

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

January 25, 2022

3:05 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

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. 95

"An Act relating to elections and election investigations."

- HEARD & HELD

HOUSE BILL NO. 267

"An Act relating to curing a rejected absentee ballot; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

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
 04/29/21 (H) Heard & Held
 04/29/21 (H) MINUTE(STA)
 05/06/21 (H) STA AT 3:00 PM GRUENBERG 120
 05/06/21 (H) Scheduled but Not Heard
 01/25/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 95

SHORT TITLE: ELECTIONS; ELECTION INVESTIGATIONS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/18/21 (H) READ THE FIRST TIME - REFERRALS
 02/18/21 (H) STA, JUD, FIN
 04/24/21 (H) STA AT 3:00 PM GRUENBERG 120
 04/24/21 (H) -- MEETING CANCELED --
 05/18/21 (H) STA AT 3:00 PM GRUENBERG 120
 05/18/21 (H) Heard & Held
 05/18/21 (H) MINUTE(STA)
 01/25/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 267

SHORT TITLE: CURING REJECTED ABSENTEE BALLOT

SPONSOR(s): SCHRAGE

01/18/22 (H) PREFILE RELEASED 1/14/22
 01/18/22 (H) READ THE FIRST TIME - REFERRALS
 01/18/22 (H) STA, FIN
 01/25/22 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

REPRESENTATIVE TUCK

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced CSHB 66(JUD), as prime sponsor.

MICHAELA THOMPSON, Administrative Operations Manager

Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSHB 66(JUD).

AMBER MCREYNOLDS, Chief Executive Officer

National Vote at Home Institute
Denver, Colorado

POSITION STATEMENT: Answered questions and provided invited testimony during the hearing on CSHB 66(JUD).

PADDY MCGUIRE, County Auditor

Mason County Washington Auditor
Mason County, Washington

POSITION STATEMENT: Provided invited testimony during the hearing on CSHB 66(JUD).

CORI MILLS

Deputy Attorney General
Civil Division
Office of the Attorney General
Department of Law
Juneau, Alaska

POSITION STATEMENT: Provided a PowerPoint presentation, titled "HB 95; An Act Relating to Elections and Election Investigations," on behalf of the House Rules Standing Committee, sponsor by request of the governor.

REPRESENTATIVE SCHRAGE

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 267, as prime sponsor.

ACTION NARRATIVE

[3:05:15 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:05 p.m. Representatives Claman, Story, Eastman, Kaufman, Vance, and Kreiss-Tomkins were present at the call to order. Representatives Tarr (via teleconference) arrived as the meeting was in progress.

HB 66-ELECTIONS, VOTING, BALLOTS

[3:06:59 PM](#)

CHAIR KREISS-TOMKINS announced that the first 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).]

[3:08:20 PM](#)

REPRESENTATIVE TUCK, Alaska State Legislature, as prime sponsor introduced HB 66. He noted that the bill may be familiar to some, as it was originally introduced during the Thirtieth Alaska State Legislature as House Bill 1. He paraphrased the sponsor statement, which read in its entirety 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.

[3:12:30 PM](#)

CHAIR KREISS-TOMKINS invited questions from the committee.

[3:12:41 PM](#)

REPRESENTATIVE EASTMAN inquired about Section 1, which removes the requirement to register before the election. He asked about the implications of that provision and how residency would be demonstrated.

REPRESENTATIVE TUCK directed attention to page 2, line 24, indicating that Alaska residency would still have to be established at least 30 days before the date of the election.

REPRESENTATIVE EASTMAN considered a scenario in which a voter's statement of residency had been exaggerated. He asked how the individual would be required to prove that he/she had been a resident for that 30-day period prior to the election.

REPRESENTATIVE TUCK shared his understanding that the Division of Elections (DOE) would consider the date of issuance on the identification (ID) card or driver's license or the voter's utility bills. He deferred to the division to further discuss the guidelines for establishing residency.

REPRESENTATIVE EASTMAN expressed his interest in hearing from DOE on this line of questioning.

