

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 19, 2022

3:31 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Representative Sarah Vance

COMMITTEE CALENDAR

HOUSE BILL NO. 251

"An Act relating to the Board of Trustees of the Alaska Permanent Fund Corporation; and providing for an effective date."

- MOVED HB 251 OUT OF COMMITTEE

HOUSE BILL NO. 271

"An Act relating to the Alaska Industrial Development and Export Authority; 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

HOUSE BILL NO. 396

"An Act restricting certain investments of state funds in certain Russian entities; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 251

SHORT TITLE: BD OF TRUSTEES OF THE AK PERM. FUND CORP.

SPONSOR(s): REPRESENTATIVE(s) JOSEPHSON

01/18/22	(H)	PREFILE RELEASED 1/7/22
01/18/22	(H)	READ THE FIRST TIME - REFERRALS
01/18/22	(H)	STA, FIN
02/03/22	(H)	STA AT 3:00 PM GRUENBERG 120
02/03/22	(H)	Heard & Held
02/03/22	(H)	MINUTE(STA)
02/10/22	(H)	STA AT 3:00 PM GRUENBERG 120
02/10/22	(H)	Scheduled but Not Heard
03/29/22	(H)	STA AT 3:00 PM GRUENBERG 120
03/29/22	(H)	Heard & Held
03/29/22	(H)	MINUTE(STA)
04/14/22	(H)	STA AT 3:00 PM GRUENBERG 120
04/14/22	(H)	Scheduled but Not Heard
04/19/22	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 271

SHORT TITLE: AIDEA: MEMBERSHIP; RESPONSIBILITIES

SPONSOR(s): REPRESENTATIVE(s) JOSEPHSON

01/18/22	(H)	PREFILE RELEASED 1/14/22
01/18/22	(H)	READ THE FIRST TIME - REFERRALS
01/18/22	(H)	STA, FIN
03/17/22	(H)	STA AT 3:00 PM GRUENBERG 120
03/17/22	(H)	Heard & Held
03/17/22	(H)	MINUTE(STA)
03/29/22	(H)	STA AT 3:00 PM GRUENBERG 120
03/29/22	(H)	Heard & Held
03/29/22	(H)	MINUTE(STA)
04/19/22	(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
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
01/25/22	(H)	Heard & Held
01/25/22	(H)	MINUTE(STA)
04/12/22	(H)	STA AT 3:00 PM GRUENBERG 120
04/12/22	(H)	Heard & Held
04/12/22	(H)	MINUTE(STA)
04/19/22	(H)	STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

REPRESENTATIVE ANDY JOSEPHSON

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided introductory remarks during the hearing on HB 251, as the prime sponsor.

XANNIE BORSETH, Staff
Representative Jonathan Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided a summary of changes in the proposed CS for HB 271, Version I, one behalf of Representative Kreiss-Tomkins.

ELISE SORUM-BIRK, Staff
Representative Andy Josephson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 271, on behalf of Representative Josephson, prime sponsor.

REPRESENTATIVE ANDY JOSEPHSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 271, as the prime sponsor.

ALAN WEITZNER, Executive Director
Alaska Industrial Development and Export Authority
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 271.

MICHAELA THOMPSON, Administrative Operations Manager
Division of Elections
Office of the Lieutenant Governor
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on the CS for HB 66, Version O.

REPRESENTATIVE CHRIS TUCK
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on the CS for HB 66, Version O, as the prime sponsor.

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

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

THOMAS FLYNN, Assistant Attorney General
Civil Division
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on the CS for HB 66, Version O.

HILLARY HALL, Director
Government Affairs
National Vote at Home Institute
Boulder, Colorado

POSITION STATEMENT: Answered questions during the hearing on the CS for HB 66, Version O.

NOAH KLEIN, Attorney
Legislative Legal Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on the CS for HB 66, Version O.

JENNIFER MORRELL, Partner
The Elections Group
Salt Lake City, Utah

POSITION STATEMENT: Provided testimony on risk-limiting audits and answered questions during the hearing on the CS for HB 66, Version O.

ACTION NARRATIVE

[3:31:02 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:31 p.m. Representatives Tarr, Story, Eastman, Claman, and Kreiss-Tomkins were present at the call to order. Representative Kaufman arrived as the meeting was in progress.

HB 251-BD OF TRUSTEES OF THE AK PERM. FUND CORP.

