

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

May 3, 2022

3:09 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

CS FOR SENATE BILL NO. 25(FIN)

"An Act relating to the establishment and maintenance of an Internet website providing information on state government financial transactions and specifying the information to be made available on the website; and relating to the Alaska Checkbook Online Internet website."

- MOVED HCS CSSB 25(STA) OUT OF COMMITTEE

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."

- MOVED CSHB 309(STA) OUT OF COMMITTEE

HOUSE BILL NO. 31

"An Act relating to daylight saving time; and providing for an effective date."

- MOVED HB 31 OUT OF COMMITTEE

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
04/28/22 (H) Heard & Held
04/28/22 (H) MINUTE(STA)
05/03/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: SB 25

SHORT TITLE: STATE GOV'T FINANCES: WEBSITE

SPONSOR(S): SENATOR(S) WIELECHOWSKI

01/22/21 (S) PREFILE RELEASED 1/8/21
01/22/21 (S) READ THE FIRST TIME - REFERRALS
01/22/21 (S) STA, FIN
02/02/21 (S) STA AT 3:30 PM BUTROVICH 205
02/02/21 (S) Heard & Held
02/02/21 (S) MINUTE(STA)
02/11/21 (S) STA AT 3:30 PM BUTROVICH 205
02/11/21 (S) Scheduled but Not Heard
02/25/21 (S) STA AT 3:30 PM BUTROVICH 205
02/25/21 (S) Heard & Held
02/25/21 (S) MINUTE(STA)
04/08/21 (S) STA AT 3:30 PM BUTROVICH 205
04/08/21 (S) Moved CSSB 25(STA) Out of Committee
04/08/21 (S) MINUTE(STA)
04/09/21 (S) STA RPT CS 2DP 3NR NEW TITLE
04/09/21 (S) NR: SHOWER, HOLLAND, REINBOLD
04/09/21 (S) DP: COSTELLO, KAWASAKI
04/20/21 (S) FIN AT 9:00 AM SENATE FINANCE 532
04/20/21 (S) Heard & Held
04/20/21 (S) MINUTE(FIN)
05/11/21 (S) FIN AT 9:00 AM SENATE FINANCE 532
05/11/21 (S) -- MEETING CANCELED --
01/24/22 (S) FIN AT 1:00 PM SENATE FINANCE 532
01/24/22 (S) Moved CSSB 25(FIN) Out of Committee
01/24/22 (S) MINUTE(FIN)
01/25/22 (S) FIN RPT CS 5DP NEW TITLE
01/25/22 (S) DP: STEDMAN, BISHOP, HOFFMAN, WILSON,
WIELECHOWSKI
02/02/22 (S) TRANSMITTED TO (H)
02/02/22 (S) VERSION: CSSB 25(FIN)
02/04/22 (H) READ THE FIRST TIME - REFERRALS
02/04/22 (H) STA, FIN
02/17/22 (H) STA AT 3:00 PM GRUENBERG 120

02/17/22 (H) Heard & Held
02/17/22 (H) MINUTE(STA)
05/03/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 309

SHORT TITLE: APOC; CAMPAIGN CONTRIBUTIONS/REPORTING

SPONSOR(S): REPRESENTATIVE(S) KREISS-TOMKINS

02/07/22 (H) READ THE FIRST TIME - REFERRALS
02/07/22 (H) CRA, STA
03/03/22 (H) CRA AT 8:00 AM BARNES 124
03/03/22 (H) Heard & Held
03/03/22 (H) MINUTE(CRA)
03/08/22 (H) CRA AT 8:00 AM BARNES 124
03/08/22 (H) Heard & Held
03/08/22 (H) MINUTE(CRA)
03/10/22 (H) CRA AT 8:00 AM BARNES 124
03/10/22 (H) Moved CSHB 309(CRA) Out of Committee
03/10/22 (H) MINUTE(CRA)
03/14/22 (H) CRA RPT CS(CRA) 1DP 1NR 3AM
03/14/22 (H) DP: MCCARTY
03/14/22 (H) NR: SCHRAGE
03/14/22 (H) AM: DRUMMOND, MCCABE, HANNAN
03/15/22 (H) STA AT 3:00 PM GRUENBERG 120
03/15/22 (H) Heard & Held
03/15/22 (H) MINUTE(STA)
03/22/22 (H) STA AT 3:00 PM GRUENBERG 120
03/22/22 (H) Heard & Held
03/22/22 (H) MINUTE(STA)
04/26/22 (H) STA AT 3:00 PM GRUENBERG 120
04/26/22 (H) <Bill Hearing Canceled>
04/28/22 (H) STA AT 3:00 PM GRUENBERG 120
04/28/22 (H) <Bill Hearing Canceled>
05/03/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 31

SHORT TITLE: OBSERVE DAYLIGHT SAVING TIME ALL YEAR

SPONSOR(S): REPRESENTATIVE(S) ORTIZ

02/18/21 (H) PREFILE RELEASED 1/8/21
02/18/21 (H) READ THE FIRST TIME - REFERRALS
02/18/21 (H) STA, FIN
05/18/21 (H) STA AT 3:00 PM GRUENBERG 120
05/18/21 (H) Heard & Held
05/18/21 (H) MINUTE(STA)
03/24/22 (H) STA AT 3:00 PM GRUENBERG 120
03/24/22 (H) Heard & Held

03/24/22 (H) MINUTE (STA)
05/03/22 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

JEFF STEPP, Staff
Representative Jonathan Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided a summary of changes in the proposed CS to HB 66, Version N, on behalf of Representative Kreiss-Tomkins, co-sponsor.

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 N.

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

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

REPRESENTATIVE CHRIS TUCK
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor of HB 66, introduced Amber McReynolds to the committee, during the hearing on the proposed CS for HB 66, Version N.

AMBER MCREYNOLDS
Denver, Colorado

POSITION STATEMENT: Provided invited testimony and answered questions during the hearing on the proposed CS for HB 66, Version N.

JEFF STEPP, Staff
Representative Jonathan Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided a summary of changes in the proposed CS, Version O, for CSSB 25(FIN), on behalf of Representative Kreiss-Tomkins.

SENATOR BILL WIELECHOWSKI
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided introductory remarks and answered questions, as the prime sponsor of CSSB 25(FIN).

DAVID DUNSMORE, Staff
Senator Bill Wielechowski
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on the proposed CS, Version O, for CSSB 25(FIN), on behalf of Senator Wielechowski, prime sponsor.

ROBERT ERVINE, Division Operations Manager
Division of Finance
Department of Administration
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on the proposed CS, Version O, for CSSB 25(FIN).

ROBIN O'DONOGHUE, Communications Manager
Alaska Public Interest Research Group
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 25.

CLAIR GROSS, Staff
Representative Jonathan Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided a summary of changes in the proposed CS, Version O, for CSHB 309(CRA), on behalf of Representative Kreiss-Tomkins, prime sponsor.

