

**ALASKA STATE LEGISLATURE**  
**HOUSE STATE AFFAIRS STANDING COMMITTEE**

April 28, 2022

3:15 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. 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

SENATE BILL NO. 66 AM

"An Act relating to the membership of the legislative council; and relating to the membership of the Legislative Budget and Audit Committee."

- HEARD & HELD

HOUSE BILL NO. 309

"An Act exempting candidates for municipal office and municipal office holders in municipalities with a population of 15,000 or less from financial or business interest reporting requirements; relating to campaign finance reporting by certain groups; and providing for an effective date."

- BILL HEARING CANCELED

**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
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
04/19/22	(H)	Heard & Held
04/19/22	(H)	MINUTE(STA)
04/21/22	(H)	STA AT 3:00 PM GRUENBERG 120
04/21/22	(H)	Heard & Held
04/21/22	(H)	MINUTE(STA)
04/26/22	(H)	STA AT 3:00 PM GRUENBERG 120
04/26/22	(H)	Heard & Held
04/26/22	(H)	MINUTE(STA)
04/28/22	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: SB 66

SHORT TITLE: MEMBERS LEG COUNCIL; LEG BUDGET & AUDIT  
SPONSOR(s): SENATOR(s) BEGICH

02/03/21	(S)	READ THE FIRST TIME - REFERRALS
02/03/21	(S)	STA
03/16/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/16/21	(S)	Heard & Held
03/16/21	(S)	MINUTE(STA)
02/10/22	(S)	STA AT 3:30 PM BUTROVICH 205
02/10/22	(S)	Scheduled but Not Heard
02/17/22	(S)	STA AT 3:30 PM BUTROVICH 205
02/17/22	(S)	Moved CSSB 66(STA) Out of Committee
02/17/22	(S)	MINUTE(STA)
02/22/22	(S)	STA RPT CS 1DP 3NR 1AM SAME TITLE
02/22/22	(S)	DP: SHOWER
02/22/22	(S)	NR: COSTELLO, REINBOLD, HOLLAND
02/22/22	(S)	AM: KAWASAKI
03/28/22	(S)	RETURNED TO STA COMMITTEE
03/28/22	(S)	STA WAIVED PUBLIC HEARING NOTICE, RULE 23
03/29/22	(S)	STA AT 3:30 PM BUTROVICH 205
03/29/22	(S)	Moved CSSB 66 (2d STA) Out of Committee
03/29/22	(S)	MINUTE(STA)
03/30/22	(S)	STA RPT 2D CS 2DP 1NR SAME TITLE
03/30/22	(S)	DP: SHOWER, KAWASAKI
03/30/22	(S)	NR: COSTELLO
04/12/22	(S)	TRANSMITTED TO (H)
04/12/22	(S)	VERSION: SB 66 AM
04/13/22	(H)	READ THE FIRST TIME - REFERRALS
04/13/22	(H)	STA
04/21/22	(H)	STA AT 3:00 PM GRUENBERG 120
04/21/22	(H)	Heard & Held
04/21/22	(H)	MINUTE(STA)
04/28/22	(H)	STA AT 3:00 PM GRUENBERG 120

#### WITNESS REGISTER

REPRESENTATIVE CHRIS TUCK  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on the proposed CS for HB 66, Version 0, as the prime sponsor.

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

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

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

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

HILLARY HALL, Director  
Government Affairs  
National Vote at Home Institute  
Washington, D.C.

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

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

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

MERCEDES COLBERT, Staff  
Senator Tom Begich  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced Amendment 1 to SB 66, on behalf of Senator Begich, prime sponsor.

#### **ACTION NARRATIVE**

[3:15:36 PM](#)

**CHAIR JONATHAN KREISS-TOMKINS** called the House State Affairs Standing Committee meeting to order at 3:15 p.m. Representatives Eastman, Vance, Kaufman, and Kreiss-Tomkins were

present at the call to order. Representatives Claman, Story, and Tarr arrived as the meeting was in progress.

**HB 66-ELECTIONS, VOTING, BALLOTS**

[Contains discussion of SB 39 and HB 96.]

[3:19:39 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, adopted as the working draft on 4/12/22, was the proposed committee substitute (CS) for HB 66, Version 32-LS0322\0, Klein, 3/30/22, ("Version 0").]

CHAIR KREISS-TOMKINS invited questions from committee members.

[3:20:25 PM](#)

REPRESENTATIVE EASTMAN directed attention to Section 49, Subsection (a), which pertaining to election fraud. He asked whether the criminalization was dependent on the violation changing the outcome of the election.

[3:21:32 PM](#)

REPRESENTATIVE CHRIS TUCK, Alaska State Legislature, stated that much of the language in the proposed legislation was adopted from the companion bill in the Senate [SB 39]. He added that he was unsure why the language in question was included. He opined that election fraud should be recognized as such regardless of the outcome of the election.