[3:33:20 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 251, "An Act relating to the Board of Trustees of the Alaska Permanent Fund Corporation; and providing for an effective date."

[3:33:42 PM](#)

REPRESENTATIVE ANDY JOSEPHSON, Alaska State Legislature, prime sponsor of HB 251, said he would appreciate the committee's support of the bill. He characterized the memorandum, titled "APFC Board of Trustees Consideration of HB 251" [included in the committee packet], from the Board of Trustees of the Alaska Permanent Fund Corporation (APFC) as "not unreceptive" of the legislation. The board believed that the bill would potentially politicize the appointment process; however, Representative

Josephson contended that HB 251 would add a layer of protection between political influence and board member selection.

CHAIR KREISS-TOMKINS invited questions from committee members.

[3:34:50 PM](#)

REPRESENTATIVE EASTMAN inquired about the rationale behind the six-year term for the socially responsible investor (SRI) seat.

REPRESENTATIVE JOSEPHSON clarified that all members would have six-year terms. He explained that the SRI member would be selected so that he/she would start a six-year term immediately, rather than being "rotated faster."

[3:35:32 PM](#)

REPRESENTATIVE CLAMAN moved to report HB 251 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 251 was reported out of the House State Affairs Standing Committee.

HB 271-AIDEA: MEMBERSHIP; RESPONSIBILITIES

[3:36:03 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 271, "An Act relating to the Alaska Industrial Development and Export Authority; and providing for an effective date."

[3:36:41 PM](#)

REPRESENTATIVE CLAMAN moved to adopt the proposed committee substitute (CS) for HB 271, labeled 32-LS1364\I, Klein, 4/15/22, as the working document.

CHAIR KREISS-TOMKINS objected.

[3:37:00 PM](#)

XANNIE BORSETH, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, provided a summary of changes in the proposed CS for HB 271 ("Version I"), which read as follows [original punctuation provided]:

Deletes Sections 3, 4, 7, 8, 9, 10, 11, and 13.

Section 4 - Page 2, line 10 adds "by publishing the notice on the authority's Internet website" to AS 44.88.085(d) which requires public notice before adoption, amendment, or repeal of an AIDEA proposed action.

Sections renumbered accordingly

[3:38:39 PM](#)

REPRESENTATIVE STORY wondered whether a two-minute minimum for public testimony would be too prescriptive.

CHAIR KREISS-TOMKINS sought to confirm that the two-minute minimum was unchanged from the original version of the bill.

MS. BORSETH answered yes, noting that the language, "not less than two minutes", was on page 2, line 19.

REPRESENTATIVE STORY expressed concern that the chair would not have discretion.

CHAIR KREISS-TOMKINS advised the committee to table this discussion until final comment, as the provision in question was not new to Version I.

[3:40:46 PM](#)

REPRESENTATIVE CLAMAN sought to confirm that under the proposed legislation, Alaska Industrial Development and Export Authority (AIDEA) membership would be staggered five-year terms that, once confirmed by the legislature, could not be removed by the governor.

MS. BORSETH deferred to the bill sponsor.

[3:41:40 PM](#)

ELISE SORUM-BIRK, Staff, Representative Andy Josephson, Alaska State Legislature, confirmed that Representative Claman's understanding was accurate.

REPRESENTATIVE CLAMAN said he liked the provision because the AIDEA board members would serve independently from the executive branch.

[3:42:05 PM](#)

REPRESENTATIVE EASTMAN reiterated his previous concern about the language on page 2, line 22, such that the Alaska Industrial Development and Export Authority ("the authority") may be required to publish written responses to a large number of public comments.

MS. SORUM-BIRK said she did not have a response to that concern at this time.

CHAIR KREISS-TOMKINS noted that similar to Representative Story's inquiry, the language in question was unchanged relative to the original version of the bill.

[3:43:33 PM](#)

CHAIR KREISS-TOMKINS removed his objection. There being no further objection, Version I was adopted as the working document.

REPRESENTATIVE STORY redirected her original line of questioning regarding the two-minute minimum for public testimony.

[3:45:04 PM](#)

REPRESENTATIVE ANDY JOSEPHSON, Alaska State Legislature, prime sponsor of HB 271, opined that a minimum of two minutes for public testimony was a vast improvement compared to current practices.

[3:45:53 PM](#)

REPRESENTATIVE TARR commented on the history of abrupt time or agenda changes in AIDEA's scheduled meetings. She asked whether the current language adequately addressed the expectations of transparency. She suggested adding language that prohibited last minute meeting changes, which had shattered public trust in the past.