HEATHER HEBDON, Executive Director
Alaska Public Offices Commission
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on the proposed CS, Version O, for CSHB 309(CRA).

ALPHEUS BULLARD, Attorney
Legislative Legal Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on the proposed CS, Version O, for CSHB 309(CRA).

REPRESENTATIVE DAN ORTIZ
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided brief introductory remarks, as the prime sponsor of HB 31.

ACTION NARRATIVE

[3:09:06 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:09 p.m. Representatives Tarr, Story, Claman, Vance, Kaufman, Eastman, and Kreiss-Tomkins were present at the call to order.

HB 66-ELECTIONS, VOTING, BALLOTS

[Contains discussion of SB 39.]

[3:11:29 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\O, Klein, 3/30/22, ("Version O").]

[3:12:25 PM](#)

REPRESENTATIVE CLAMAN moved to adopt the proposed committee substitute (CS) for HB 66, Version 32-LS0322\N, Klein, 4/30/22, as the working document.

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

[3:12:42 PM](#)

JEFF STEPP, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, on behalf of Representative Kreiss-Tomkins, reviewed the changes in the proposed CS for HB 66, ("Version N"), which would replace Version O. The summary of

changes [hard copy included in the committee packet] read as follows [original punctuation provided]:

Page 1, Line 1: Change in the title to list a new crime: Adds "unlawful interference with voting."

--- Sections of Version N and Version O are the same -
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Page 2, Line 25: Section 2 - after "if applying within 30 days before" adds "or on the day of the election". Legal advised in a memo to the Senate Judiciary Committee (4/25/22):

"... the committee substitute uses the phrase 'within 30 days before.' Because the committee substitute permits registration before and including election day, these phrases should be changed to 'within 30 days before and on the day of' to make clear that the additional requirements apply when a voter registers on election day as well as in the 30 days before election day."

Page 3, Lines 6-9: Section 2: Paragraph 13 (B)(ii) - rearranges "government check" and "paycheck" for better clarity, so that "government check, or other government document" are together; deletes "that is" (O:3:7) and changes "displays" (O:3:8) to "displaying" (N:3:9) for better grammar.

Page 3, Line 11: Section 2: Paragraph 14 - changes past tense to present (i.e. "had previously been" in O:3:11 to "is" at N:3:11).

Page 3, Lines 16-26: Section 3 (g) - No policy change but rewritten for clarity/grammar.

Page 3, Lines 23 and 26: Section 3 (g) - changes from "requested language" to "designated language" for consistency.

Page 4, Line 2: Section 4 (d) - deletes "preceding an election" (O:4:5) and added "before" (N:4:2) for clarity.

Page 4, Line 12: Section 5 (h) - change derived from Amendment #1 (D.34), which deletes the phrase "a voter's choice to register as nonpartisan, as undeclared, or as affiliated with a political party or

political group and" from O:4:15-16. Simply stated, this change eliminates the explicit opportunity to indicate a partisan affiliation when registering at the polls.

Page 4, Line 21: Section 6 (b) - changes "who has reregistered" to "reregistering"

Page 4, Lines 28-29: Section 7 (c) - replaces "a person who has moved" (O:5:1-2) with "or on election day, a person transferring registration" (N:4:28-29), so the language now reads *"If a request is made within 30 days before election day or on election day, a person transferring registration to a new precinct ..."* Section 8 is unchanged.

--- Section numbers of Version N and Version O are no longer the same ---

Page 5, Line 16: Section 9 adds a new section to 15.07 titled, **Voter fraud mitigation policy**. This change is derived from Amendment #34 (D.44) and declares that it's the policy of the state to reduce voting fraud by using reasonable and affordable tools and technology to mitigate the potential for voting fraud, including for the review of voter registration applications and the master register for the names of the deceased, felons ineligible to vote, non-citizens, and individuals voting unlawfully. There is also a grammatical change from "for the reviews of", which was in Amendment #34 to "reviewing", which is now in the bill (N:5:19).

Page 5, Line 22: Section 10 of Version N is unchanged from Section 9 of Version O.

Page 5, Line 30: Section 11 has new language under (g) of the **Voter registration list maintenance** which was added by Amendment #35 (D.45). This allows DOE regulations on list maintenance to also use, at their discretion, municipal assessor databases, the US Social Security Administration death index and the US Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) database on non-citizens.

Page 6, Lines 14 - 23: Section 11 (formerly Section 10 of Version O) has a new subsection (h) and (i) also

modified by Amendment #35 (D.45), aimed at improving **Voter registration list maintenance**. These changes require the director to adopt a best practice voter registration system to improve identity matching when comparing registration lists with databases for list maintenance. The change says the director must develop a written maintenance schedule and guideline manual and provide a report to the senate secretary and chief clerk of the house for each legislative session. Finally, confirmation notice must include voter qualifications and penalties for voter fraud and voter misconduct. Plus grammatical changes.

Page 6, Lines 27-28: Section N rearranged the phrase, "at each polling place", for clarity. From (Version O), "The director shall prominently display instructions for a voter to cancel the voter's registration at each polling place." To (Version N), "The director shall prominently display instructions at each polling place for a voter to cancel the voter's registration."

Page 6, Line 29: Section 13 of Version N replaces Sections 12 and Section 13 of Version O by Amendment #4 (D.13). This section is related to the **Appointment and privileges of watchers** and essentially says that the same poll watcher rules apply for all elections. --- **Sections of Version N and Version O are the same again** ---

Page 7, Line 21: Section 14 is replaced by Amendment #5 (D.1). This revises the rules on ballot identifiers, saying ballot identifiers are required for electronic ballots, too (as well as "official ballots"). This deletes the option for the director to provide an exception for ballots without identifiers. It also specifies that the ballot identifier can be an election official signature. Plus, grammatical change at 7:22, to "The director shall adopt a regulation requiring ..." (from "The director shall by regulation require ...").

Page 8, Lines 10-12: In Section 15 at the end of (a), amendment #38 (D.52) is added re: ballot chain of custody requirements. This change asserts that a signed ballot chain of custody document must accompany groups of ballots in DOE's possession; and an election

official shall sign the ballot chain of custody document immediately upon receiving or releasing a ballot or group of ballots.

Section 16 is unchanged.

Page 8, Lines 30-31: Section 17: Changes "questioned ballot procedures" to "questioned ballot declaration."

Page 9, Line 21: Section 18 is modified by Amendment #39 (D.53), which says the questioned ballot declaration must make clear that prosecution under AS 11 is for perjury.

Section 19 is unchanged.

Section 20 is unchanged.

Section 21 is unchanged.

Page 11, Line 1: Section 22 is changed by Amendment #1 (D.34), by adding language that says, "An envelope may not identify a voter's party affiliation."

Section 23 is unchanged.

Section 24 is unchanged.

Section 25 is unchanged.

Section 26 is unchanged.

Section 27 is unchanged.

Section 28 is unchanged.

Section 29 is unchanged.