REPRESENTATIVE EASTMAN inquired about Section 47, paragraph (5), which qualified voting "in the name of another person who is cognitively unable to express that person's vote" as voter misconduct in the first degree.

REPRESENTATIVE TUCK conveyed that there were allowable exceptions for voting on behalf of someone who is disabled; however, a ballot should not be filled out on an individual's behalf if he/she is not cognitive, he expressed.

REPRESENTATIVE EASTMAN suggested qualifying a person who votes or attempts to vote under the name of another person as voter misconduct.

REPRESENTATIVE TUCK pointed out that voting in the name of another person was covered under AS 15.56.040(a)(1). He expounded that Section 47, paragraph (5) [AS 15.56.040(a)(5)], was attempting to criminalize the behavior of voting on behalf of a disabled person who isn't cognitive.

REPRESENTATIVE EASTMAN expressed concern that the language in paragraph (5) did not accurately capture the expressed intent, as it did not clarify that voting on behalf of a disabled person (who possesses cognitive awareness) was allowable.

REPRESENTATIVE TUCK shared his understanding that existing statutory language provided for that exception. He deferred to Mr. Flynn.

[3:26:46 PM](#)

THOMAS FLYNN, Assistant Attorney General, Civil Division, Department of Law (DOL), suggested that Representative Tuck was referring to the special needs statute, which allowed a person to assist a disabled voter with everything except the voting decision.

[3:27:30 PM](#)

REPRESENTATIVE VANCE asked whether each type of ballot was processed uniquely by the Division of Elections (DOE).

REPRESENTATIVE TUCK deferred to Ms. Fenumiai.

[3:28:27 PM](#)

GAIL FENUMIAI, Director, DOE, Office of the Lieutenant Governor, explained that absentee in-person, special needs, and question ballots were all reviewed by either the absentee review board or the question review board to determine the voters' eligibility before the ballots were opened and counted.

REPRESENTATIVE VANCE inquired about the difference between the absentee in-person ballot and the question ballot.

MS. FENUMIAI defined the absentee in-person ballot as a ballot cast from one of the 150 (plus) absentee or early voting

locations within Alaska. She noted that the absentee in-person ballots were reviewed by the absentee review board and underwent the same process used to review by-mail ballots. In contrast, the question ballot was cast from a precinct on election day by a person whose name was absent from the precinct register or a person who lacked identification. The question ballots, she said, were analyzed by the question review board and underwent the same review process as absentee in-person ballots.

[3:31:15 PM](#)

REPRESENTATIVE VANCE sought to confirm that there were five distinct types of ballots.

MS. FENUMIAI described the various types of ballots. Polling place ballots were filled out at a polling location on election day and were not reviewed. Absentee by-mail ballots had to be applied for and underwent the same review process as absentee in-person ballots. Special needs ballots were cast by people who were unable to be physically present at a polling location due to age, illness, or disability. She noted that special needs ballots were delivered and signed by a designated personal representative. These ballots were also reviewed by the absentee review board. Question ballots, as previously described, were voted from the polling locations on election day and reviewed by the question review board before being counted. Finally, ballots cast from the early voting centers, which were located at the division's five regional offices, required voters to verify their address on file in the voter registration system. If the address was verified, a voter certificate was printed and signed by the voter, and the ballot was cast with no further review, as their eligibility had already been determined on location. If the address provided didn't match the one on record, the voter would cast an absentee in-person ballot.

REPRESENTATIVE VANCE considered a scenario in which a person tried to vote on election day from a district in which he/she was not registered. She asked what kind of ballot that person would vote.

MS. FENUMIAI said it would depend on the location. If the individual attempted to vote from an early voting location, an absentee in-person ballot would be cast. In contrast, the individual would vote a question ballot if he/she attempted to vote from a voting location in which his/her name was missing from the precinct register.

[3:35:12 PM](#)

REPRESENTATIVE VANCE considered a scenario in which a disabled person wanted to both register and vote a special needs ballot in the same day. She asked how that would be accommodated.

MS. FENUMIAI said, under current law, that person would simply vote a special needs ballot. However, she shared her understanding that under the proposed legislation, the individual in question could register and vote simultaneously with the submission of a special needs ballot.

[3:36:26 PM](#)

REPRESENTATIVE EASTMAN directed attention to Section 45 and asked whether the director should be able to disqualify a voting machine from use if it was not in compliance with the voting system standards approved by the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America Vote Act of 2002).

REPRESENTATIVE TUCK explained that there were proprietary machines that were compliant with the [Help America Vote Act of 2002]. He expounded that per the added language in Version O, only voting machines with open-source software technology would satisfy the requirement.

REPRESENTATIVE EASTMAN expressed his concern that the language in Section 45 did not reflect the intent.