REPRESENTATIVE JOSEPHSON pointed out that the goal was not to tie the board's hands completely. He indicated that it was a policy call.

[3:48:24 PM](#)

CHAIR KREISS-TOMKINS invited general comments from Mr. Weitzner on Version I.

[3:48:49 PM](#)

ALAN WEITZNER, Executive Director, AIDEA, directed attention to the meeting agendas, which were published on the authority's website and available for public review. He contended that the public was consistently allotted two minutes per person for one hour, as defined on the agenda. He stated that AIDEA took public comment extremely seriously, adding that the authority would be receptive to suggestions for improvement. Regarding Version I, he directed attention to Section 5, which repealed AIDEA's confidentiality statutes, arguing that the language in AS 44.88.215 was necessary for AIDEA's operation. He cautioned the committee that repealing the confidentiality statutes would publicize all the information submitted by parties with business operations or loans with AIDEA, both current and historically. He urged the committee to take a closer look at Section 5.

[3:53:47 PM](#)

REPRESENTATIVE CLAMAN asked whether Mr. Weitzner was suggesting that Section 5 should be excluded.

MR. WEITZNER answered yes.

REPRESENTATIVE CLAMAN directed attention to the language "shall publish written responses to public comments" on page 2, lines 21-22 of Version I and asked how AIDEA would treat that provision in practice. Specifically, he questioned whether AIDEA would respond to similar comments with a general response, as opposed to responding to each individual comment separately.

MR. WEITZNER explained that under current practice, AIDEA provided a written response to written public comment. He maintained that AIDEA had the capacity to meet the requirement in question. He asked the committee how the provision would be put into practice, questioning whether AIDEA would be required to address each individual public comment before taking action.

REPRESENTATIVE CLAMAN remarked, "I understand the current practice is that, internally, you have some memo that says, 'here's how we respond to these 100 comments,' but those comments don't go anywhere other than internally?"

MR. WEITZNER responded that internal staff reviewed and responded to the parties that send public comment.

[3:57:53 PM](#)

REPRESENTATIVE TARR recalled that last minute changes had been made to the agenda of a specific AIDEA meeting regarding the purchase of leases for drilling in the Arctic refuge, which impacted people's ability to provide public testimony on the issue. She asked Mr. Weitzner to comment on that circumstance.

MR. WEITZNER said the meeting in question was declared as a "special meeting of the board." He explained that the meeting was on short notice because of the need to make a decision in a short period of time due to a limited opportunity to act on the leases. He reiterated that under current practice, two minutes of public testimony was allotted per person for one hour. He shared his understanding that only the public testimony that would have exceeded the one-hour time period was cut off.

[3:59:48 PM](#)

REPRESENTATIVE TARR opined that prior actions had led the public to call for a reform of the enabling statutes. She opined that it would be in the public's best interest to extend the time for public testimony past one hour, as cutting people off planted the seeds of mistrust. She expressed her hope that absent the passage of the proposed legislation, AIDEA would consider the impact of its actions relative to the public's trust.

CHAIR KREISS-TOMKINS pointed out that the existing statutory language on public comment pertaining to AIDEA stated, "a total period of at least on hour". He asked why public testimony had been cut off after completing the bare minimum and who made that decision.

MR. WEITZNER stated that it was common practice of the chair to extend that time period. He emphasized that, ultimately, it was the chair's decision. He shared his understanding that any party who did not get a chance to testify was encouraged to email their testimony to AIDEA.

CHAIR KREISS-TOMKINS redirected his question back to the incident described by Representative Tarr. He asked why the chair had decided to stop public testimony after one hour despite there being additional members of the public in the que to testify.

MR. WEITZNER said it was the chair's decision to stop the agenda item.

CHAIR KREISS-TOMKINS acknowledged the interest in efficiency; however, he pointed out that a legislative committee would never cut public testimony short if there were people in the queue.

[4:05:05 PM](#)

REPRESENTATIVE TARR inquired about special meetings of the board and asked how the process for public notice differed from regular meetings.

MR. WEITZNER reported that public testimony for the meeting in question was noticed for 1.5 hours. He explained that AIDEA followed the Open Meetings Act, per AS 44.62.310, which required "reasonable public notice" for open meetings. In practice, he stated that AIDEA made agendas available to the public one week prior to the scheduled board meetings. For special meetings, AIDEA was required to provide notice at least 48 hours in advance. In regard to the specific meeting in question, he recalled that the agenda was provided three days in advance.