Page 12, Line 30: Section 30 is rewritten by amendment #13 (D.38) related to **Application for absentee ballot**. Legal added a reference to "except as permitted under 15.20.081(a)" (absentee voting statute), which allows party affiliation on the application only if the voter is already registered with that party or group. The other option would have been to change 15.20.081.

Section 31 is unchanged.

Section 32 is unchanged.

Section 33 is unchanged.

Section 34 is unchanged.

Section 35 is unchanged.

Section 36 is unchanged.

Section 37 of Version O was removed by Amendment #6 (D.39), which eliminates the section allowing counting of absentee ballots before election day.

--- Section numbers of Version N and Version O are no longer the same ---

Section 38 of Version O was redundant with language in Section 39 of Version N and was removed.

Section 37 (formerly O39): Clarification that "The board shall reject an absentee ballot if ..." (15.20.203 **Procedure for district absentee ballot counting review**) but then may be cured and counted (see 15.20.222 **Procedure for curing uncounted ballot**).

Section 38 (formerly O40): Technical change deleting "under (a) of this section" from O:18:5 due to removal of Section O38.

Section 39 (formerly O41) is unchanged.

Page 17, Line 26: Section 40 (formerly O42) is changed by Amendment #40 (D.54) related to the ballot tracking system. This says that a ballot tracking system must be established "or procured," allowing for a third-party vendor. Also added "or procured" in (b) for consistency.

Section 40 (formerly O42) Section (c) of Version O is removed by Amendment #16 (D.22). This amendment deleted language in Section 42 of Version O providing that online ballot tracking system must allow an election official access to names and political affiliations of all people on the voter registration list.

Section 40 (formerly 042) Sec. 15.20.222 **Procedure for curing uncounted ballot** added Amendment #17 (D.23), which says cure notices can be sent via mail up to 5 days after the election, instead of up to 2 days after the election.

Page 19, Line 23: Section 41 (formerly 043) is changed by Amendments #19 (D.24) and #21 (D.11). First, Amendment #19 allowed DOE to conduct an all-mail election if the conditions in Section 43 are met, even for general, statewide, and federal elections. Second, Amendment #21, deleted provisions allowing for all-mail elections (a) in second class cities with population of 1,000 or less, upon the city's request, and (b) in second class boroughs with populations of 3,000 or less, upon borough's request. For consistency, Legal changed "unorganized community" to "unincorporated community" to be consistent with existing statutes. Also removed "party" from "party primary" on 20:5 (per Ballot Measure 2).

Section 42 (formerly 044) is unchanged.

Page 20, Line 17: Section 43 (formerly 045) is modified by Amendment #41 (D.59), which requires that a voting machine or vote tally system *must* meet the U.S. Election Assistance Commission (EAC) voluntary voting system guidelines (VVSG) and be certified by the EAC, in addition to having open-source software technology. This also changed the deadline for the use of federally certified open-source software from January 1, 2028, to January 1, 2024.

Page 20, Line 31: Section 44 is new language from Amendment #41 (D.59). The amendment also added definitions for "commercial off-the-shelf" and "open-source software technology."

Section 45 (formerly 046) is unchanged.

Page 22, Line 6: Section 46 is language from Amendment #43 (D.61), which makes it unlawful interference with voting in the second degree to "knowingly pay, offer to pay, or cause to be paid money or other valuable thing to a person who is not an election official, mail carrier, or representative under AS 15.20.072 to collect a voter's ballot."

Section 47 is a new section of definitions for "collect" and "other valuable thing," also per Amendment #43.

Section 47 of Version O was deleted by amendment #15 (D.42). This section, which has been removed from Version N, had provided that voting or attempting to vote in the name of a person who is cognitively unable to express their vote was voter misconduct in the first degree.

--- Sections of Version N and Version O are the same again ---

Section 48 is unchanged.

Section 49 is unchanged.

Section 50 is unchanged.

Section 51 is unchanged.

Page 25, Line 8: Section 52 is changed by Amendment #28 (D.6) + Conceptual Amendment 1 to #28. The amendment requires DOE to compile lists of registered voters whose data has been breached. The conceptual amendment asserts that the list is "nonpublic" and that "if the division identifies a cyber attack or data breach, the director shall exercise caution to protect election integrity." Clarifying language added.

Section 53 is changed by Amendment #31 (D.46). This cleans up references to "absentee" that should be "early." No substantive changes.

Section 54 is unchanged.

Section 55 is unchanged.

Section 56, the repealer section, is changed by poll watcher amendment #4 (D.13 2:6-7).

Section 57 APPLICABILITY has significant changes to conform with addition and removal of crimes.

Section 58 is unchanged.

Section 59 has changes re: open-source voting effective dates from 2028 to 2024.

Section 60 is unchanged.

Section 61 is unchanged.

Note: Amendment #35 (D.45) passed in S JUD unanimously. In addition to other changes that are incorporated in Version N, the amendment would have added a requirement for DOE to mail a notice requesting address confirmation or correction to people "who do not live in the state." This requirement is not included in Version N.

CHAIR KREISS-TOMKINS invited questions from committee members.

[3:19:33 PM](#)

REPRESENTATIVE STORY applauded Section 40 of Version N, which allowed cure notices to be sent via mail up to 5 days after the election instead of within 48 hours post-election. Nonetheless, she wondered whether 5 days was sufficient. She asked when the bulk of the "last day" ballots arrived and whether the new timeline for curing ballots in Version N was adequate.

[3:21:11 PM](#)

MR. STEPP acknowledged that the statutory vote count was constrained. He pointed out that the 5-day timeline pertained to mail notifications specifically, adding that the director could provide notifications via phone, for example, as well. He shared his understanding that 5 days would provide enough time to receive the ballots and send a notice of deficiency by mail.

REPRESENTATIVE STORY redirected the question to Director Gail Fenumiai.

[3:22:07 PM](#)

GAIL FENUMIAI, Director, Division of Elections (DOE), Office of the Lieutenant Governor, estimated that in a general election, the division received the bulk of the ballots between two weeks pre-election and two days post-election. She reiterated that the 5-day deadline only applied to mail notifications.

REPRESENTATIVE STORY sought to confirm that the timeline outlined in Version N would provide sufficient time for a voter to receive an electronic notification of a deficiency and an opportunity to cure the deficient ballot.

MS. FENUMIAI confirmed. She noted that there were other opportunities to provide cure notices, as long as the form was received within 14 days after the election.

MR. STEPP agreed.

[3:24:08 PM](#)

REPRESENTATIVE KAUFMAN directed attention to page 5, line 17 [voter fraud mitigation policy]. He observed that the section was predominantly intent language and wondered why it lacked assertive language to make the reduction of fraud through the use of reasonable and affordable tools mandatory. He opined that a "shall" statement was more appropriate.

MR. STEPP shared his understanding that the intent was to assert and make a strong statement of that very intent.