[3:39:22 PM](#)

REPRESENTATIVE TARR reiterated her interest in clarifying the language pertaining to the procedure for curing uncounted ballots on page 19, lines 17-20. Specifically, she expressed concern about the term "reasonable effort" and the 48-hour, deadline post-election day. She asked the director to elaborate on the ideal ballot curing process.

MS. FENUMIAI said she had not had the opportunity to consider an ideal ballot curing process.

REPRESENTATIVE TARR pondered what the ideal process might look like. She suggested changing the 48-hour timeline to five days to provide sufficient time.

MS. FENUMIAI offered to follow up with a proposal for the ballot curing process. She explained that ideally, upon the identification of a deficiency, staff would be designated to the curing process and making contact with the voter.

REPRESENTATIVE TARR welcomed the idea of a forthcoming proposal.

MS. FENUMIAI suggested that someone from the Division of Law (DOL) could offer a solution that would make "reasonable effort" less ambiguous.

CHAIR KREISS-TOMKINS highlighted Ms. Fenumiai's workload given the special election to fill Congressman Don Young's seat. He asked Mr. Flynn to respond to Representative Tarr's line of questioning.

[3:45:18 PM](#)

MR. FLYNN pointed out that the 48-hour deadline on page 19, line 20, only applied to notices sent by mail or email. He speculated that the division could send other types of notices. He highlighted the ballot tracking software as a potential method for notifying voters of a deficiency. He reiterated that the real deadline to cure a ballot remained 14 days post-election, per paragraph (1) on page 20, as opposed to 48 hours, as suggested by Representative Tarr.

REPRESENTATIVE TUCK asked Ms. Hall from the National Vote at Home Institute (NVAHI) to describe the curing process in other states.

[3:46:57 PM](#)

HILLARY HALL, Director, Government Affairs, NVAHI, conveyed that the existing language was "spot on" with the practices in other states. Additionally, she commended Version 0 for its use of ballot tracking, which would speed up the process dramatically. Further, she emphasized the importance of dedicating funds to educating voters on how to opt-in to that process when they signed up to vote by mail.

REPRESENTATIVE TARR sought to confirm that the timeline for ballot curing in Version 0 was consistent to those implemented in other states.

MS. HALL answered yes. Nonetheless, she deferred to the director to speak to the practicability for the division. She

explained that the intent of the initial 48-hour notice was to "get the message out," however, it may take longer to reach the voter.

[3:49:19 PM](#)

REPRESENTATIVE VANCE asked whether the state currently used a ballot tracking system for absentee ballots.

MS. FENUMIAI said the division planned to use BallotTrax for the upcoming election in August. She noted that the BallotTrax system was already up and running.

REPRESENTATIVE VANCE sought to confirm that this would be the first time using BallotTrax.

MS. FENUMIAI confirmed [that the upcoming election would be the first time using BallotTrax]. She noted that the division had used a "homebuilt 'My Voter' Portal" [in the past], which provided similar functions.

REPRESENTATIVE VANCE asked whether Ballot Tracks had the ability to provide notifications of deficient ballots to voters.

MS. FENUMIAI shared her understanding that BallotTrax would have that capability if the cure process were to become law.

REPRESENTATIVE VANCE asked whether [BallotTrax] could be utilized to track ballots that were not absentee ballots.

MS. FENUMIAI was uncertain. She shared her belief that, without some kind of electronic (indisc.), it would not be possible. She noted that the BallotTrax enrollment process allowed the user to select text, phone, or email notifications.

[3:52:57 PM](#)

MS. HALL sought to confirm that the current line of questioning pertained to the notification process for emergency ballots and other types of ballots.

REPRESENTATIVE VANCE answered yes.

MS. HALL said it would depend on how that information was being tracked. She assured the committee that BallotTrax was one of the top companies. She shared her understanding that if the information was in a data file, there would likely be a way to

incorporate that; however, it could include additional costs, as the system was designed for absentee ballots.

REPRESENTATIVE VANCE emphasized her interest in further exploring the ability to track special needs ballots, which could ease some of the public's anxiety.

[3:54:40 PM](#)

REPRESENTATIVE TARR suggested amending AS 15.20.222 [procedure for curing uncounted ballot] on page 19 to solidify a two-step curing process - one for mail notifications and another for electronic notifications. She asked whether there were benefits to using an affidavit for the ballot curing process.

MS. FENUMIAI was unsure whether an affidavit was necessary. She added that she did not know what the Municipality of Anchorage used for signature cures. She deferred to Ms. Hall.

[3:56:50 PM](#)

MS. HALL asked Representative Tarr to rephrase her question.

REPRESENTATIVE TARR explained that there were several different versions of election bills under consideration in the Alaska State Legislature, in which varying models of ballot curing were used. One, she recalled, used an affidavit. She asked whether that practice should be considered in Version 0.

MS. HALL reported that affidavits were standard practice among other states. She highlighted a new technology, called "TXT2Cure," that utilized an affidavit to provide updated identification via text. She noted that BallotTrax was partnering with the TXT2Cure Program.