REPRESENTATIVE JOSEPHSON addressed Mr. Weitzner's comments on Section 5, indicating that his intent was for the effect to be prospective, as opposed to retroactive.

[4:08:59 PM](#)

REPRESENTATIVE CLAMAN associated himself with Representative Tarr's comments regarding public testimony. He shared his understanding that the intent of the proposed legislation was to require AIDEA to listen to public testimony in its entirety.

[4:10:23 PM](#)

REPRESENTATIVE KAUFMAN asked Mr. Weitzner to elaborate on his concerns about Section 5.

MR. WEITZNER reiterated his belief that Section 5 would have the broadest impact on ADIEA's operations. He maintained that the existing language under AS 44.88.215 specifically limited the amount of information that AIDEA was allowed to hold and define as confidential. He pointed out that Section 5 would directly impact AIDEA's loan programs and the way the authority engaged with the financial service industry within Alaska. He argued

that eliminating the confidentiality statutes would significantly impact AIDEA's capacity to continue with its current operations and the issuance of dividends.

[4:13:01 PM](#)

REPRESENTATIVE EASTMAN drew a comparison between limited public testimony and campaign finance limits, arguing that it could discourage people from participating in the public process.

CHAIR KREISS-TOMKINS asked the bill sponsor to speak to the intent of [Section 5].

[4:14:08 PM](#)

REPRESENTATIVE JOSEPHSON conveyed that it was a "core principle of AIDEA's critics." He explained that his intent was to herald and champion the public's ability to meaningfully interact with the board. He recalled that transparency was afforded to the public for decades, as AIDEA was founded in 1967; however, now, transparency appeared to be lacking. He indicated that enabling more transparency was an important feature of Version I.

CHAIR KREISS-TOMKINS acknowledged that a blanket confidentiality proviso could be overkill; however, businesses may not want their intimate details and financial information to be public record. He expressed his interest in finding a middle ground.

[4:16:20 PM](#)

MS. SORUM-BIRK said a more detailed legal analysis could be obtained and distributed to the committee. Nonetheless, she recalled that numerous federal laws protected the confidentiality of sensitive financial records. She explained that the bill sponsor's intent was for records to be subject to the Alaska Public Records Act.

CHAIR KREISS-TOMKINS confirmed that a legal analysis would provide him some comfort and better understanding. He suggested looking at an analogue of how public records laws interacted with the Department of Commerce, Community & Economic Development's (DCCED's) Division of Economic Development's revolving loan fund programs, given that much of the financing went through that entity.

CHAIR KREISS-TOMKINS announced that HB 271 was held over.

HB 66-ELECTIONS, VOTING, BALLOTS

[4:18:50 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 the proposed CS for HB 66, Version 0, labeled 32-LS0322\0, Klein, 3/30/22, adopted as the working document on 4/12/22.]

[4:19:39 PM](#)

The committee took a brief at-ease.

[4:19:56 PM](#)

CHAIR KREISS-TOMKINS invited questions from committee members.

REPRESENTATIVE EASTMAN inquired about the current verification process for the U.S. citizenship status of voters.

[4:21:08 PM](#)

MICHAELA THOMPSON, Administrative Operations Manager, Division of Elections (DOE), Office of the Lieutenant Governor, explained that an individual must certify that he/she was a U.S. citizen during the voter registration process.

REPRESENTATIVE EASTMAN sought to confirm that the "honor system" was used.

MS. THOMPSON clarified that the individual's signed affidavit was utilized.

REPRESENTATIVE EASTMAN directed attention to Section 1, subsection (4), of Version 0 and asked how to verify whether a person was not registered to vote in another jurisdiction.

MS. THOMPSON relayed that on the registration form, a voter could declare whether he/she was registered in another jurisdiction. If such a declaration was made, DOE would notify said jurisdiction. Additionally, Alaska was a member of the Electronic Registration Information Center (ERIC), a cross-state voter registration database.

REPRESENTATIVE EASTMAN inquired about enforcement methods for individuals who maintained voter registration in multiple states.

MS. THOMPSON said DOE was unable to check records in other states. She reiterated that if an individual declared that he/she was registered to vote in another jurisdiction, DOE would send a notification to that state; however, the division could not see whether said jurisdiction followed through with the cancellation.

