and expressed interest in clarifying the requirements, as well as implementing proper notification methods if a location were to change.

REPRESENTATIVE TUCK welcomed further discussion on the issue and agreed that protocols should be followed.

[4:49:39 PM](#)

REPRESENTATIVE EASTMAN asked how people would be notified of an opportunity to cure a ballot.

REPRESENTATIVE TUCK directed attention to Section 28 of CSHB 66(JUD), which indicated that voters would be notified of a rejected ballot by mail. Additionally, the notification would include an explanation of how to cure the ballot. He noted that Section 30 outlined the ballot curing process.

REPRESENTATIVE EASTMAN pointed out that voters were contacted about ballot curing via phone, electronic mail, and text message. He asked whether the bill sponsor would support utilizing those same methods to notify voters of a polling location change.

REPRESENTATIVE TUCK stated that he would be open to the idea. He shared his understanding that people were informed of ballot curing opportunities by mail. He said he didn't want to replace the by-mail notification; however, it could be augmented with the other methods.

[4:52:51 PM](#)

REPRESENTATIVE EASTMAN, referring to Section 28, offered his understanding that notification by mail was not included in the bill language. He asked why it was not included as an alternative option to telephone, electronic mail, or text message.

REPRESENTATIVE TUCK contended that on page 13, lines 16-18, Section 28 specified that in addition to mailing the notification, the director could notify a voter by telephone, electronic mail, or text message.

CHAIR KREISS-TOMKINS shared a personal anecdote about ballot curing.

REPRESENTATIVE EASTMAN referenced the language on page 13, line 17, which stated that the director may notify a voter by telephone, electronic mail, or text message. He questioned why "may" was used instead of "shall".

REPRESENTATIVE TUCK explained that the by-mail notification was required whereas the notification via telephone, electronic mail, or text message was to augment the mailed notice. He said he had no problem with "may" or "shall"; however, he said he would want to hear from the department before amending the current language.

[4:56:00 PM](#)

MICHAEL MASON, Staff, Representative Chris Tuck, Alaska State Legislature, on behalf of Representative Tuck, prime sponsor, stated that the mailing requirement was included in the language at the request of the department. The other methods of contact offered additional flexibility, he said. He explained that the department was enthusiastic about using the other notification methods as they were available, but not as a required form of contact for every person.

REPRESENTATIVE EASTMAN asked whether the director would be permitted to send a text message only to voters who he/she knew personally.

REPRESENTATIVE TUCK clarified that the director could utilize the augmented methods of contact for the voters who provided that information. He said notification by telephone, e-mail, or text message would not be required to avoid the mandatory inclusion of a phone number and email address on ballot applications.

[4:57:58 PM](#)

REPRESENTATIVE TARR inquired about adding a provision to address voters for whom English was a Second Language.

REPRESENTATIVE TUCK pointed out that the ballot curing process included the option of correcting a ballot in person, which could be helpful for non-native speakers of the English language. Nonetheless, he pondered how to accommodate a voter

for whom English was a second language who needed to cure a rejected absentee ballot from the convenience of his/her home.

5:00:32 PM

REPRESENTATIVE STORY, referring to Section 28, sought to verify that voters who were notified of a rejected ballot would have enough time to send in a cured ballot that would be counted.

REPRESENTATIVE TUCK answered yes. He shared his understanding that typically, post offices put a date stamp on ballots to ensure that they arrived in a timely manner. He added that DOE and local post offices were well coordinated during the election cycle.

REPRESENTATIVE STORY inquired about the deadlines.

MR. MASON directed attention to page 13, lines 14-15 of CSHB 66(JUD), which specified that notice must be sent a voter no later than three days after a ballot had been rejected. The voter would have until the tenth day after the election to complete the curing process, he said. In response to the previous question from Representative Tarr, he explained that ballots could be cured in person or via an affidavit, which could be used to attest to the English as a second language component.

5:04:06 PM

REPRESENTATIVE STORY, referencing subparagraph (G) on page 15 of CSHB 66(JUD), inquired about the cost of postage.

REPRESENTATIVE TUCK explained that larger ballots required more postage than a first-class stamp, which was the typical postage required for the average ballot. He believed that sometimes, if the first-class stamp was not enough postage, DOE would incur the extra cost. He noted that postage-paid return envelopes would be provided for all ballots under the proposed legislation.

5:05:24 PM

CHAIR KREISS-TOMKINS asked whether the bill sponsor had given any thought to the existing prohibition on "ballot selfies." He noted that ballot selfies were still technically illegal, despite DOE's expressed intent against enforcing that statute.