CHAIR KREISS-TOMKINS stated that Version N was ultimately a mechanical update that included unanimously adopted amendments from the Senate. Therefore, he recommended directing questions regarding intent to [Senator Shower, prime sponsor of SB 39]. He went on to remind the committee that there was "precious little evidence" supporting the existence of voter fraud "of any critical mass proportion;" however, to the extent that people did perceive it as a problem, he argued that the intent language added "symbolic polish" that spoke to the broad base of consensus.

[3:26:22 PM](#)

REPRESENTATIVE KAUFMAN contended that his question was not framed around any assertion of fraud; rather, his intention was to examine the passive language in Section 9.

CHAIR KREISS-TOMKINS removed his objection to the motion to adopt the proposed CS for HB 66, Version 32-LS0322\N, Klein, 4/30/22, as the working document. There being no further objection, Version N was before the committee.

[3:27:52 PM](#)

The committee took an at-ease from 3:27 p.m. to 3:31 p.m.

[3:31:53 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 1 to HB 66, Version N, labeled 32-LS0322\N.1, Klein, 5/2/22, which read:

Page 8, following line 28:

Insert a new bill section to read:

"* **Sec. 17.** AS 15.15.170 is amended to read:

Sec. 15.15.170. Prohibition of political persuasion near election polls. (a) During the hours the polls are open, a person who is in the polling place or within 200 feet of any entrance to the polling place may not

(1) attempt to persuade a person to vote for or against a candidate, proposition, or question;
or

(2) physically display a photo, video, or other image of the person's or another person's marked ballot in an attempt to persuade a person to vote for or against a candidate, proposition, or question.

(b) The election officials shall post warning notices at the required distance in the form and manner prescribed by the director."

Renumber the following bill sections accordingly.

Page 10, following line 2:

Insert new bill sections to read:

"* **Sec. 21.** AS 15.15.280 is amended to read:

Sec. 15.15.280. Prohibiting the exhibition of marked ballots. A [SUBJECT TO AS 15.15.240 A] voter may not exhibit the voter's ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot.

* **Sec. 22.** AS 15.15.280 is amended by adding a new subsection to read:

(b) This section does not apply to a voter who

(1) requests assistance under AS 15.15.240;
or

(2) subject to the prohibition on political persuasion in, or within 200 feet of an entrance to, a polling place under AS 15.15.170, shares a photo, video, or other image of the voter's marked ballot with another person or with the public."

Renumber the following bill sections accordingly.

Page 26, line 22:
Delete "sec. 45"
Insert "sec. 48"

Page 26, line 23:
Delete "sec. 46"
Insert "sec. 49"
Delete "sec. 48"
Insert "sec. 51"

Page 26, line 24:
Delete "sec. 49"
Insert "sec. 52"

Page 26, line 25:
Delete "sec. 50"
Insert "sec. 53"

Page 26, lines 25 - 26:
Delete "secs. 45, 46, and 48 - 50"
Insert "secs. 48, 49, and 51 - 53"

Page 27, line 2:
Delete "Sections 43 and 44"
Insert "Sections 46 and 47"

Page 27, line 3:
Delete "Section 58"
Insert "Section 61"

Page 27, line 4:
Delete "secs. 59 and 60"
Insert "secs. 62 and 63"

REPRESENTATIVE CLAMAN objected for the purpose of discussion.

[3:32:03 PM](#)

MR. STEPP explained that Amendment 1 would officially allow Alaska voters to take and share ballot "selfies." He expounded that under current law, it was technically illegal to share a photo of oneself in the voting booth - although the law went unenforced in practice. He explained that the sharing of ballot photos was traditionally prohibited to prevent voter

intimidation and vote buying; however, technology and the Internet had changed the reason people take and share pictures.

[3:33:27 PM](#)

REPRESENTATIVE EASTMAN inquired about the interpretation and practical application of Amendment 1. He asked how an attempt to persuade a person to vote with the use of photo or video, which was still illegal under Amendment 1, would be measured and enforced.

CHAIR KREISS-TOMKINS shared his understanding that the proposed amendment exemplified "perfect being the enemy of good." He indicated that the intent was to rectify the blatant violation of current statute, which created confusion. He suggested that many members of the legislature had broken the existing law, arguing that it needed to be resolved. He believed that the language prefacing prohibition in Version N spoke to the original intent of laws aimed at preventing electoral coercion that were passed in the 1930s. That being said, he was unsure how Amendment 1 would be enforced. He reiterated that there were few, if any, examples of electoral coercion in this regard.

[3:35:56 PM](#)

REPRESENTATIVE CLAMAN sought to confirm that a person could take a selfie holding a ballot; however, the ballot must not be marked.

CHAIR KREISS-TOMKINS explained that the intent was to quell the concern that a person may share a photo of his/her marked ballot for the purpose of political persuasion. He opined that it was an unlikely scenario; nonetheless, the prefatory language in question was drafted to clarify that the aforementioned behavior was prohibited within 200 feet of an entrance to a polling place.

REPRESENTATIVE CLAMAN asked whether "within 200 feet of an entrance" was the qualifying language. In other words, a person could share a photo of his/her marked ballot outside the 200-foot radius, he asked.

CHAIR KREISS-TOMKINS clarified that the operative language was "physically displaying". He confirmed that sharing a photo of one's ballot via social media or text would not be prohibited.

MR. STEPP directed attention to AS 15.15.280 [Sections 21 and 22 of Amendment 1], indicating that the language did not apply to a voter who takes a ballot selfie.

[3:39:10 PM](#)

REPRESENTATIVE VANCE asked whether there were consequences for breaking this prohibition.

CHAIR KREISS-TOMKINS was unsure. He asked Mr. Flynn whether there were any sanctions, fines, or penalties, associated with what was colloquially known as a "ballot selfie."

[3:39:47 PM](#)

THOMAS FLYNN, Assistant Attorney General, Civil Division, Department of Law (DOL), could not think of the consequences at this time. He deferred to Ms. Fenumiai.

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

[3:40:28 PM](#)

REPRESENTATIVE VANCE asked why Amendment 1 was necessary if there was no element of enforcement. She suggested repealing the criminality of ballot selfies without the additional prohibition language.

CHAIR KREISS-TOMKINS clarified that the language on page 1, lines 9-11, pertained to a different infraction that was, in fact, enforceable. He explained that Amendment 1 merely clarified that the act of waiving around a marked ballot [within 200 feet of any entrance to the polling place] constituted a form of campaigning.

REPRESENTATIVE VANCE requested further insight regarding the infraction being described in AS 15.15.070.

[3:43:24 PM](#)

MR. FLYNN cited AS 15.15.300 [prohibition on the counting of unexhibited ballots], which provided that an exhibited ballot should not be allowed to be placed in the ballot box. He asked Representative Vance to reframe her question.

CHAIR KREISS-TOMKINS offered to rephrase the question. He inquired about the penalty or sanction for attempting to persuade a person to vote for or against a candidate, proposition, or question, within 200 feet of a polling place.

MR. FLYNN understood that DOE would pursue the removal of campaign signs or campaign material within 200 feet. He shared his belief that law enforcement would be involved if necessary; further, that people committing the infractions would be prevented from voting.