REPRESENTATIVE EASTMAN asked whether there was a benefit to keeping these requirements in statute if they were based on the honor system.

[4:24:40 PM](#)

REPRESENTATIVE CHRIS TUCK, Alaska State Legislature, prime sponsor of HB 66, reiterated that during the voter registration process, an individual was certifying his/her U.S. citizenship and voter registration status via a signed affidavit under penalty of perjury for which a misdemeanor offense could be brought. He opined that the system held people accountable.

[4:25:14 PM](#)

REPRESENTATIVE EASTMAN asked whether any person had been convicted of that misdemeanor offense.

REPRESENTATIVE TUCK deferred to the Department of Law (DOL).

[4:25:35 PM](#)

THOMAS FLYNN, Assistant Attorney General, Civil Division, DOL, said he was aware of several charges that existed; however, he was unsure of the details. He offered to follow up with the requested information.

CHAIR KREISS-TOMKINS redirected the question to Ms. Thompson.

[4:26:07 PM](#)

MS. THOMPSON was unsure of the answer.

CHAIR KREISS-TOMKINS inquired about the extent to which voter registrations were perjured. He shared his understanding that

it was exceedingly rare, which explained the low or unknown number of prosecutions. He welcomed the follow-up information from Mr. Flynn regarding criminal referrals or concerning instances of perjury.

REPRESENTATIVE EASTMAN referenced former Representative Gabrielle LeDoux and the charges brought against her. He surmised that Alaska did not prosecute people for violating the law in these circumstances.

CHAIR KREISS-TOMKINS asked Ms. Thompson to restate the answer to Representative Eastman's question regarding citizenship.

MS. THOMPSON sought to confirm that Chair Kreiss-Tomkins was asking what would happen if a non-citizen tried to vote.

CHAIR KREISS-TOMKINS answered yes.

MS. THOMPSON explained that if a non-citizen declared his/her alien status on a question ballot on election day, the ballot would be rejected by the question review board.

CHAIR KREISS-TOMKINS asked whether there were instances of perjury pertaining to the declaration of U.S. citizenship on voter registration forms.

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

[4:31:04 PM](#)

REPRESENTATIVE EASTMAN shared a personal anecdote about an individual in the Mat-Su who attempted vote with false identification.

CHAIR KREISS-TOMKINS asked whether the scenario in question was referred to law enforcement.

REPRESENTATIVE EASTMAN did not believe so.

CHAIR KREISS-TOMKINS remarked, "It strikes me as an omission with people who have knowledge of this incident." He asked how DOE would react to such a scenario.

MS. THOMPSON stated that the election workers who witnessed the fraudulent incident would submit a report to the regional supervisor who would investigate the matter further. She noted

that workers were not encouraged to make any attempts at physically stopping an individual in these scenarios for the purpose of safety; nonetheless, they were trained to document the incident and contact the regional supervisor.

CHAIR KREISS-TOMKINS inquired about the operating procedure for a concerned citizen who witnessed such an incident.

MS. THOMPSON said, from a procedural standpoint, the division would refer the information to the director for investigation if needed.

[4:34:05 PM](#)

MICHAEL MASON, Staff, Representative Chris Tuck, Alaska State Legislature, noted that, on behalf of Representative Tuck, prime sponsor, Version O required DOE to establish a toll-free hotline to receive reports of election offenses or voter misconduct.

REPRESENTATIVE KAUFMAN expressed his appreciation for this line of questioning.

[4:35:40 PM](#)

REPRESENTATIVE TARR asked how many times election offenses had occurred in recent years.

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

REPRESENTATIVE TARR recalled that the number was very small.

CHAIR KREISS-TOMKINS welcomed invited testimony.

[4:37:35 PM](#)

HILLARY HALL, Director, Government Affairs, National Vote at Home Institute (NVAHI), stated that the goal of NVAHI was to make mail ballots more accessible, equitable, and secure. She noted that the proposed legislation included many of the nation's best practices to ensure effective and efficient voting by mail. She stated that by-mail voting was easy, accessible, and good for democracy, as it allowed full participation and offered an equitable solution for voters. In addition to the permanent mail provision, she highlighted the signature verification and ballot curing process as outstanding sections of the legislation. Additionally, she touted the ballot

tracking provision and the pre-processing provision to allow for timely election results and proper voter notification. She identified several items in the bill that needed improvement. She expressed concern that applications could only be sent if a voter requested one from the division, which put the onus on the voter to initiate the permanent mail process. She pointed out that elections were complicated, adding that many voters did not understand the process. She conveyed that if the bill were to pass with the provision intact, Get Out the Vote (GOTV) groups would likely sue the division, as they had in other states. Finally, she recommended allowing people to pick up and drop off the mail-in ballots in person from an early voting center during the 10-day period before an election.