[3:15:47 PM](#)

MICHAELA THOMPSON, Administrative Operations Manager, Division of Elections, Office of the Lieutenant Governor, said when reviewing residency, DOE looks at the voter registration form and whether the individual attested to being a resident at the address provided.

[3:16:30 PM](#)

REPRESENTATIVE EASTMAN asked whether there would be a set of criteria by which the division would adjudicate the accuracy of a 30-day residency declaration.

MS. THOMPSON did not have a response at this time. She offered to follow up with the requested information.

[3:17:06 PM](#)

REPRESENTATIVE EASTMAN pointed out that under current law, a person must be a resident of Alaska for at least 30 days before the election to cast a ballot. Consequently, he asked why DOE doesn't already have a mechanism in place to verify the accuracy of a person's 30-day residency requirement.

MS. THOMPSON relayed that if an individual is updating his/her address of residency, a completed form must be turned into the division by the deadline. If that deadline is met, that person's name would show up on the precinct register for voting in person. If the updated registration was not completed by the deadline, the individual's information would not show up on the precinct register; therefore, when voting in person, the individual would be required to fill out a question ballot, which requires a name, current address of residency, identifiers, and a signature verifying that that the corresponding information is true. The question ballot is then reviewed by the Question Review Board, which compares the voter's address of residency on file to the one written on the question ballot envelope. If the addresses differ, the board determines whether the voter receives a partial count or a complete rejection.

[3:19:35 PM](#)

REPRESENTATIVE EASTMAN expressed his hope that the division would come up with additional "robust" controls to verify the accuracy of the information on [the voter registration]. He sought to confirm that currently, the division does not review a person's utility bills to verify his/her residency.

MS. THOMPSON confirmed that utility bills are not reviewed.

CHAIR KREISS-TOMKINS clarified that presently, there is no need for the development of such protocols by DOE, as the proposed legislation is not yet law. He surmised that if CSHB 66(JUD) were to become law, DOE would attend to implementing the necessary protocols. He asked how other states process this kind of registration.

[3:20:52 PM](#)

AMBER MCREYNOLDS, Chief Executive Officer, National Vote at Home Institute, explained that every state has different residency requirements, which can vary anywhere from 10 to 40 days, for example. She recalled how Denver, Colorado, included an affidavit in the voter registration form, as well as in the same-day registration process. Additionally, residency was included as a challenge provision, allowing for an additional accountability mechanism in addition to the affidavit and identification requirements. She further reported that on average, it is rare that individuals participating in same-day registration are new registrants. She added that the majority of people utilizing same-day registration are in-state voters who are moving within the state.

REPRESENTATIVE TUCK directed attention to page 2, line 21, which outlines the ramifications for submitting false information in regard to residency on one's application.

[3:25:51 PM](#)

REPRESENTATIVE CLAMAN sought to confirm that typically, individuals filing for same-day registration are those who have moved in state to a new district and forgot to update their registration beforehand.

MS. MCREYNOLDS answered that is correct. She anecdotally reported that when same-day registration was implemented in Colorado, an even number of Republicans and Democrats utilized the provision; further, there was high use among military personnel partly due to the high mobility rate within that

population. She explained that this modification streamlines the election process and improves the voting experience for voters regardless of their political affiliation.

REPRESENTATIVE CLAMAN asked for a breakdown in percentage between non-military and military populations and in-state versus out-of-state.

MS. MCREYNOLDS offered to follow up with the requested information.

[3:30:51 PM](#)

REPRESENTATIVE CLAMAN said there seems to be a fear that allowing same-day registration would increase nefarious activity. He asked whether there was any evidence of that in Colorado.

MS. MCREYNOLDS said there were no issues with people trying to "game the system" and in the rare instances when it did occur, the system identified it. She explained that the implementation of a real-time voter registration system made it impossible for someone to attempt to register in multiple jurisdictions. She emphasized that there is no evidence to support the claims of mass voter fraud for several reasons: election officials are good at doing their job; the system catches any illegal activity; and most voters aren't aware of state registration requirements.