[3:58:14 PM](#)

REPRESENTATIVE EASTMAN directed attention to Section 36 and questioned the practicability of observing the election supervisor's review of absentee ballots during the 10-day window preceding the day of the election. He expressed concern that volunteers would not be able to observe that process due to the heightened workload during that time period.

REPRESENTATIVE TUCK explained that the 10-day window was expanded [from seven days] to provide more time for DOE to

process ballots. He indicated that the goal of the language in question was to increase participation and oversight.

REPRESENTATIVE EASTMAN inquired about the signature verification process outlined in Section 38. He questioned the capability of the software used in other states.

REPRESENTATIVE TUCK pointed out that the language in question was taken directly from the governor's election bill [HB 96]. He reported that Alaska would require five signature verification machines at \$750,000 per machine. He conveyed that the proposed legislation included training on signature verification to add an additional layer of verification. He offered to invite Patty McGuire back before the committee to answer any remaining questions on the subject.

4:04:30 PM

REPRESENTATIVE EASTMAN directed attention to Section 39, Subsection (b), and asked how the word "may" would be interpreted. He expressed concern that the current language in Version 0, "An absentee ballot may be rejected if", was more subjective than the original language ["An absentee ballot may not be counted if"].

REPRESENTATIVE TUCK deferred to Mr. Klein from Legislative Legal Services.

CHAIR KREISS-TOMKINS announced that Mr. Klein was unavailable.

REPRESENTATIVE TUCK clarified that the change referenced by Representative Eastman was a drafting decision intended to make the statute easier to read. Returning to an earlier comment from Representative Tarr pertaining to Section 42, he sought to confirm that she had suggested eliminating lines 13-17 on page 19.

REPRESENTATIVE TARR clarified that she had suggested eliminating lines 17-19, thereby clarifying the provision and removing the ambiguous "reasonable effort" language.

CHAIR KREISS-TOMKINS noted the Mr. Klein had returned and was available for questions.

4:09:07 PM

REPRESENTATIVE EASTMAN redirected his previous question to Mr. Klein. He asked how the word "may" would be interpreted in Section 39, Subsection (b). He expressed concern that the current language in Version O, "An absentee ballot may be rejected if", was more subjective than the original language ["An absentee ballot may not be counted if"].

NOAH KLEIN, Attorney, Legislative Legal Services, Legislative Affairs Agency (LAA), understood that the word "may" was intended to identify that some of the ballots would not be rejected due to the ability to cure, which historically, was not an option. He offered to draft a solution to remedy the concern, such as "an absentee ballot shall be rejected unless it's cured," if it was the will of the committee.

REPRESENTATIVE EASTMAN turned his attention to page 16, line 30, and asked whether the word "or" should be replaced by "and."

[4:11:08 PM](#)

MIKE MASON, Staff, Representative Chris Tuck, Alaska State Legislature, on behalf of Representative Tuck, prime sponsor, explained that the language in question was intended to account for mail that was not postmarked; additionally, it allowed the use of the tracking barcode. He concluded that the goal was to count all legally cast ballots that were submitted on or before election day with the understanding that a new barcode system would be used.

REPRESENTATIVE EASTMAN maintained his belief that "and" would be more appropriate.

REPRESENTATIVE TUCK clarified that inserting the word "and" instead of "or" would require that the qualifiers in both subparagraph (A) and (B) be met before rejecting a ballot, as opposed to one or the other.

[4:12:55 PM](#)

REPRESENTATIVE KAUFMAN asked whether adequate controls were in place to prevent the results of early voting from "leaking out" and somehow inhibiting turnout on election day.

REPRESENTATIVE TUCK deferred to Ms. Fenumiai to speak to existing security measures.

MS. FENUMIAI clarified that under current statute, the counting of ballots and release of results was prohibited from occurring until after poll closure; however, the ballot review processes could take place before election day.

REPRESENTATIVE KAUFMAN asked whether anything in Version 0 would change those practices.

MS. FENUMIAI answered no. She cited AS 15.20.201(a) [Section 36], which allowed the review boards to start the review process earlier. This provision would allow more ballots to be deemed eligible for the count on election night.

MR. MASON clarified that in its current form, Version 0 allowed the absentee ballot count to begin before election day. He explained that the decision was made during the drafting process to quell the angst about absentee ballot totals not being available before election day [during the 2020 election]. He directed the committee's attention to Section 37, Subsection (b), which allowed the counting team to begin counting absentee ballots no fewer than seven days preceding the day of the election. The provision directed the first count of absentee ballots to be reported to the district absentee ballot counting board no later than 8:00 p.m. on election day. He acknowledged that this change would require certain security measures, which would be decided on and implemented by the division.

[4:16:26 PM](#)

REPRESENTATIVE KAUFMAN asked how to ensure proper security and whether legislative action was needed to accommodate that.