[4:43:23 PM](#)

REPRESENTATIVE CLAMAN sought to confirm that if an individual had failed to request a mail ballot before the 10-day cutoff, he/she could pick up a mail ballot from a voting center. He questioned whether that ballot could be mailed in.

MS. HALL answered yes, in other states; however, that method would not be recommended. The point, she said, was to clarify that an absentee ballot could be picked up in person and filled out at home.

REPRESENTATIVE CLAMAN expressed confusion as to whether the absentee ballot in question, once picked up in person and filled out at home, could be mailed.

MS. HALL clarified her belief that people should be allowed to pick up an absentee ballot in person within the 10-day period before the election and return it by mail or in person.

REPRESENTATIVE TUCK directed attention to Section 34, which provided that an absentee ballot must be postmarked on or before the day of the election; therefore, a voter could be allowed to pick up an absentee ballot in person, fill it out at home, and return it within that time period.

[4:45:43 PM](#)

REPRESENTATIVE KAUFMAN sought to confirm that Ms. Hall's preference was for all registered voters to receive a mail ballot whether they had requested one or not.

MS. HALL clarified her belief that an application should be available to all voters, and that the process should not be predicated on the voter's initiation. In other words, she opined that applications should be proactively sent out to voters to allow them to sign up for permanent mail voting.

CHAIR KREISS-TOMKINS pointed out that in past elections, voters were barraged with absentee by-mail ballot applications by different groups in an attempt to bank a vote from likely supporters. He surmised that such actions created confusion amongst voters or a perception that DOE had sent multiple applications.

REPRESENTATIVE KAUFMAN shared his understanding that unsolicited ballots often ended up in the garbage, as an affirmative request had not been made to receive them.

[4:48:45 PM](#)

MR. MASON said the scenario shared by Representative Kaufman highlighted the point of the bill, as there was confusion amongst voters regarding absentee ballots versus absentee ballot applications. He relayed that people mistook trash cans full of absentee ballot applications for ballots that had been thrown out, which caused alarm and confusion.

REPRESENTATIVE KAUFMAN contended that he was aware of the difference between absentee ballots and absentee ballot applications. He maintained that unsolicited ballots were indeed mailed out.

CHAIR KREISS-TOMKINS clarified that the scenario described by Representative Kaufman pertained to municipal elections. He asked Ms. Hall to comment on that situation.

MS. HALL highlighted the importance of signature verification to by-mail ballot elections. She explained that the signature verification process was used to verify the identity of the voter and ensured that that the mail ballot was sent in from the correct person.

[4:51:24 PM](#)

REPRESENTATIVE EASTMAN remarked:

I would just to beg to differ based on the information presented to the committee, because we at the state

have never had signature verification for any of our thousands of mail-in ballots, and I'm told we have an excellent system with very little problems, so I don't know why they would need signature verification in other states if we never needed it here.

REPRESENTATIVE TUCK noted that Section 30 placed a limit on the ability for organizations to send out mail ballot applications to reduce the bombardment of applications in mailboxes. Additionally, limitations were placed on pre-filled applications, which had created much confusion.

CHAIR KREISS-TOMKINS clarified that the language in Version O placed a prohibition on that kind of activity.

[4:53:14 PM](#)

REPRESENTATIVE TUCK further noted that under Version O, ballot applications must prominently display the language "Application only/Not a ballot" on the exterior address side of the envelope.

[4:54:15 PM](#)

REPRESENTATIVE TARR inquired about the statement made during Ms. Hall's invited testimony regarding the likelihood of GOTV groups suing the state.

MS. HALL confirmed that she had seen this kind of policy met with litigation in other states, specifically regarding the right for GOTV groups to reach out to voters. To avoid the possibility of litigation, she suggested that the state could proactively send out the applications for permanent mail voting. She believed that many groups would welcome that idea.

REPRESENTATIVE TARR asked whether other states proactively communicated with residents about election changes or related information.

MS. HALL indicated that by providing funding for outreach programs, the legislature could make that a possibility for DOE.

REPRESENTATIVE TAR questioned whether Ms. Hall was familiar with the Center for Civic Design and asked how to clearly communicate with voters to reduce confusion.