[3:34:22 PM](#)

REPRESENTATIVE VANCE inquired about the process for confirming a voter's identity.

[3:36:16 PM](#)

MS. THOMPSON summarized the process as follows:

Currently, what occurs is that ... at a polling place, they go and approach the election officials that have the precinct register ... [and] provide one of the eligible forms of registration, which is a voter ID card, drivers license, state ID, military ID, passport, hunting or fishing license, or other current or valid photo of ID. The election official looks up their name on the register and confirms the name matches that form of identification and they have the

voter sign the register. If that person came to vote later and they saw that someone signed on their line previously on accident ... we would have them vote a question ballot and provide their identifier, [which is] something the division can review later when that ballot comes back to the question board, and we can determine who is the correct voter on the line and who is the voter that filled out the question envelope.

REPRESENTATIVE TUCK noted that a benefit of an absentee ballot as opposed to in-person voting is that [an accidental signature] could be corrected prior to that ballot being counted or dropped into a ballot box.

[3:38:15 PM](#)

REPRESENTATIVE VANCE asked how the scenario in question would be impacted by same-day registration. Additionally, she questioned how to solve the issue of rejected ballots.

REPRESENTATIVE TUCK said if two people show up at the polls with the same name, the second individual would have to be questioned. He noted that the question ballot is one of the best corrective measures available. He deferred to DOE for further explanation.

CHAIR KREISS-TOMKINS sought to clarify the question for DOE. He considered a scenario in which two people with the same name and different addresses were voting in the same community. He asked how local election officials would differentiate those two individuals.

MS. THOMPSON clarified that the precinct register includes registrants' addresses on it. Therefore, local election officials have the ability to ensure that each person is signing next to the correct name by checking the corresponding address.

[3:41:21 PM](#)

REPRESENTATIVE VANCE asked whether poll workers are instructed to confirm the address for individuals with similar names or whether it's presumed that the voter will do that.

MS. THOMPSON responded that the officials show each person the line in which they are to sign on, which allows the voter an opportunity to review the information provided.

[3:41:58 PM](#)

REPRESENTATIVE CLAMAN attempted to clarify the voting process that the bill seeks to implement.

REPRESENTATIVE TUCK noted that currently, a question ballot determines how much of the ballot can be filled out by each voter; however, if the bill were to pass, the voter would be qualified to fill out the entire question ballot. He cited regulation 6AAC25-643 [counting of district question ballots] indicating that the ballots would be reviewed prior to being counted to allow for verification ahead of time.

REPRESENTATIVE CLAMAN sought to confirm that "same-day registration ... would become a question ballot automatically - they'd review it no matter what. And I would still be registered but the ballot would get reviewed."

REPRESENTATIVE TUCK confirmed that is accurate.

REPRESENTATIVE CLAMAN shared his understanding that in a presidential election year, a person would be allowed to vote a question ballot for a presidential candidate with same-day registration despite not being allowed to vote in any Alaska races.

REPRESENTATIVE TUCK confirmed his understanding.

[3:47:00 PM](#)

PADDY MCGUIRE, County Auditor, Mason County Washington Auditor, said after reviewing HB 66, he believed it would be a significant step forward in correcting issues in Alaska law to make voting from home easier and more accessible. He relayed that one of the important lessons from the 2020 election is that people want the safety and convenience of voting from home. He emphasized that as a long-time election administrator, there is nothing in the bill that has not been done successfully elsewhere. He stated that allowing voters to choose to get ballots at home permanently is easier for election administrators than having voters make repeated requests and is more convenient for voters. He reported that 70 percent of Oregonians chose to become permanent absentee voters when Oregon adopted vote by mail in 1998. Washington instituted same-day registration in 2020 and pre-paid return postage in 2018, which was immediately popular amongst voters, he said. He addressed the ballot curing process in Washington, explaining that it acts