MS. FENUMIAI answered no. She explained that despite the ballots being reviewed by the absentee review board and then scanned by the regional counting board, the results would not be uploaded until after poll closure, which was overseen by the regional election supervisor.

[4:18:05 PM](#)

REPRESENTATIVE EASTMAN asked whether campaigns, candidates, and political parties had the right to observe the counting process.

MS. FENUMIAI confirmed that there was an opportunity for people to observe the process from a distance.

REPRESENTATIVE EASTMAN asked whether observers would be required to sign a confidentiality agreement.

MS. FENUMIAI explained that the results were not known until the counts were concluded on each machine. She added that the reports were only printed after the supervisor loaded the information into the main system.

REPRESENTATIVE EASTMAN sought to confirm that observers would still be able to see the markings on the ballots.

MS. FENUMIAI shared her understanding that the observers were not in close enough proximity to see that information.

REPRESENTATIVE EASTMAN inquired about the point of observation if people were not close enough to see the details on the ballots.

MS. FENUMIAI explained that historically, people were watching for the envelopes to come out sealed from the secure ballot room. She asserted that members of the regional counting board were the only people allowed to open the envelopes and send them through the machines. She reiterated that only DOE employees and the counting boards had access to the ballots.

[4:20:42 PM](#)

REPRESENTATIVE EASTMAN remarked, "It strikes me if observers aren't allowed to observe ballots or what's on them, maybe we should call them something other than observers."

CHAIR KREISS-TOMKINS characterized Representative Eastman's comments as "chasing a ghost," adding "these concerns about what the problem is that, I think, your question presupposes we're trying to solve." He recalled his experience sitting in a room for a recount, as his first election was sufficiently close. He assured the committee that there was nothing nefarious and nothing to be concerned about. Further, he opined that DOE comported itself with the utmost professionalism and confidence. He remarked, "If there's a problem that you're trying to solve, state the problem, and we can pursue that with the Division of Elections."

REPRESENTATIVE EASTMAN responded that he thought "one of the main reasons for some aspects of the bill" was to increase public confidence in the process - that it be done correctly. He highlighted an important aspect is ensuring that both parties

"have someone to be able to observe" that the handling of the ballots - how they are being counted - is accurate. He concluded, " So, it subverts that purpose ... if we're going to say that those who are observing are going to be kept ... far enough away from that process to where they won't actually be able to come away from that process with any sufficient confidence one way or another." He shared his belief that the observers would not be able to answer whether the process ran smoothly and whether the count was accurate.

CHAIR KREISS-TOMKINS sought to confirm that Representative Eastman was suggesting that the observers maintain a literal tally, perhaps by hand, of the number of ballots being run through the scanner on election night to ensure the integrity of the election.

REPRESENTATIVE EASTMAN contended that a tally may not be necessary; however, he argued that they should be able to see that the ballots looked the same, for example, or whether their candidates name was missing from a ballot.

CHAIR KREISS-TOMKINS remarked, "You'd think that if candidates' names were missing from the ballot, you'd hear that on election day."

REPRESENTATIVE TARR agreed with Chair Kriess-Tomkins. She shared her belief that the division was professional, competent, and committed to following the law. She opined that it was incumbent upon public officials to dispel mistruths or myths. She thanked Director Fenumiai for her hard work.

[4:25:00 PM](#)

REPRESENTATIVE TUCK indicated that his intent was to model as much as possible after the state of Colorado. He recalled his own experience watching a recount. He assured Representative Eastman that, despite being behind plexiglass, all the activities taking place could be viewed.

MS. HALL clarified that scanning and tabulating were different. She reiterated that scanning occurred ahead of time, while tabulation occurred before the results were posted. Furthermore, she pointed out that the speed at which ballots went through the scanners was too fast for an observer to keep track of each individual ballot. She indicated that in Colorado, the role of observers was to watch the chain of custody and to see whether the ballots came from a sealed ballot

box, for example. Additionally, to observe whether proper recordkeeping was being collected. As to whether the results were accurate, she said, the addition of Risk-Limiting Audits (RLAs) would verify and assure that the ballots and the tally were correct. She opined that Version 0, in its current form, addressed all concerns and added an extra layer of transparency by allowing more observers to see the process.

REPRESENTATIVE EASTMAN asked whether the technology used in Alaska would have an adjudication screen.

MS. FENUMIAI clarified that the adjudication screens were not used during the ballot counting process that Ms. Hall had described.

[4:27:47 PM](#)

REPRESENTATIVE CLAMAN acknowledged that the conversation was interesting; however, the issues being discussed were becoming narrower in scope, he opined. He urged the chair to "put a pin" [in this line of questioning].

CHAIR KREISS-TOMKINS said, "That counsel is noted."

[4:28:47 PM](#)

REPRESENTATIVE EASTMAN inquired about the intent of Section 40, pertaining to signature verification and the use of initials or common nicknames.