MS. HALL answered yes, she was familiar with the Center for Civic Design. She stated that NVAHI was continuing to identify

systemic barriers to the vote at home process, which included design and messaging on mailers. She added that the behavioral group, Ideas42, considered how to make the user interface of a form easier for diverse populations to participate in ways that made sense to them.

MR. MASON directed attention to Section 3, which provided that applicants were allowed to designate their preferred language in which the division was required to provide ballots and other election materials.

REPRESENTATIVE TARR wondered whether the bill should be more prescriptive about ballot design.

MS. HALL said she understood the temptation to be more prescriptive; however, "getting it right" was an evolving process that required flexibility and adaptation.

[5:01:58 PM](#)

REPRESENTATIVE EASTMAN directed attention to Section 2 and asked how the affidavit signed under penalty of perjury worked. He wondered whether the applicant's signature effectually acted as an "oath".

REPRESENTATIVE TUCK answered yes, that was the intent.

REPRESENTATIVE EASTMAN inquired about the definition of a "voter registration agency".

REPRESENTATIVE TUCK deferred to Mr. Klein.

[5:03:51 PM](#)

NOAH KLEIN, Attorney, Legislative Legal Services, Legislative Affairs Agency (LAA), defined "voter registration agency" as an agency designated under AS 15.07.055, which listed voter registration agencies.

REPRESENTATIVE EASTMAN asked whether someone at the voter registration agency was putting the voter under oath or whether signing the form realized the signed affidavit.

MR. MASON said the details would need to be worked out through the regulation process, as this was new language; however, he shared his understanding that attesting on the affidavit would

suffice and that no one would be raising their right hand at the voter registration agency.

CHAIR KREISS-TOMKINS noted that AS 15.07.055 listed the DMV, DHSS, DCCED, and recruitment offices for the armed forces.

[5:06:04 PM](#)

REPRESENTATIVE CLAMAN, in response to Representative Eastman's line of questioning, shared his understanding that PFD applications similarly involved declaration under penalty of perjury. He directed attention to Section 43, speculating that the provision would make it difficult to hold a special election by mail. He asked Ms. Hall whether Section 43 should be amended to allow a vote-by-mail special election, such as the special election held to fill Congressman Don Young's seat.

MS. HALL recommended allowing special elections to be run by mail to increase participation.

REPRESENTATIVE TUCK clarified that currently, the director was allowed to hold a special election by mail. He pointed out that Section 43 pertained to small communities where it would not be feasible to set up a polling place.

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REPRESENTATIVE CLAMAN said he raised the issue because during a previous hearing, the director had testified that Section 43 would prohibit the current special election to fill Congressman Young's seat the U.S. House of Representatives from being held by mail. He shared his belief that the section in question needed to be amended.

MR. MASON noted that an amendment was offered for the companion bill in the Senate, which made significant changes to this provision.

REPRESENTATIVE CLAMAN requested a copy of the amendment in question.

[5:09:40 PM](#)

REPRESENTATIVE TUCK reiterated that AS 15.20.800(a) provided that the director may conduct an election by mail if held at a time other than when a general, party primary, or municipal

election was held. He stressed that the aforementioned language was unchanged by the proposed legislation.

REPRESENTATIVE CLAMAN explained that the issue could be found on page 20, lines 20-21, which stated that the director may conduct an election, other than a general, statewide, or federal election, by mail. He pointed out that the special election to replace Congressman Don Young's seat was both a statewide and federal election; therefore, under the language in Version O, the special election could not be held by mail.

REPRESENTATIVE TUCK believed the language in question was a drafting error. He suggested removing the words "other than a general, statewide, or federal election," on page 20, lines 20-21.

[5:11:39 PM](#)

REPRESENTATIVE EASTMAN asked whether the language "under penalty of perjury" fulfilled the intent to implement a liability of prosecution.

MR. FLYNN explained that falsely signing something under oath could result in prosecution for perjury or other potential crimes.

[5:13:52 PM](#)

JENNIFER MORRELL, Partner, The Elections Group, and a Risk-Limiting Audits (RLA) expert, shared her background and work experience, which included consulting for states that were implementing RLAs as their official method of auditing. She invited questions from committee members.

CHAIR KREISS-TOMKINS asked Ms. Morrell to define RLA.