[3:44:54 PM](#)

REPRESENTATIVE EASTMAN considered Section 17 in the proposed amendment from a grammatical perspective. He suggested that paragraph (2) was already captured between subsection (a) and paragraph (1).

CHAIR KREISS-TOMKINS said he would be thrilled to eliminate the language in question, characterizing it as extraneous.

REPRESENTATIVE VANCE agreed with Representative Eastman. She requested the chair's perspective, as the sponsor of Amendment 1, before proposing a conceptual amendment.

CHAIR KREISS-TOMKINS expressed his support for conceptually amending Amendment 1.

[3:47:27 PM](#)

REPRESENTATIVE VANCE moved to adopt Conceptual Amendment 1 to Amendment 1, which would delete lines 9-11 on page 1 [of the amendment].

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

[3:47:42 PM](#)

REPRESENTATIVE EASTMAN sought to confirm that deleting lines 9-11 would have the same effect as eliminating lines 1-16.

CHAIR KREISS-TOMKINS agreed.

REPRESENTATIVE EASTMAN suggested that as long as the drafter from Legislative Legal Services understood the committee's intent, he/she could make conforming changes.

[3:48:07 PM](#)

MR. STEPP pointed out that Section 21 [in Amendment 1], which amended Section 15.15.280, contained the central policy change. He explained that Section 21 would exempt ballot selfies from the statutory prohibition on exhibiting marked ballots. The new subsection (b) [Section 22 of Amendment 21], would allow a voter to share a photo, video, or other image of the voter's marked ballot with another person or the public, subject to the restriction established on page 1, lines 9-11. Therefore, he indicated that contrary to Conceptual Amendment 1 to Amendment 1, lines 9-11 were necessary to make the prohibition explicit.

REPRESENTATIVE EASTMAN contended that the proposed conceptual amendment simply eliminated repetitive language; therefore, Conceptual Amendment 1 to Amendment 1 neither added nor subtracted from AS 15.15.170. He opined that because nothing was changing in AS 15.15.170, "Section 17 could go away."

REPRESENTATIVE CLAMAN expressed his reluctance to making changes "on the fly," as there could be unintended consequences. Although he appreciated the goal of reducing statutory language, he suggested punting the request to Legislative Legal Services.

CHAIR KREISS-TOMKINS agreed with Representative Claman. However, he welcomed a "meeting of minds offline" to introduce favorable language.

REPRESENTATIVE KAUFMAN suggested working on the proposed amendment "offline."

CHAIR KREISS-TOMKINS noted that the bill almost passed the legislature in recent years; consequently, the language had undergone quite a bit of vetting already.

[3:52:46 PM](#)

REPRESENTATIVE EASTMAN recounted the substance of his objection in past years. He discussed hypothetical scenarios involving the potential exertion of influence via ballot photos. He expressed his desire to deprive people of that option.

[3:55:38 PM](#)

REPRESENTATIVE VANCE withdrew Conceptual Amendment 1 to Amendment 1.

[3:55:46 PM](#)

REPRESENTATIVE CLAMAN withdrew his objection to the motion to adopt Amendment 1.

REPRESENTATIVE EASTMAN objected.

[3:56:38 PM](#)

A roll call vote was taken. Representatives Tarr, Story, Claman, and Kreiss-Tomkins voted in favor of Amendment 1. Representatives Vance, Kaufman, and Eastman voted against it. Therefore, Amendment 1 was adopted by a vote of 4-3.

[3:57:13 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 2 to HB 66, Version N, labeled 32-LS0322\N.2, Klein, 5/2/22, which read:

Page 12, following line 29:

Insert a new bill section to read:

"* Sec. 30. AS 15.20.066(a) is amended to read:

(a) The director shall adopt regulations applicable to the delivery of absentee ballots by electronic transmission in a state election and to the use of electronic transmission absentee voting in a state election by qualified voters. The regulations must

(1) require the voter to comply with the same time deadlines as for voting in person on or before the closing hour of the polls;

(2) ensure the accuracy and, to the greatest degree possible, the integrity and secrecy of the ballot process;

(3) prohibit absentee voting by facsimile in a state election."

Renumber the following bill sections accordingly.

Page 26, line 22:

Delete "sec. 45"

Insert "sec. 46"

Page 26, line 23:

Delete "sec. 46"

Insert "sec. 47"

Delete "sec. 48"

Insert "sec. 49"

Page 26, line 24:
Delete "sec. 49"
Insert "sec. 50"

Page 26, line 25:
Delete "sec. 50"
Insert "sec. 51"

Page 26, lines 25 - 26:
Delete "secs. 45, 46, and 48 - 50"
Insert "secs. 46, 47, and 49 - 51"

Page 27, line 2:
Delete "Sections 43 and 44"
Insert "Sections 44 and 45"

Page 27, line 3:
Delete "Section 58"
Insert "Section 59"

Page 27, line 4:
Delete "secs. 59 and 60"
Insert "secs. 60 and 61"

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[3:57:18 PM](#)

MR. STEPP stated that Amendment 2 prohibited the return of absentee ballots by facsimile ("fax"). Currently, fax was an allowable means for a voter to return a completed absentee ballot to the division; however, most election security experts cautioned that the electronic transmission of ballots, such as by fax, presented a cyber security risk. Amendment 2, he said, sought to strengthen election security in Alaska.

CHAIR KREISS-TOMKINS noted that he had introduced legislation on the subject a number of years ago. For that reason, in consultation with the bill sponsor, he expressed his support for the proposed amendment.

[3:58:43 PM](#)

REPRESENTATIVE EASTMAN asked whether the intent was to prohibit voting by fax or all electronic voting.

CHAIR KREISS-TOMKINS answered, "Just fax."

REPRESENTATIVE EASTMAN sought to confirm that e-mail was not included.

CHAIR KREISS-TOMKINS confirmed that e-mail was not captured in Amendment 2.

[3:59:17 PM](#)

REPRESENTATIVE CLAMAN recalled a time when ballots were allowed to be submitted by fax. He remarked, "But we decided that those days are over?"

CHAIR KREISS-TOMKINS acknowledged that it was still legally permissible under current law.

REPRESENTATIVE CLAMAN sought to confirm that in effect, Amendment 2 would remove that option.

CHAIR KREISS-TOMKINS confirmed that ballots would no longer be accepted by fax should Amendment 2 be adopted.

MR. STEPP agreed with that summation.

[4:00:08 PM](#)

REPRESENTATIVE VANCE inquired about the options for overseas military members to return their ballots in a timely manner.

MS. FENUMIAI conveyed that uniformed and overseas citizens could receive a ballot in various ways, including mail, online delivery, or fax. Returning ballots, she said, was limited to mail or fax.

REPRESENTATIVE VANCE asked how many ballots were returned by fax.

MS. FENUMIAI reported that in the 2020 general election, 88 ballots were issued by fax, of which 77 were returned to the division. Additionally, 16,466 ballots were delivered via the online delivery system, of which 12,026 were returned to the division by either mail or fax.