MR. MASON explained that his "given" name was Michael; however, he always signed "Mike" - a common nickname - for his signature. He shared another example of his best friend, named Christopher, who went by the nickname "CB." He added that the intent of Section 40 was "to allow people to be who they are and still have their vote count."

REPRESENTATIVE EASTMAN asked whether the signed name must match the voter's signature in the voter registration records or whether a common nickname would be acceptable.

MR. MASON expressed his hope that DOE would be given the discretion to make that determination.

CHAIR KREISS-TOMKINS asked how common nicknames were processed during the signature verification process in Colorado.

4:31:13 PM

MS. HALL stated that when a nickname was used in conjunction with a last name, it often provided enough of the signature to verify. She added that as long as the first name was a version of the individual's given name, it should be enough to confirm the voter's identity. She highlighted her experience working with signature documentation experts in the police force, indicating that the use of common nicknames was common practice. Further, she pointed out that many voters registered to vote many years ago and forgot how they signed their name on the form. She concluded that the signature verification process should allow for both security and accuracy while allowing for most voter participation.

REPRESENTATIVE EASTMAN asked whether his ballot would be rejected if he signed with his initials, "DE."

REPRESENTATIVE TUCK explained that his mother, Dolores Marta Tuck, went by "Marta" and signed her name as "D. Marta Tuck." He added that in this case, the "D" would be appropriate. He speculated that if Representative Eastman were to sign "DE," the ballot would require a cure.

4:33:19 PM

REPRESENTATIVE VANCE pointed out the, per the bill language, the voter's signature would be compared to the signature on file with the division. She explained that if "DE" was the way in which Representative Eastman signed his name consistently, that would be accepted. Only when a change occurred, she said, would a cure be necessary. She expressed relief that the curing process was being pursued in the proposed legislation. She inquired about the protocol for changing the location of a polling station.

MS. FENUMIAI asked whether Representative Vance was referring to Section 23.

REPRESENTATIVE VANCE answered yes.

MS. FENUMIAI noted that Section 23 of Version 0 pertained to early voting stations specifically. She added that currently, there was no procedure in place for changing locations other than providing notice of the locations on DOE's website. She conveyed that sometimes, changes happened on short notice. She

clarified that there was a process outlined in statute for changing the location of a polling station.

REPRESENTATIVE VANCE asked what kind of agreement was secured with the building owner for the use of a specific location for a polling place.

MS. FENUMIAI responded that a polling place agreement form was signed.

[4:37:41 PM](#)

REPRESENTATIVE VANCE asked whether Section 23, concerning early voting stations, was consistent with the existing statutory language regarding polling locations.

MS. FENUMIAI cited AS 15.10.090 [Notice of precinct boundary or polling place designation modification.] She noted that [Section 23] was not as detailed.

REPRESENTATIVE VANCE asked whether there was any litigation concerning the change of polling stations that the committee should be aware of.

MS. FENUMIAI said she was unaware of any litigation related to early voting locations or absentee in-person stations. She recalled an emergency change [to a polling location] during the 2020 election, which was litigated; however, she did not have details of the legal proceedings readily available.

REPRESENTATIVE VANCE expressed her interest in preserving the rights of the property owners while ensuring consistent voting locations.

REPRESENTATIVE TUCK recalled numerous location changes during the 2016 election. He characterized the frequent changes as a voter suppression method, as many voters did not know where to vote. He stated that the intent was to ensure that a polling location would remain in place for at least two years - until redistricting - to prevent a repeat of 2016.

[4:41:52 PM](#)

REPRESENTATIVE VANCE requested insight from DOL.

REPRESENTATIVE TUCK recalled language [from the original version of the bill] the provided ample notification of any location

changes. Additionally, the division could not make a unilateral change to the location of a polling station unless a list of criteria was met.

REPRESENTATIVE EASTMAN asked what would happen if an error was made in the voter registration records that assigned a voter to the wrong precinct.

REPRESENTATIVE TUCK highlighted the benefits of same-day registration. If a voter's name was missing from the precinct roll, he/she could register for same-day registration and vote a question ballot, he said.

[4:45:05 PM](#)

REPRESENTATIVE EASTMAN considered a scenario in which the appropriate ballot was not available and asked how that would be accommodated under Version O.

REPRESENTATIVE TUCK attempted to clarify the scenario. He sought to confirm that Representative Eastman was asking about a person who had moved from one district to another without changing his/her voter registration information. When that person showed up at the polling location to vote, he explained, he/she would only be able to vote on the senate race (if that person's new home was still located within the same Senate district).

REPRESENTATIVE EASTMAN directed attention to Section 11, which outlined the process for canceling a voter's registration. He asked why cancelling registration at a polling place was necessary and whether cancelling one's registration would nullify a cast ballot.