as a service to voters in addition to being an important security measure. He said that in Mason County, Washington, ballot processing begins the day after they are mailed out. Ballots are sorted, reviewed, and scanned 17 days before the election. Further, the ballot tally software does not provide results prior to 8:00 p.m. on election day and the staff that handles the ballots are sworn election workers. He noted that it's a felony to review results early. He addressed the witness requirement on absentee ballots, explaining that it creates a barrier to voters with no security benefit, as election officials cannot check the validity because witnesses are not required to be registered voters. Last, he reported that in Mason County, a rural county in Washington, the election workers are paid \$18 to \$20 per hour. He said he was amazed to learn the rate of pay in Alaska is lower, adding that he would not be able to keep quality temporary workers at \$12 per hour.

[3:50:57 PM](#)

MS. MCREYNOLDS emphasized the importance of putting voters first. She opined that most election laws around the nation and at the federal level were not designed for voters or efficiency in terms of operations for election officials. She believed that HB 66 would be a step forward in putting voters first and designing a process that is more efficient, effective, and operationally sound for election officials. She pointed out that many of the provisions in the proposed legislation have already been implemented in other states, such as same-day voter registration, mail-in ballot improvements, and ballot curing. She stated that the bill would add clarity to various parts of Alaska law, including the allowance of poll watchers during the election process, and would provide for pre-paid postage return envelopes for absentee ballots, which would establish efficiency and better customer service for all voters regardless of party affiliation. She went on to stress the importance of paying election workers appropriately, as the work they do is critical. She concluded by commenting on the absentee voter list and the option of a more permanent list, which many states have adopted to create efficiencies for election officials.

[3:57:58 PM](#)

REPRESENTATIVE TARR asked Ms. McReynolds to speak to accuracy relative to same-day registration. She asked whether there is any evidence that same-day registration increases accuracy.

MS. MCREYNOLDS reviewed the history of voter registration and all its components. She said many of the changes that occurred over time were in response to desires of political campaigns and parties, as opposed to being designed with the voter in mind. Now, she said, the advances in technology allow the pieces to be connected. She explained that same-day registration fits in with a host of issues that continue to improve the accuracy of voter registration lists and constituent data bases that exist across many government platforms, including the data used by elected officials to contact constituents. She said same-day registration provides voters who have recently moved with the accurate ballot instead of making them vote in a jurisdiction in which they no longer live for candidates who no longer represent them. She reiterated that same-day registration helps to improve the accuracy of the voter list, the integrity of the voting system, and the customer service that the voter and constituent are experiencing when participating in the voting process.

CHAIR KREISS-TOMKINS summarized that without same-day registration, voters are effectively being told to vote in a [jurisdiction] where they no longer live.

[4:07:25 PM](#)

REPRESENTATIVE KAUFMAN inquired about the intent of Section 5, lines 22-23.

REPRESENTATIVE TUCK explained that the language in question is adding provisions to statute that already exist in regulation, which pertain to the addition of items on the outside of the ballot envelope for review.

REPRESENTATIVE KAUFMAN clarified that his question pertains to registering as nonpartisan, undeclared, or affiliated with political party or group.

REPRESENTATIVE TUCK explained that voters would be able to change their voter registration on an in-person absentee ballot.

CHAIR KREISS-TOMKINS shared his understanding that same-day registration provides voters with the opportunity to update their registration or political affiliation. He asked whether that was accurate.

MS. THOMPSON responded that the division's absentee in-person, special needs, and question ballot envelopes currently allow voters to update their political affiliation.

[4:10:49 PM](#)

REPRESENTATIVE KAUFMAN maintained his confusion.

REPRESENTATIVE TUCK explained that many provisions in the bill attempt to clean up areas of regulation and add them to statute. He acknowledged that the provision exists already, as Ms. Thompson had stated; however, it exists through regulation not statute.

REPRESENTATIVE KAUFMAN wondered why a voter's affiliation would matter in an open primary.

MS. THOMPSON acknowledged that with the new primary system, the division would no longer refer to the voter's political affiliation when reviewing ballots.