REPRESENTATIVE VANCE asked whether the people submitting ballots by fax were "frequent flyers" - or consistent in their chosen method of return.

MS. FENUMIAI did not know the answer.

[4:03:07 PM](#)

REPRESENTATIVE CLAMAN asked whether the division had experienced any problems with voting by fax.

MS. FENUMIAI answered no, not to her knowledge.

REPRESENTATIVE CLAMAN recalled that historically, fax was considered one of the most secure ways to send communication. He asked whether fax communication had become less secure.

MS. FENUMIAI was unsure of the answer. She reported that the number of fax voters dropped between 2018 and 2020. She offered to follow up with additional information.

REPRESENTATIVE CLAMAN declined the offer. He stated that he was satisfied with her indication that the division had not experienced any problems with faxed ballots.

[4:04:55 PM](#)

REPRESENTATIVE EASTMAN supposed that voting by fax was more cumbersome and inconvenient, as opposed to more traditional methods of voting. He considered the example in which an astronaut needed to vote and wondered how people in similar scenarios could submit a ballot in confidence if not by fax.

CHAIR KREISS-TOMKINS characterized Representative Eastman's statement as a comment and invited additional questions on Amendment 2.

[4:07:58 PM](#)

REPRESENTATIVE KAUFMAN asked for the statutory definition of facsimile.

CHAIR KREISS-TOMKINS deferred to Mr. Flynn.

MR. FLYNN defined it as, "fax," as opposed to other types of electronic delivery, such as e-mail. He offered to follow up with the specific statutory definition.

[4:08:55 PM](#)

REPRESENTATIVE STORY inquired about the reason for eliminating the fax option.

CHAIR KREISS-TOMKINS reiterated that testimony from election security experts on best practices excluded fax returns, as they were less secure. He shared his understanding that it was possible to intercept fax returns or, in theory, alter a fax return.

[4:10:08 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Conceptual Amendment 1 to Amendment 2, such that members of the uniformed services would be excluded from the prohibition on voting by facsimile.

REPRESENTATIVE CLAMAN objected.

CHAIR KREISS-TOMKINS emphasized that the number of people voting by fax was small. He remarked:

I find a certain irony in that there is a lot of concern about secure elections and anti-fraud, and this is the type of policy that speaks to that, and all of the sudden ... the polarity flips 180 degrees and there's lots of concern about access. So, which of the two is it and how do you balance it?

CHAIR KREISS-TOMKINS shared his preference for the committee to vote down Amendment 2 rather than move forward on the conceptual amendment.

[4:11:38 PM](#)

REPRESENTATIVE KAUFMAN expressed his general support for Amendment 2. He explained that his intention was to avoid an internal conflict by clarifying the meaning of "electronic transmission."

[4:12:23 PM](#)

REPRESENTATIVE CLAMAN expressed his opposition to the conceptual amendment and highlighted the procedural customs.

[4:12:45 PM](#)

REPRESENTATIVE EASTMAN withdrew Conceptual Amendment 1 to Amendment 2.

[4:13:02 PM](#)

REPRESENTATIVE CLAMAN suspected that the majority of faxed ballots came from rural areas. Absent real world evidence that there was a true security issue concerning voting by facsimile in Alaska, he opposed the prohibition in Amendment 2, as it could alienate voters.

[4:15:11 PM](#)

REPRESENTATIVE VANCE discussed the task of weighing risk against reward. She asked the sponsor of Amendment 2 to provide his last "pitch" before voting on the motion, as she remained undecided.

[4:16:04 PM](#)

REPRESENTATIVE EASTMAN argued that potential alienation of voters was qualitatively different from the Alaskan on the International Space Station who would have no means of voting if voting by facsimile was prohibited. He opined that the law should be written in such a way that ensured the availability of at least one method for every person. For that reason, he expressed his opposition to Amendment 2.

CHAIR KREISS-TOMKINS said he was pleased to hear such enthusiasm for voter access, adding that he was curious to see how that would manifest further on in the amendment process. He withdrew Amendment 2.

[4:17:46 PM](#)

REPRESENTATIVE KAUFMAN asked whether Mr. Flynn found a statutory definition of facsimile.

MR. FLYNN conveyed that there was no definition in statute. He pointed out that there were cellphone applications that claimed to "fax" documents; therefore, he recommended including in the definition something "that is sent to a fax number," as opposed to an e-mail.

[4:18:39 PM](#)

CHAIR KREISS-TOMKINS noted that Amber McReynolds was available online for questioning. He invited additional questions on HB 66, Version N, as amended.

[4:19:21 PM](#)

REPRESENTATIVE CHRIS TUCK, Alaska State Legislature, as prime sponsor of HB 66, introduced Amber McReynolds.

[4:20:03 PM](#)

AMBER MCREYNOLDS shared her extensive background in election administration, including her membership on the Board of Governors of the United States Postal Service (USPS). She recounted her experience as an election official in Denver, Colorado, where the first ballot tracking system was created in 2009. She explained that the goal was to improve security and reduce the volume of calls related to ballot tracking, or people wanting to know whether their ballots had arrived. She recalled the invention of the intelligent mail barcode and described its evolution over the years. Ultimately, upon opting-in, the barcode allowed for proactive communication and visible confirmation of ballot status. Notifications included confirmation of the ballot being printed, mailed [to the voter], scanned for delivery [to the voter], as well as the final scan upon arriving at the election office. Additionally, the system provided immediate notification of a ballot deficiency to allow an opportunity for voters to cure any mistakes. She concluded by highlighting the benefits of a permanent absentee ballot list. She explained that multiple states had utilized it to create operational efficiencies and cost savings, to avoid the processing of multiple absentee ballot applications each election cycle. Furthermore, she touched on the convenience of by-mail voting, noting that it was often used by rural constituents.

[4:26:56 PM](#)

REPRESENTATIVE TARR inquired about the capacity for processing ballots at the federal level. She asked whether the federal legislation aimed at stabilizing USPS had resolved the existing issues regarding capacity.

MS. MCREYNOLDS conveyed that the executive leadership team at USPS made a commitment to improving election mail, the results of which were seen in the 2020 election with top rates in delivery time. She noted that the election mail team at USPS

handled vote-by-mail ballots in addition to all the other election material sent by election officials [voter registration, voter information cards, information booklets, etcetera]. She explained that the handling of Alaska mail required special provisions due to the state's geography and unique situations. Furthermore, she reported that President Biden's budget for 2023 included an allocation for additional improvements to election mail and support for paid postage.

[4:31:21 PM](#)

REPRESENTATIVE KAUFMAN has how USPS interfaced with the tracking barcode proposed in Version N.

MS. MCREYNOLDS reiterated that the intelligent mail barcode was scanned at different points within the postal stream, similar to the delivery of a package. She clarified that the intended purpose of a hand postmark was to cancel the stamp so it could not be reused. In contrast, she explained, the barcode provided both the date and a timestamp, which was more than what the traditional postmark offered. She recommended accepting ballots that were postmarked [on or before election day] in addition to ballots scanned with an intelligent barcode in the proposed legislation to avoid alienating voters.