REPRESENTATIVE TUCK indicated that the intent was to keep the voter rolls as clean as possible.

REPRESENTATIVE EASTMAN asked whether the cancellation would impact the vote.

REPRESENTATIVE TUCK answered no.

MR. MASON cited Section 11, clarifying that the director was required to develop a process for cancellation both in person and electronically.

REPRESENTATIVE EASTMAN turned attention to Section 13 and asked why a watcher must be a United States (U.S.) citizen.

REPRESENTATIVE TUCK agreed that U.S. citizenship should only be a requirement for voting, not for observing.

[4:48:54 PM](#)

REPRESENTATIVE EASTMAN directed attention to Section 32. He posed a scenario in which an out-of-date application was sent out that did not include party affiliation. He asked what the consequences would be.

REPRESENTATIVE TUCK did not have an answer to that question.

MR. KLEIN asked Representative Eastman to clarify the question.

REPRESENTATIVE EASTMAN directed attention to page 14, lines 2-3. He considered the example of an out-of-date application being sent out and asked whether that would invalidate the application for an absentee ballot.

MR. KLEIN clarified that the requirement in question was current law. He was unsure what the division would do with an application that excluded a required portion, as no statutory provision explicitly outlined this scenario.

[4:53:03 PM](#)

MR. FENUMIAI asserted that declaring a party affiliation was not a requirement of registering to vote.

REPRESENTATIVE TUCK attempted to clarify Representative Eastman's question. He asked what would happen if a third-party organization sent out an absentee ballot application that did not include the section for declaring or changing a party affiliation on the form.

MS. FENUMIAI stated that the requirements for a by-mail ballot application existed in regulation, listed under 6 AAC 25.05. She reported that the application must include a spot for the applicant to designate a political group or political affiliation; however, that was no longer required to receive a ballot. She offered to follow up with a more eloquent explanation.

[4:56:11 PM](#)

REPRESENTATIVE KAUFMAN directed attention to page 16 and asked whether postal tracking could be confirmed in the field.

MS. FENUMIAI said currently, DOE did not have that capability. She shared her belief that it would require working in partnership with the United States Postal Service (USPS).

CHAIR KREISS-TOMKINS deferred to Ms. Hall.

MS. HALL answered yes, the technology existed. She suggested working with BallotTrax to accomplish that within the tracking and notification system.

REPRESENTATIVE KAUFMAN requested additional information to confirm the efficacy.

REPRESENTATIVE TUCK reported that Amber McReynolds, the Governor of USPS, had provided testimony that confirmed the practicability of this provision. He reiterated that the technology existed; however, it was a matter of delivering it to rural Alaska.

[4:59:44 PM](#)

REPRESENTATIVE VANCE asked whether the tracking barcode would originate from BallotTrax's tracking system or the division.

MS. FENUMIAI explained that an intelligent mail barcode would track the ballot as it left the mail station, notifying the voter when the ballot was mailed and when it was received and logged by DOE.

REPRESENTATIVE VANCE asked whether the BallotTrax software had the capability of tracking a ballot through the entire process.

MS. FENUMIAI did not know the answer. She reiterated that this was the first time using BallotTrax at the "bare minimum level."

REPRESENTATIVE TUCK reiterated that Ms. McReynolds had confirmed that USPS could track ballots as if they were a FedEx package. He pointed out that it could entail a two-step process, as the ballot was sent out and then returned.

CHAIR KREISS-TOMKINS deferred to Ms. Hall.

MS. HALL answered yes, a ballot could be tracked through the system using the intelligent mail barcode. She assured the committee that BallotTrax had the ability to add those barcodes both on the outgoing ballot and the return envelope.

[5:03:21 PM](#)

REPRESENTATIVE EASTMAN returned his attention to Section 32, specifically page 14, lines 3-5. He asked why "may not" was changed to "shall."

REPRESENTATIVE TUCK conveyed that currently, Alaska did not have a method for registering to vote electronically. The provision in question, he said, would allow a person to register electronically via the absentee ballot application process.

REPRESENTATIVE EASTMAN turned his attention to Section 34 and asked whether the language on page 15, lines 4-7, was contradictory, as it suggested that a ballot may be rejected if it was submitted in a method other than postmarked mail.

MR. MASON clarified that not all mail was postmarked. He explained that the provision would allow a ballot that was not postmarked to be counted if the intelligent barcode proved that it was mailed on or before election day.

REPRESENTATIVE EASTMAN questioned whether a ballot delivered by courier or a ballot that was dropped off by a spouse would be rejected based on the added language in Section 34 [page 15, lines 4-7].

REPRESENTATIVE TUCK emphasized that after poll closure, no ballots would be accepted other than those postmarked in a timely manner.

[5:10:33 PM](#)

REPRESENTATIVE KAUFMAN asked how a field observer would be able to tell if a ballot was postmarked on or before election day.