REPRESENTATIVE KREISS-TOMKINS restated the question from Representative Kaufman, pointing out that Section 5 relates to an absentee in-person ballot. He asked why currently, an absentee ballot contains language that allows the voter to update his/her voter affiliation.

MS. THOMPSON explained that the rationale is that the form can be used to update the voter's information similar to a voter registration form.

[4:13:18 PM](#)

CHAIR KREISS-TOMKINS directed attention to page 3, lines 22-33, and asked whether that language exists in regulation presently. Effectively, he asked whether existing regulatory language is being upgraded to statutory language.

MS. THOMPSON said she is unsure; however, the language would not change the division's process.

[4:13:48 PM](#)

REPRESENTATIVE EASTMAN understood that per Section 1, anyone who wants to vote in Alaska must be a resident of both the state and the district in which the person seeks to vote for at least 30 days prior to the election. He emphasized that the legislature

is not encouraging anyone to return to an old district from which they moved to vote, as that would be a violation of the law.

[4:15:26 PM](#)

REPRESENTATIVE STORY, in response to feedback she had received from constituents, clarified that per page 7, line 26, of CSHB 66(JUD), a postage-paid return envelope would be provided with each ballot.

REPRESENTATIVE TUCK [nodded in affirmative].

REPRESENTATIVE STORY appreciated the letters of support that had been provided in the committee packet.

REPRESENTATIVE TUCK recalled that during the 2016 election, there was perceived confusion in terms of what early voting was. He noted that the proposed legislation seeks to remedy that confusion. Further, he observed a general confusion regarding the amount of postage each envelope requires, which the bill resolves as well. Ultimately, CSHB 66(JUD) attempts to make voting more accessible, secure, and less confusing.

[4:17:50 PM](#)

CHAIR KREISS-TOMKINS announced that CSHB 66(JUD) was held over.

HB 95-ELECTIONS; ELECTION INVESTIGATIONS

[4:18:28 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 95, "An Act relating to elections and election investigations."

[4:18:52 PM](#)

CORI MILLS, Deputy Attorney General, Civil Division, Office of the Attorney General, Department of Law (DOL), on behalf of the House Rules Standing Committee, sponsor by request of the governor, provided a PowerPoint presentation, titled "HB 95; An Act Relating to Elections and Election Investigations" [hard copy included in the committee packet]. She outlined the purpose of HB 95 on slide 2 as follows, "To authorize the Attorney General to conduct civil investigations into election law violations and to bring civil enforcement actions if a

violation is found." She continued to slide 3, explaining that under current statute, if DOE identifies suspicious behavior, the only recourse is a criminal referral. The proposed legislation, she said, would provide another alternative by allowing for a civil investigation referral as well [slide 4]. She turned to slide 5, which listed the advantages of a civil investigation: halting unlawful behavior efficiently; an appropriate evidentiary standard for the alleged violation; and empowering DOE to ensure adherence to proper elections processes. Slide 6 outlined examples where parallel civil action and criminal prosecution may occur. Slide 6 read as follows [original punctuation provided]:

- Audits of Medicaid providers may lead to civil recoveries of overpayment or injunctions; and may be prosecuted under criminal laws.
- Civil licensing actions and criminal prosecutions concerning allegations of abuse or neglect at assisted living facilities
- Civil Child In Need of Aid (CINA) investigations of neglect or abuse that may be prosecuted criminally

MS. MILLS progressed to slide 7, which provided a flow chart of the proposed complaint referral process. If the bill were to pass, upon receiving a complaint, DOE would determine whether it warranted investigation and either dismiss it or send the complaint to the Attorney General (AG), who has the discretion to conduct an investigation.

[4:23:43 PM](#)

MS. MILLS concluded the presentation on slide 8, indicating that she had elected to skip the sectional analysis [slides 8-15].

[4:23:56 PM](#)

REPRESENTATIVE EASTMAN sought to clarify how the process being created by the proposed legislation would change DOE's existing authority to pursue an investigation.

MS. MILLS answered that currently DOE does not have the authority to conduct a civil investigation into election law violations.