[4:35:06 PM](#)

REPRESENTATIVE VANCE asked whether the intelligent mail barcode was preferred over the BallotTrax software.

MS. MCREYNOLDS clarified that BallotTrax consisted of software that consumed and processed the intelligent mail barcode data. She characterized BallotTrax as the engine for utilizing the intelligent mail barcode information while also consuming data from the ballot production printer, for example.

[4:36:58 PM](#)

MS. MCREYNOLDS, in response to a question from Representative Tarr, suggested covering the cost of postage to reduce confusion and make it easier for all voters. She acknowledged that the line item for election improvements in President Biden's budget for 2023 would not impact the 2022 election.

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

SB 25-STATE GOV'T FINANCES: WEBSITE

[4:38:58 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be CS FOR SENATE BILL NO. 25(FIN), "An Act relating to the establishment and maintenance of an Internet website providing information on state government financial transactions and specifying the information to be made available on the website; and relating to the Alaska Checkbook Online Internet website."

[4:39:31 PM](#)

REPRESENTATIVE CLAMAN moved to adopt the proposed House committee substitute (HCS) for SB 25, Version 32-LS0217\O, Marx, 4/13/22, as the working document.

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

[4:39:41 PM](#)

JEFF STEPP, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, on behalf of Representative Kreiss-Tomkins, reviewed the changes in the proposed HCS ("Version O") for CSSB 25(FIN). The summary of changes [hard copy included in the committee packet] read as follows [original punctuation provided]:

The draft committee substitute makes four changes to the bill:

- On Page 5, Lines 13-15, language is added establishing that the University of Alaska shall annually provide an audited financial report with revenues and expenditures for inclusion in the Online Checkbook website.
- On Page 5, Lines 17-19, a new subsection (e) is added establishing that the Online Checkbook shall include data on the legislature and judiciary to the extent it is available from the central accounting system.
- On Page 6, Lines 6-8, the University of Alaska is removed from the definition of "state agency."
- On Page 6, Lines 13-18, a new Section 6 is added clarifying that the Online Checkbook does not have to contain data on the numbers of employees and

contractors by agency for the ten years preceding the launch of the website.

[4:41:14 PM](#)

SENATOR BILL WIELECHOWSKI, Alaska State Legislature, prime sponsor of SB 25, thanked the committee for hearing the bill and expressed his support for changes proposed in Version O.

[4:41:44 PM](#)

REPRESENTATIVE EASTMAN directed attention to Section 4, subsection (b), and asked whether the provision was detailed enough to ensure a user-friendly and functional website for members of the public.

SENATOR WIELECHOWSKI said in crafting the bill, legislation from across the country was considered in addition to conversations with the Department of Administration (DOA) and the executive branch. He believed that the proposed legislation would provide an outstanding Internet website for Alaskans at a reasonable cost.

REPRESENTATIVE EASTMAN said he appreciated the balance of cost and functionality. He asked whether the website would provide a permanent link to each expenditure, which could be shared with third parties.

[4:44:48 PM](#)

DAVID DUNSMORE, Staff, Senator Bill Wielechowski, Alaska State Legislature, on behalf of Senator Wielechowski, prime sponsor of SB 25, directed questions on implementation to the department. He explained that the choice of language was a cognizant decision to ensure that the Alaska Checkbook Online Internet website would not be constrained by statute and evolving technology. He said the impetus for the bill was to catch up with other states and allow the department to continuously improve the website.

REPRESENTATIVE EASTMAN directed his previous question to the department.

[4:46:30 PM](#)

ROBERT ERVINE, Division Operations Manager, Division of Finance, Department of Administration (DOA), said it was hard to

anticipate whether there would be a permanent link. Once a transaction occurred and entered the database, he explained, it would not change once the fiscal year closed. He noted that there was a unique identifier attached to each transaction, which would remain in the database forever unless it was confidential.

[4:47:20 PM](#)

REPRESENTATIVE EASTMAN expressed his hope that the content would be shareable. He suggested the inclusion of an export feature for search results or generated links to share the information.

CHAIR KREISS-TOMKINS removed his objection to the motion to adopt the proposed HCS for CSSB 25(FIN), Version 32-LS0217\0, Marx, 4/13/22, as the working document. There being no further objection, Version 0 was before the committee.

CHAIR KREISS-TOMKINS opened public testimony on SB 25.

[4:48:58 PM](#)

ROBIN O'DONOGHUE, Communications Manager, Alaska Public Interest Research Group (AKPIRG), shared his support for SB 25. He believed the creation of the Alaska Checkbook Online website was critical, as it would allow members of the public to better understand what their government officials are up to and how they spend public dollars. He opined that it was timely and urgent to create and pass the online checkbook in order for Alaskans to know how the vast amount of federal dollars are spent.

CHAIR KREISS-TOMKINS, after ascertaining that no one else wished to testify, closed public testimony on SB 25.

[4:50:38 PM](#)

REPRESENTATIVE TARR thanked the bill sponsor for bringing this bill forward. She expressed her support for opportunities that helped build trust with the public and improve transparency.

REPRESENTATIVE KAUFMAN expressed his support for the bill and thanked the bill sponsor.

CHAIR KREISS-TOMKINS stated his tremendous support for the bill and what it sought to accomplish. He acknowledged the working

collaboration demonstrated by DOA and the executive branch on the proposal.

[4:51:47 PM](#)

REPRESENTATIVE CLAMAN moved to report HCS for CSSB 25(FIN), Version 32-LS0217\0, Marx, 4/13/22, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 25(STA) was reported out of the House State Affairs Standing Committee.

HB 309-APOC; CAMPAIGN CONTRIBUTIONS/REPORTING

[4:52:15 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be 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." [Before the committee was CSHB 309(CRA).]

[4:52:52 PM](#)

REPRESENTATIVE CLAMAN moved to adopt the proposed committee substitute (CS) for HB 309, Version 32-LS0540\0, Bullard, 5/2/22, as the working draft.

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

[4:53:14 PM](#)

CLAIR GROSS, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, on behalf of Representative Kreiss-Tomkins, provided a summary of changes in the proposed CS, ("Version 0"), for CSHB 309(CRA).

[4:59:15 PM](#)

REPRESENTATIVE EASTMAN directed attention to Section 8. He asked whether subsection (c) applied to paper records, or whether they were handled separately.

CHAIR KREISS-TOMKINS shared his understanding that the public official financial disclosures (POFDs) submitted by a broader subset of public officials, such as judicial officers, division

directors, et cetera, were not posted on the website. Instead, those POFDs were kept on file and available by request. He asked Ms. Hebdon whether that was accurate.