REPRESENTATIVE TUCK explained that the purpose of taking a picture with one's ballot was to encourage people to vote. He said he was supportive of furthering that sentiment.

CHAIR KREISS-TOMKINS shared his belief that useless statutes should be "retired."

[5:06:54 PM](#)

REPRESENTATIVE KAUFMAN inquired about the intent of Section 5. He sought to confirm that it would require the voter's party affiliation to be reflected on the envelope.

REPRESENTATIVE TUCK explained that presently, when applying for an absentee ballot, people had the option of changing their party affiliation on the same application. Essentially, he said, Section 5 would add that in statute.

REPRESENTATIVE KAUFMAN asked whether filling out the portion pertaining to party affiliation would be required.

REPRESENTATIVE TUCK answered no, it would not be required. He explained that because the PFD was accompanied by automatic voter registration, this would provide people with the opportunity to make a declaration of their party affiliation immediately.

REPRESENTATIVE KAUFMAN, referencing Section 33, which pertained to compensation for election workers, asked whether volunteers would be prohibited.

REPRESENTATIVE TUCK deferred the question to DOE.

[5:09:19 PM](#)

REPRESENTATIVE EASTMAN questioned why the hourly wage for different positions varied from \$12.50 to \$15.50.

MR. MASON said the pay scale was based on the compensation for election workers in different states. He reported that many jurisdictions set the minimum wage at \$15 for poll workers. He noted that the hourly pay of \$12.50 in paragraph (6) was for extra election day and election night workers; however, he wouldn't be opposed to paying them \$15.

REPRESENTATIVE EASTMAN asked how this would impact the fiscal note.

REPRESENTATIVE TUCK said presently, the fiscal note was indeterminate. Referencing the fiscal note's analysis [included in the committee packet], he explained that there would be costs of approximately \$66,600 associated with return postage for by-mail ballots and \$138,600 for reprinting of absentee by-mail, absentee in-person, special needs, and questioned ballot envelopes. He noted that the cost of election worker compensation had not been estimated.

REPRESENTATIVE EASTMAN revisited the topic of ballot curing. He asked how a partial ballot rejection would affect the notification process.

REPRESENTATIVE TUCK was unsure of whether a partial rejection existed. He understood that any error that prevented a ballot from being opened or counted would cause the ballot to be rejected. There could be one error or multiple errors, he said, both of which would lead to a rejection.

[5:12:54 PM](#)

REPRESENTATIVE EASTMAN inquired about curing ballots that had been partially counted.

REPRESENTATIVE TUCK believed that Representative Eastman was referring to a questioned ballot. He considered a scenario in which a newly registered voter in this state could vote for a presidential candidate per federal law but could not vote on anything beyond that if the person lacked a 30-day residency in Alaska. He contemplated how that ballot could be cured. He shared a personal anecdote. He shared his understanding that voting by mail could be the solution for a person who was voting in the wrong location. He deferred the question to DOE.

MR. MASON clarified that ballot curing was for minor mistakes - not for changing votes or adding votes after an election.

[5:16:59 PM](#)

REPRESENTATIVE EASTMAN asked whether ballot curing should be available only for absentee by-mail ballots, as opposed to absentee in-person.

REPRESENTATIVE TUCK opined that it should be available for any absentee ballot that was rejected due to technical error.

MR. MASON clarified that ballot curing did not apply to early voting, as those ballots were anonymous. He explained that curing rejected absentee ballots allowed voters to fix the technical mistakes that were separate from the ballot.

[5:18:09 PM](#)

CHAIR KREISS-TOMKINS noted that curing was associated with absentee ballots because the by-mail process was what presented the opportunity for technical errors to exist.

[5:18:29 PM](#)

REPRESENTATIVE KAUFMAN described a high-integrity voting process as one with a high degree of traceability in terms of voter identification. He asked how the bill would ensure that electronic voter registration and other aspects of absentee voting had the same degree of "integrity" that was inherent to in-person voting.

REPRESENTATIVE TUCK replied that "MyAlaska" would be used for electronic registration. He indicated that MyAlaska was secure, as it was used for PFD applications and many other important services. Regarding voter identification, he elaborated on the rigorous identification protocols for absentee voting. Further, he explained that absentee ballots were "checked and double checked" during the counting process. He added that if any of the ballots that were set aside during that process ended up determining the outcome of the election, the results typically would be litigated in court.

MR. MASON noted that there would be future testimony from Paddy McGuire on how to implement secure by-mail voting.