REPRESENTATIVE TUCK sought to clarify whether Representative Kaufman was referring to a poll watcher or an observer.

REPRESENTATIVE KAUFMAN clarified that he was referring to the workers who process the ballots, in addition to the observers.

[5:12:32 PM](#)

The committee took a brief at-ease.

[5:12:41 PM](#)

REPRESENTATIVE TUCK deferred to Ms. Hall.

MS. HALL asked Representative Kaufman to restate the question.

[5:13:42 PM](#)

REPRESENTATIVE KAUFMAN asked whether the tracking barcodes could be recognized by observers. He expressed his interest in ensuring that late ballots were not processed.

MS. HALL highlighted a tactical method for addressing the issue. She explained that USPS could be instructed to hold off on delivering ballots for several days after the cutoff, thereby holding any late ballots at the post office. Further, the chain of custody would help track the ballots. She recognized that observers may not be able to verify the tracking barcodes; nonetheless, it could become part of the canvassing process, she suggested.

[5:15:56 PM](#)

MR. MASON noted that all absentee ballots were reviewed by the absentee ballot counting board. He deferred to Ms. Fenumiai for confirmation.

MS. FENUMIAI reiterated that the absentee review process was available to observers.

CHAIR KREISS-TOMKINS announced that the proposed CS for HB 66, Version O, was held over.

**SB 66-MEMBERS LEG COUNCIL; LEG BUDGET & AUDIT**

[5:19:10 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be SENATE BILL NO. 66 AM, "An Act relating to the membership of the legislative council; and relating to the membership of the Legislative Budget and Audit Committee."

[5:19:44 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 1, labeled 32-LS0410\A.A.4, Nauman/Wallace, 4/23/22, which read:

Page 2, following line 2:

Insert a new bill section to read:

"\* **Sec. 2.** AS 24.20.020 is amended by adding a new subsection to read:

(b) The legislative council shall have four alternate members in addition to the members designated in (a) of this section. The president of the senate shall appoint two alternate members, at least one of whom is from the senate minority. The speaker of the house of representatives shall appoint two alternate members, at least one of whom is from the house minority. The alternate members shall serve on the council when a meeting of the council has been called and the chair determines that there will not be enough members in attendance at the meeting to provide a quorum. Only a member of the minority may serve as an alternate for a minority committee member. While serving as alternates, the alternate members have the same duties and responsibilities as council members appointed under (a) of this section, and are entitled to the same travel and per diem allowances."

Renumber the following bill sections accordingly.

Page 2, following line 14:

Insert a new bill section to read:

"\* **Sec. 4.** AS 24.20.165 is amended to read:

**Sec. 24.20.165. Alternate members.** The Legislative Budget and Audit Committee shall have four [TWO] alternate members in addition to the members designated in AS 24.20.161. The president of the senate shall appoint two [ONE] alternate members, at least one of whom is from the senate minority. The [MEMBER FROM THE SENATE FINANCE COMMITTEE AND THE] speaker of the house of representatives shall appoint two [ONE] alternate members, at least one of whom is [MEMBER] from the house minority [HOUSE FINANCE COMMITTEE]. The alternate members shall serve on the committee when a meeting of the committee has been called and the chair [CHAIRMAN] determines that there will not be enough members in attendance at the meeting to provide a quorum. Only a member of the minority may serve as an alternate for a minority committee member. While serving as alternates, the

alternate members have the same duties and responsibilities as committee members appointed under AS 24.20.161, and [THEY] are entitled to the same travel and per diem allowances."

Renumber the following bill section accordingly.

REPRESENTATIVE EASTMAN objected.

[5:20:01 PM](#)

MERCEDES COLBERT, Staff, Senator Tom Begich, Alaska State Legislature, on behalf of Senator Begich, prime sponsor, explained that Amendment 1 created four alternates for both the legislative council and the Legislative Budget and Audit Committee (LB&A). The alternates were members of the senate minority, senate majority, house minority, and house majority caucuses for both committees. She noted that under existing law, legislative council did not have alternates in statute. Section 2 of Amendment 1 would create those alternates, she said.

[5:22:43 PM](#)

REPRESENTATIVE EASTMAN suggested eliminating the requirement that alternate members would only serve on the committees when there were not enough members in attendance to provide a quorum; thereby allowing the alternates to participate at their discretion.

MS. COLBERT indicated that the bill sponsor was open to considering that proposal if it was the will of the committee.

REPRESENTATIVE EASTMAN expressed his interest in introducing a conceptual amendment that would remove the quorum requirement, such that the alternate member representing the minority could fill an absence from the minority member, regardless of whether quorum was met.

[5:24:20 PM](#)

CHAIR KREISS-TOMKINS moved to table Amendment 1. There being no objection, it was so ordered.

[5:24:34 PM](#)

CHAIR KREISS-TOMKINS indicated that SB 66 was held over.

5:24:46 PM

**ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 5:25 p.m.