MS. MORRELL defined RLA as a post-election tabulation audit that examined a random sample of coded ballots to provide a statistical level of confidence that the election outcome was correct. She noted that a number of organizations had recognized RLAs as a reliable method to validate the integrity of voting equipment, verify the accuracy of results, and detect and correct outcome-changing errors in vote tabulation. She explained that RLAs, by design, were made to escalate if discrepancies were detected during a traditional audit.

CHAIR KREISS-TOMKINS asked how RLAs worked methodologically and how they differed from traditional audits.

MS. MORRELL explained that various methods were used to perform an RLA. The three particular methods that had been implemented in other states included: ballot comparison, ballot polling, and batch comparison. She noted that several states had experimented with hybrid methods. Additionally, she stated that the ballot comparison method worked well in states with a centralized count or by-mail voting system.

[5:21:20 PM](#)

REPRESENTATIVE EASTMAN considered a scenario in which a community of 25 registered voters produced 26 ballots. He asked how an RLA would manage that situation.

MS. MORRELL emphasized that reconciliation was an important part of the audit process. She explained that if the number of ballots was incorrect, the audit would treat that as a discrepancy in favor of the losing candidate.

[5:22:34 PM](#)

REPRESENTATIVE KAUFMAN inquired about risk criticality. He asked whether risk assessments were calibrated for specific precincts.

MS. MORRELL stated that setting a risk limit was a primary principle of RLAs. She added that the risk limit was the maximum possible chance that the audit would fail to detect an error in the election outcomes. She noted that different states used different methods to set a risk limit.

[5:25:40 PM](#)

REPRESENTATIVE TARR asked whether a standard formula was used to set the risk limit at 5 percent, for example.

MS. MORRELL indicated that the formula was complicated. She conveyed that the concept of an RLA was developed by an academic, adding that software had been created to aid in the calculation. She reiterated that the risk limit percentage had been treated as a variable by different states.

MR. MASON pointed out that the section in question had been written broadly to give discretion to DOE and allow the director

to adopt the necessary regulations to administer the procedures. He highlighted Section 20, subsection (b), which advised that the director shall consult with recognized experts, equipment vendors, and municipal clerks, and shall consider best practices for conducting RLAs.

[5:28:19 PM](#)

REPRESENTATIVE EASTMAN recounted a scenario in which 15 different voters attempted to vote from a single mobile home, which did not appear to be large enough to house 15 individuals. He asked how an RLA dealt with such a scenario.

MS. MORRELL clarified that RLAs were not used to verify voter eligibility. Instead, she reiterated that RLAs were designed to evaluate the operation of the voting equipment.

CHAIR KREISS-TOMKINS shared his understanding that the scenario posed by Representative Eastman would be delegated to DOE or the Criminal Division of DOL for further investigation. He asked Mr. Flynn whether he had any working knowledge of the scenario in question.

MR. FLYNN offered to follow up on the requested information. He suggested that Ms. Thompson may be more familiar with the scenario.

MS. THOMPSON said she was not working in the [Absentee & Petition Office], DOE, during the period of time when that situation surfaced.

[5:31:29 PM](#)

REPRESENTATIVE EASTMAN sought to confirm that an RLA would verify whether the voting equipment counted the ballots accurately; however, it would not distinguish between "ballots that were filled in with a pen versus ballots that were printed on a printer and then brought to the election place."

MS. HALL pointed out that other barriers were in place to prevent that. For example, most voting equipment was programmed to only accept ballots that were programmed on the system or ballots of the correct weight or timestamp, for example. She indicated that the system would reject the scheme suggested by Representative Eastman.

REPRESENTATIVE TARR reiterated that the scenarios posed by Representative Eastman were situations that should have been flagged before a vote would ever be counted or audited. She shared her understanding that the goal of an RLA was to limit the burden of conducting a hand count for every vote cast in every precinct across the state.

[5:36:29 PM](#)

MR. MASON directed attention to a document [included in the committee packet], titled "Knowing It's Right, Part One," which detailed a practical guide to RLAs.

[5:37:05 PM](#)

REPRESENTATIVE EASTMAN asked whether RLAs had been used successfully with regard to ranked choice voting.

MS. MORRELL confirmed that RLAs had been successfully utilized for rank choice voting. She noted that in 2020, the democratic party conducted a presidential preference primary in Alaska using ranked choice voting for which she had been asked to perform an RLA. She offered to follow up with the full report.

[5:39:43 PM](#)

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

[5:41:04 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 5:41 p.m.