[5:22:16 PM](#)

REPRESENTATIVE VANCE asked whether there was a curing process for ballots submitted on election day. She shared a personal anecdote.

REPRESENTATIVE TUCK said Paddy McGuire would elaborate on in-person voting in his forthcoming testimony. He emphasized that once a ballot entered the ballot box, it could not be cured. He added that training of poll workers was a critical component of reducing errors.

MR. MASON believed that the situation detailed by Representative Vance was not addressed in statute. He agreed that training would be a viable solution.

REPRESENTATIVE VANCE, referencing Section 29, asked about the intent of the word "immediately" on page 13, line 29.

MR. MASON answered that the intent was that once a ballot had been rejected, the director would immediately make that information available through a free access system.

REPRESENTATIVE TUCK added that this provision would allow absentee voters to see whether their ballots had been counted through an online system. Further, DOE would be required to notify voters by mail of a rejected ballot within three days.

[5:28:53 PM](#)

REPRESENTATIVE VANCE said she liked this feature. Nonetheless, she expressed concern about data breaches. She asked what steps were being taken by the division to protect voters' information. She emphasized the importance of providing a secure system for voters, both in-person and by mail. She shared a personal anecdote.

[5:31:26 PM](#)

CHAIR KREISS-TOMKINS maintained that people's votes were never revealed under any circumstance. He explained that ballots were not link to the individual voter's identification, which was the intrinsic value of a paper ballot system.

REPRESENTATIVE VANCE clarified that the public perceived security as a problem; consequently, she believed that the legislature needed to make it clear that it would not be an issue. She recalled a bill hearing from last year, during which time she had asked the division whether a voter's party affiliation was visible from the envelope. She reported that DOE had indicated that sometimes that information was visible. She shared a personal anecdote. She said the public felt that if their party affiliation was visible, it was breaking confidentiality. She stated that she wanted to pursue a heightened sense of confidentiality for every voter.

REPRESENTATIVE TUCK pointed out that a person's party affiliation was public knowledge; therefore, it wasn't confidential.

CHAIR KREISS-TOMKINS confirmed that party affiliation was a matter of public record. However, he believed that Representative Vance had been speaking to a situation in which the party affiliation appeared on the envelope either inadvertently or by some means. He asked whether Representative Tuck was aware of that.

REPRESENTATIVE TUCK was unsure and deferred to DOE.

[5:35:05 PM](#)

REPRESENTATIVE CLAMAN recalled that the bill hearing referenced by Representative Vance concerned a ballot initiative in 2020 [Ballot Measure 2]. He explained that participation in the closed Republican primary required proof of a person's eligibility to vote, which was accomplished by declaring that status on the outside of the envelope. However, he shared his understanding that the voters' approval of Ballot Measure 2 switched Alaska's primary system and created an open nonpartisan primary where all candidates would appear on one ballot, thus negating the issue.

[5:36:48 PM](#)

REPRESENTATIVE TARR shared that there had been a problem with pre-filled absentee ballot requests during the last election cycle, which created confusion. She suggested that unofficial requests from a campaign-related organization, for example, needed clearer disclosure to identify that it was not official correspondence from a government agency.

[5:38:25 PM](#)

REPRESENTATIVE EASTMAN shared his understanding that the questioned ballot envelope was used to register voters. Consequently, part of that process involved updating or declaring a party affiliation. He acknowledged the utility of capturing that information on the envelope but expressed concern that because it was submitted by mail, the information could be potentially misused. He asked whether the proposed legislation would change that process.

REPRESENTATIVE TUCK answered no. He further clarified that when nonpartisan or undeclared voters voted in a primary election, they had to specify which ballot they were requesting upon filling out the application for a primary absentee ballot.

5:40:30 PM

CHAIR KREISS-TOMKINS sought to confirm whether a questioned ballot would be cast by an unregistered voter who wanted to vote on election day; therefore, per federal law, that person could vote for a presidential candidate only, as opposed to state officials, using a questioned ballot.

REPRESENTATIVE EASTMAN proffered a more likely scenario, in which a questioned ballot would be provided to a person who was voting in the wrong polling location. He continued by addressing ballot confidentiality. He acknowledged that under statute, votes were never associated with the voters; however, he relayed a complaint from a constituent regarding an alleged incident in which poll workers were looking at people's ballots.

REPRESENTATIVE TUCK noted that another way a vote could be linked to the voter is if the voter printed, scanned, and emailed his/her ballot to DOE as a method of return.

CHAIR KREISS-TOMKINS recalled that voters waived their right to confidentiality if they utilized that method of return. He revisited the issue of poll worker compensation and asked whether the bill sponsor would consider adding an "automatic inflation adjuster" to the pay scale.