[5:01:24 PM](#)

HEATHER HEBDON, Executive Director, Alaska Public Offices Commission (APOC), Department of Administration, confirmed that Section 8 indicated that filings submitted through the electronic filing system would be made available to the public; however, she was unsure whether it would impact previous statements that had been filed on paper. Paper statements, she said, applied to municipal officers that Version 0 sought to exempt. She reiterated that currently, not all electronically filed POFDs were readily available to the public, as APOC had chosen to publish certain statements on its website, such as candidates, seated legislators, the governor, and the lieutenant governor.

REPRESENTATIVE EASTMAN sought to clarify which POFDs were published online and which POFDs were made available upon request.

MS. HEBDON shared her understanding that Section 8 contemplated paper POFDs received by municipal officers who were not required to file electronically; however, portions of Version 0 sought to exempt municipal officers from filing regardless of the method. Should the bill pass in its current form, she understood that paper statements would no longer be received. She added that per Version 0, all electronically filed POFDs would be made available to the public via the commission's Internet website.

[5:05:39 PM](#)

CHAIR KREISS-TOMKINS sought to confirm that according to page 6, line 13 of Version 0, all POFDs for elected public officials or candidates for elective office must be available online.

[5:06:32 PM](#)

ALPHEUS BULLARD, Attorney, Legislative Legal Services, Legislative Affairs Agency (LAA), confirmed that the Chair Kreiss-Tomkin's summary was accurate.

CHAIR KREISS-TOMKINS expressed his desire to reconcile the inconsistencies in Ms. Hebdon's answer to Representative

Eastman's question. He invited her to provide additional comment to resolve any confusion.

MS. HEBDON expressed her belief that there was no confusion. She reiterated her understanding that Version 0 was directing APOC to publish all POFDs of candidates for elected office, as well as elected public officials.

[5:07:44 PM](#)

REPRESENTATIVE EASTMAN asked whether that would include candidates for elected office in the past six years and candidates for municipal office, which may not have been published online in the past.

MS. HEBDON deferred to the bill sponsor. She was unsure whether the bill was retroactive.

CHAIR KREISS-TOMKINS indicated that the commission would be responsible for interpreting Section 8 in the most practicable way. He suggested that if it were administratively onerous to apply the provision to past years' POFDs, it "wouldn't be a big deal." He emphasized that his intent was to reform the system moving forward.

[5:09:19 PM](#)

REPRESENTATIVE VANCE asked whether it was necessary to include language that would affirmatively "grandfather in" POFDs that were submitted prior to the effective date of the proposed legislation.

MR. BULLARD shared his understanding that Section 8 of Version 0 would require the commission to make POFDs - including those filed in the last six years - accessible to the public online.

CHAIR KREISS-TOMKINS asked whether retroactive application would be possible.

MS. HEBDON acknowledged that retroactive application would require more work; however, she pointed out that most POFDs were already filed electronically. She shared her belief that the programming could be accomplished behind the scenes through the commission's internal programmer. She noted that her preference would be for the application of Section 8 to be from the effective date forward.

[5:12:33 PM](#)

CHAIR KREISS-TOMKINS expressed his interest in pursuing an amendment to that effect.

REPRESENTATIVE EASTMAN inquired about the distinction between elected officials who were no longer elected officials and candidates who were no longer candidates.

MR. BULLARD agreed that the section could be further clarified.

[5:13:50 PM](#)

CHAIR KREISS-TOMKINS removed his objection to the motion to adopt the proposed CS for HB 309, Version 32-LS0540\0, Bullard, 5/2/22, as the working document. There being no further objection, Version 0 was before the committee.

REPRESENTATIVE VANCE proposed that Section 8 should be conceptually amended if the chair was amenable.

[5:14:56 PM](#)

The committee took a brief at-ease.

[5:16:08 PM](#)

REPRESENTATIVE VANCE moved to adopt Conceptual Amendment 1 to HB 309, Version 0, such that "beginning July 1, 2022" would be inserted on page 6, line 16, after the first occurrence of the word "years".

CHAIR KREISS-TOMKINS objected for purposes of discussion.

REPRESENTATIVE VANCE clarified that should the conceptual amendment pass, Section 8 [lines 14-16] would read: "The commission shall keep a report filed under this chapter on file for six years beginning July 1, 2022."

CHAIR KREISS-TOMKINS asked Mr. Bullard whether the conceptual amendment would suffice in terms of style and drafting guidelines given the allowance to make conforming changes.

MR. BULLARD said he was unable to hear Conceptual Amendment 1. He recommended that the best way to propose a conceptual amendment was to explain what the committee wanted it to do and leave the drafting of language to Legislative Legal Services.

[5:18:34 PM](#)

REPRESENTATIVE VANCE withdrew Conceptual Amendment 1. She moved to adopt Conceptual Amendment 2 to Version 0, such that "beginning July 1, 2022" would be inserted on page 6, line 16, after the first occurrence of the word "years".

CHAIR KREISS-TOMKINS objected for the purpose of discussion to specify that the intent was for Section 8 to apply after the effective date of the bill, thereby removing any retroactivity.

CHAIR KREISS-TOMKINS asked Mr. Bullard whether the discussion regarding Conceptual Amendment 2 was sufficiently clear for Legislative Legal Services to draft the language accordingly.

MR. BULLARD confirmed that the intent was clear.

[5:20:41 PM](#)

CHAIR KREISS-TOMKINS removed his objection to the motion to adopt Conceptual Amendment 2 to Version 0. There being no further objection, Conceptual Amendment 2 was adopted.

[5:20:58 PM](#)

REPRESENTATIVE EASTMAN recalled a function of the search feature that no longer existed. He asked how difficult it would be to create a function for searching and sharing single transactions via a generated link for members of the public.

MS. HEBDON asked when the ability to share permanent links to each transaction was available.

REPRESENTATIVE EASTMAN answered in 2008.

MS. HEBDON explained that a different database was used in 2008, adding that the data was never migrated to the new system. She shared her belief that the two systems were not compatible.

REPRESENTATIVE EASTMAN asked how difficult it would be to build that functionality into the current system.

MS. HEBDON did not know the answer.

[5:25:53 PM](#)

REPRESENTATIVE CLAMAN moved to report CSHB 309, Version 32-LS0540\0, Bullard, 5/2/22, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 309(STA) was reported out of the House State Affairs Standing Committee.

HB 31-OBSERVE DAYLIGHT SAVING TIME ALL YEAR

[5:26:47 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE BILL NO. 31, "An Act relating to daylight saving time; and providing for an effective date."

[5:27:12 PM](#)

REPRESENTATIVE DAN ORTIZ, Alaska State Legislature, as prime sponsor of HB 31, provided brief introductory remarks on the proposed legislation.

[5:27:43 PM](#)

REPRESENTATIVE VANCE said she was happy to support the bill.

REPRESENTATIVE EASTMAN expressed his support for the bill.

[5:29:16 PM](#)

REPRESENTATIVE CLAMAN moved to report HB 31 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 31 was reported out of the House State Affairs Standing Committee.

[5:30:56 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 5:31 p.m.