REPRESENTATIVE EASTMAN sought to confirm that under current language, DOE must turn all civil complaints over to the Alaska Public Offices Commission (APOC) if it's a violation of AS 15.13, as opposed to sending them to the Attorney General.

MS. MILLS confirmed that as the entity that oversees campaign finance, APOC has its own authority to investigate; therefore, the intent is to ensure that if DOE receives a complaint that should have been sent to APOC, it gets referred there by the division.

REPRESENTATIVE EASTMAN considered a scenario in which the Attorney General becomes aware of activity that warrants an investigation based on the violation of election law. He asked what authority the AG has to pursue that investigation or refer it elsewhere.

MS. MILLS said that in a civil context, the AG could attempt to conduct a review based on the available information; however, subpoenas could not be engaged, nor could the confidential gathering of information. Alternatively, in a criminal context, the AG could work with law enforcement and utilize the tools law enforcement has at its disposal. She emphasized that regarding a civil investigation, without the enactment of HB 95, the AG would be reviewing only public records to determine whether a violation could be filed.

[4:26:51 PM](#)

REPRESENTATIVE EASTMAN directed attention to the language "upon the Attorney General's own motion" on page 2, line 8, of HB 95. He asked whether that is the operative language, which indicates that the AG has the authority to start that investigation.

MS. MILLS confirmed that if the Attorney General determines there is an issue, regardless of whether a referral has occurred, then the AG has the ability to initiate a civil investigation.

REPRESENTATIVE EASTMAN turned attention to Section 1, on page 1 of the bill, which provides that the legislation only pertains to complaints filed within 30 days of a violation or within 30 days of an election. He suggested that the language is overly restrictive and asked why the 30-day requirement was included and whether it impacts the AG's authority to pursue an investigation that may have been filed after that timeframe.

MS. MILLS answered that the AG can start an investigation at any time. She conveyed that the language in question is merely giving a process by which a member of the public could file a complaint; nonetheless, she pointed out that criminal behavior or a violation of the law can always be reported. She indicated that the purpose of the 30-day time limit is for a combination of efficiency and prioritization.

[4:30:26 PM](#)

REPRESENTATIVE STORY inquired about the ability of other states to conduct civil investigations [pertaining to the violation of election law]. Additionally, she asked about the need for this legislation.

MS. MILLS reported that after conducting a review of other states, somewhere between 20-25 have civil investigatory authority at the state level. She indicated that some states have a board of elections - which has investigative authority - rather than a Division of Elections, while others grant that authority to the Secretary of State. In response to a question of need, she recalled 2018, when the division noticed suspicious behavior in the absentee ballot applications for House District 16. She explained that at the time, all DOE could do was set them aside and hand them over to law enforcement. She said HB 95 would provide the division with the authority to identify whether an issue exists and whether it should be pursued.

REPRESENTATIVE STORY inquired about the compelling need for this legislation. She asked, "Has this just been a bubbling thing that came to you from the Division of Elections?"

MS. MILLS shared her understanding that it's been an "ongoing drip" of issues that come up, which cannot be resolved. She noted that concerns were also raised during the signature gathering process. She opined having the tools to look into suspicious activity would help build the trust and integrity of the system, as people would know that their concerns could be addressed.

[4:36:17 PM](#)

REPRESENTATIVE EASTMAN expressed his understanding that HB 95 specifically limits the scope to violations of election rule or law adopted under this title. He asked whether that is an appropriate scope or whether other election laws or rules in other titles should be included.

MS. MILLS replied that she is unaware of any glaring areas that would need to be addressed.

REPRESENTATIVE EASTMAN pointed out that he did not notice any provision included in the bill that requires DOE to cooperate with any investigation the AG may choose to pursue. He wondered whether the addition of such language had been considered.

MS. MILLS directed attention to the fourth bullet point under "Proposed Clarifications" on slide 14 of the PowerPoint presentation, which states, "Requires states agencies to provide the AG documents needed for investigation while permitting the documents to remain confidential if they are confidential." She noted that corresponding language was added to the companion bill in the Senate. She emphasized that [the Office of the Attorney General] was in support of that proposed clarification.