REPRESENTATIVE TUCK said he would consider that an improvement to the bill.

REPRESENTATIVE EASTMAN commended the bill sponsor for including the language "not less than", which would provide DOE with the flexibility to pay poll workers more than the minimum compensation rate, as provided in Section 33.

5:44:28 PM

MR. MASON lamented the absence of testifiers. He relayed a comment from Paddy McGuire about how many of the problems with elections resulted from the training and experience of the people who conduct the elections; further, he indicated that higher wages produced better poll workers who were more dedicated and experienced. He suggested that some of the challenges with elections could be solved by increasing the workers' compensation.

5:45:24 PM

REPRESENTATIVE KAUFMAN recalled Representative Tuck's introductory remarks in which he touted the success of the November 2020 General Election due to the high volume of Alaska voters. He asked whether the bill sponsor believed that the 2020 election was one of high integrity.

REPRESENTATIVE TUCK opined that the absentee ballot review process revealed integrity and cooperation. He compared a successful election process to a nonpartisan team-building exercise and shared his personal experience, which was a positive one. He said he observed good-natured people who wanted to maintain the integrity of the process, as well as identify and correct any anomalies along the way.

MR. MASON reported that Lieutenant Governor Meyer had stated that the Alaska election officials verified zero claims of fraud during the 2020 election. He shared the following quotes:

"The November 3rd election was the most secure in American history. ... There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised."

- Cybersecurity and Infrastructure Security Agency (CISA)

"To date, we have not seen fraud on a scale that could have affected a different outcome in the election."

- Former U.S. Attorney General William Barr

REPRESENTATIVE TUCK said he welcomed people who challenge elections because it maintained accountability and integrity in the election process.

[5:49:50 PM](#)

REPRESENTATIVE KAUFMAN asked whether there was room for improvement in the election process.

REPRESENTATIVE TUCK believed that encouraging more people to vote and feel confident in the election process was always a better outcome than reduced volume. In response to whether the process was perfect, he acknowledged that corrections and iterations would be necessary as technology and procedures change. He said he had no reason to believe that elections were flawed in Alaska. Nonetheless, he agreed that technical errors needed to be minimalized.

[5:52:03 PM](#)

CHAIR KREISS-TOMKINS, in response to Representative Kaufman's question, believed that improvement was always a good thing, even if it wasn't in response to a proven occurrence of fraud.

REPRESENTATIVE KAUFMAN agreed. He emphasized his interest in improving integrity in addition to volume.

CHAIR KREISS-TOMKINS concurred. He highlighted practicability, adding that if there was a way to improve the integrity of the system in a way that was workable with the administrative and financial parameters, it would be ideal.

[5:53:56 PM](#)

REPRESENTATIVE EASTMAN asked whether there had been an increase in the number of polling locations that corresponded to the increase in Alaska's population.

REPRESENTATIVE TUCK said polling locations in individual districts had not increased; however, he reported an increase in the number of in-person absentee voting locations.

REPRESENTATIVE EASTMAN inquired about the benefits of bringing polling locations closer to people who live far away from one.

REPRESENTATIVE TUCK agreed that equal opportunity for convenient voting was essential. He said if adding more locations would help with that, then it should be considered.

REPRESENTATIVE EASTMAN, referring to the free access system in Section 29, asked what would happen if there were errors in the online system that resulted in incorrect information being shown.

REPRESENTATIVE TUCK explained that the free access system would be helpful because it would show whether a voter's ballot had been counted. He deferred to the division to address what would happen if the system indicated that a ballot had been counted for a person who hadn't voted.

[5:58:39 PM](#)

REPRESENTATIVE STORY asked whether the proposed legislation would allow ballot drop boxes to be stationed at public libraries, for example.

REPRESENTATIVE TUCK clarified that ballot drop boxes were under the purview of DOE. He added that the proposed legislation did not address that matter specifically.

CHAIR KREISS-TOMKINS shared his understanding that DOE had set up drop boxes during the most recent election in response to the high rates of absentee voting; however, he recognized that the division had not implemented a systematic plan pertaining to the location of those boxes.

MR. MASON noted that there was a section in the bill that allowed the division to partner with municipalities for nonspecific matters, such as installing ballot drop boxes.

[6:00:10 PM](#)

REPRESENTATIVE TUCK assured the committee that the unanswered questions would be forwarded to DOE before the next bill hearing.

CHAIR KREISS-TOMKINS announced that HB 66 was held over.

[6:01:10 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 6:01 p.m.