[4:38:45 PM](#)

REPRESENTATIVE KAUFMAN returned attention to the scope of the bill and asked how "applicable statewide" would interface with the Municipality of Anchorage.

MS. MILLS clarified that the bill would not engage with any municipal elections. She reiterated that the scope is specifically directed at statewide, state-run elections.

[4:39:34 PM](#)

CHAIR KREISS-TOMKINS announced that HB 95 was held over.

HB 267-CURING REJECTED ABSENTEE BALLOT

[4:39:42 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE BILL NO. 267, "An Act relating to curing a rejected absentee ballot; and providing for an effective date."

[4:40:06 PM](#)

REPRESENTATIVE SCHRAGE, Alaska State Legislature, as prime sponsor, introduced HB 265. He presented the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

HB267 requires the Division of Elections to notify and provide Alaskan voters the opportunity to verify their identity and correct errors on their absentee ballot that would otherwise cause the ballot to be rejected, such as a missing date or signature. This bill accomplishes this important goal while promoting the integrity of our voting process and strengthening faith and accountability in our election system.

In the November 2020 General Election, over 200,000 Alaskans voted through an absentee ballot, more than any other election in Alaska's history. During this same election, 1,118 absentee ballots were rejected and, in many cases, due to minor yet disqualifying errors such as failure to sign or date a ballot. The option to vote absentee has long been utilized by Alaskan voters and has provided an opportunity for those serving overseas, out-of-state students, seniors, individuals with special needs, and all Alaskans an alternative to in-person Election Day voting.

HB267 helps to ensure the right to vote is not jeopardized due to minor errors on absentee ballots. It requires the Division of Election to notify voters if their ballot is at risk of being rejected and provide the opportunity to verify their identity and eligibility in order to "cure" their ballot. The Division may notify voters through mail, telephone, email, or text message and must do so no longer than three days after the ballot is rejected.

Ballot curing has been a component of state elections for decades and 24 other states require voters to be notified when there is a missing signature or signature discrepancy on their ballot and be granted an opportunity to correct it. This process does not allow voters to change their vote and is already practiced in local elections in Juneau and Anchorage.

HB267 ensures that eligible Alaskan voters who participate in our electoral system by voting absentee have the opportunity to remedy issues with their ballot and ensure that their vote is counted. Most notably, HB267 accomplishes this while upholding the integrity of our voting process and strengthening faith in our election system.

CHAIR KREISS-TOMKINS invited questions from the committee.

[4:42:27 PM](#)

REPRESENTATIVE EASTMAN directed attention to the language "the director may notify the voter by telephone, electronic mail, or text message" in Section 1 and asked whether the "may" is operative in the sense that the director is being given the authority to do so. He wondered whether the methods of contact listed on page 1, line 10, should be broader or replaced with the language "any means available".

REPRESENTATIVE SCHRAGE deferred to DOE.

[4:44:15 PM](#)

MS. THOMPSON offered to follow up with a response after a discussion DOL.

[4:44:31 PM](#)

REPRESENTATIVE CLAMAN inquired about the differences between CSHB 66(JUD) and HB 267.

REPRESENTATIVE SCHRAGE observed that the relevant sections are identical. He opined that elections have become a contentious issue; further, given the pandemic and the natural geographic diversity and challenges of Alaska, absentee ballot voting is a critical tool to providing access to voting. Given the fact that the witness signature requirement may be reinstated, he expressed his belief that addressing the curing of a rejected absentee ballot is critical, so that votes are not rejected for small mistakes. Additionally, he shared his belief that a narrow focus helps a bill become more palatable and efficient in the legislative process.

CHAIR KREISS-TOMKINS remarked, "Effectively, it's another vehicle at our disposal."

[4:46:41 PM](#)

CHAIR KREISS-TOMKINS announced that HB 267 was held over.

[4:46:56 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:46 p.m.