

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

May 10, 2022

3:12 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."

- MOVED CSHB 66(STA) 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
05/03/22	(H)	Heard & Held
05/03/22	(H)	MINUTE(STA)
05/05/22	(H)	STA AT 3:00 PM GRUENBERG 120
05/05/22	(H)	Heard & Held
05/05/22	(H)	MINUTE(STA)
05/10/22	(H)	FIN AT 9:00 AM ADAMS 519
05/10/22	(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 an explanation of amendments and answered questions during the hearing on the proposed CS for HB 66, Version N, on behalf of Representative Kreiss-Tomkins.

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
Labor and State Affairs Section
Civil Division (Anchorage)
Department of Law
Anchorage, Alaska

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

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 N, on behalf of Representative Tuck, prime sponsor.

REPRESENTATIVE CHRIS TUCK
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As the prime sponsor, answered questions during the hearing on the proposed CS for HB 66, Version N.

ACTION NARRATIVE

[3:12:16 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:12 p.m. Representatives Vance, Tarr, Kaufman, Claman, Story, Eastman, and Kreiss-Tomkins were present at the call to order.

HB 66-ELECTIONS, VOTING, BALLOTS

[3:13:10 PM](#)

CHAIR KREISS-TOMKINS announced that the only 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 a working document on 5/3/22, was the proposed committee substitute (CS) for HB 66, Version 32-LS0322\N, Klein, 4/30/22 ("Version N"), as amended.]

[3:15:25 PM](#)

The committee took a brief at-ease.

[3:15:59 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 4 to HB 66, Version N, as amended, labeled, 32-LS0322\N.4, Klein, 5/5/22, which read:

Page 4, line 15, following "ballot.":

Insert "The form must include the instruction that a person registering to vote using the voter's certificate who wishes to declare the person's affiliation should complete the affiliation section on the certificate."

REPRESENTATIVE EASTMAN objected.

[3:16:35 PM](#)

JEFF STEPP, Staff, Representative Jonath Kreiss-Tomkins, Alaska State Legislature, at the request of Representative Kreiss-Tomkins, explained that Amendment 4 replicates an amendment to SB 39, the companion bill in the Senate which was adopted unanimously. He stated that the proposed amendment is largely a technical "cleanup" amendment and not a major policy shift. He stated that, through expanded same-day registration, Amendment 4 would create a method for indicating a party preference when registering to vote at the polls.

[3:18:13 PM](#)

REPRESENTATIVE EASTMAN sought to clarify whether the declaration of party affiliation referenced in Amendment 4 would be on the outside of the ballot envelope. He asked whether this would be a breach of privacy.

MR. STEPP clarified that the party affiliation would be noted only on same-day registration envelopes, which is a fairly common practice.

REPRESENTATIVE EASTMAN asked whether the envelope would be handled only by the Divisions of Election (DOE) staff.

MR. STEPP answered, "That's certainly my understanding."

3:20:35 PM

REPRESENTATIVE EASTMAN withdrew his objection. There being no further objection, Amendment 4 was adopted.

3:20:52 PM

CHAIR KREISS-TOMKINS moved to adopt Amendment 5 to HB 66, as amended, Version N, labeled, 32-LS0322\N.5, Klein, 5/6/22, which read:

Page 10, line 20, through page 11, line 3:

Delete all material and insert:

"* **Sec. 22.** AS 15.20.030 is amended to read:

Sec. 15.20.030. Preparation of ballots, envelopes, and other material. The director shall provide ballots for use as absentee ballots in all districts. The director shall provide a secrecy sleeve in which the voter shall initially place the marked ballot, and shall provide a postage-paid return [AN] envelope with the prescribed voter's certificate on it, in which the secrecy sleeve with ballot enclosed shall be placed. The director shall prescribe the form of and prepare the voter's certificate, envelopes, and other material used in absentee voting. The voter's certificate shall include a declaration, for use when required, that the voter is a qualified voter in all respects and [,] a blank for the voter's signature. An envelope may not identify a voter's party affiliation

[, A CERTIFICATION THAT THE AFFIANT PROPERLY EXECUTED THE MARKING OF THE BALLOT AND GAVE THE VOTER'S IDENTITY, BLANKS FOR THE ATTESTING OFFICIAL OR WITNESS, AND A PLACE FOR RECORDING THE DATE THE ENVELOPE WAS SEALED AND WITNESSED]. The envelope with the voter's certificate must include a notice that false statements made by the voter [OR BY THE

ATTESTING OFFICIAL OR WITNESS] on the certificate are punishable by law."

Page 12, following line 18:

Insert a new bill section to read:

"* **Sec. 28.** AS 15.20.061(c) is amended to read:

(c) On receipt of an absentee ballot in person, the voter shall proceed to mark the ballot in secret, to place the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided, and to sign the voter's certificate on the envelope in the presence of an [THE] election official [WHO SHALL SIGN AS ATTESTING OFFICIAL AND DATE THAT SIGNATURE]. The election official shall then accept the ballot."

Renumber the following bill sections accordingly.

Page 13, following line 16:

Insert a new bill section to read:

"* **Sec. 33.** AS 15.20.072(d) is amended to read:

(d) The representative shall deliver the special needs ballot and other voting materials to the voter as soon as practicable. The voter shall mark the ballot in secret, place the ballot in the secrecy sleeve, and place the secrecy sleeve in the envelope provided. The voter shall provide the information on the envelope that would be required for absentee voting if the voter voted in person. The voter shall sign the voter's certificate in the presence of the representative. The representative shall sign the voter's certificate in a place designated on the certificate [AS ATTESTING OFFICIAL] and date the voter's signature."

Renumber the following bill sections accordingly.

Page 26, line 18:

Delete "AS 15.20.203(i)"

Insert "AS 15.20.160, 15.20.203(i)"

Page 26, line 22:

Delete "sec. 45"

Insert "sec. 47"

Page 26, line 23:

Delete "sec. 46"

Insert "sec. 48"

Delete "sec. 48"
Insert "sec. 50"

Page 26, line 24:
Delete "sec. 49"
Insert "sec. 51"

Page 26, line 25:
Delete "sec. 50"
Insert "sec. 52"

Page 26, lines 25 - 26:
Delete "secs. 45, 46, and 48 - 50"
Insert "secs. 47, 48, and 50 - 52"

Page 27, line 2:
Delete "Sections 43 and 44"
Insert "Sections 45 and 46"

Page 27, line 3:
Delete "Section 58"
Insert "Section 60"

Page 27, line 4:
Delete "secs. 59 and 60"
Insert "secs. 61 and 62"

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[3:20:58 PM](#)

MR. STEPP explained that Amendment 5 would delete stray references in statute to the requirement for an attesting official or witness. The lingering language reflects the requirement for witness notarization, and this would be replaced by "signature matching" in the proposed legislation. He added that keeping the language on the envelope would likely confuse voters.

REPRESENTATIVE EASTMAN expressed confusion as to where in the process this would take place. He questioned the role envelopes serve in the election process.

[3:22:26 PM](#)

GAIL FENUMIAI, Director, Division of Elections, Office of the Lieutenant Governor, stated that there are multiple envelopes

used by the division. She shared her understanding that the proposed amendment is not specifically related to by-mail envelopes. She explained that, to create checks and balances, envelopes for absentee in-person ballots, question ballots, and special needs ballots have a section for the election official to sign. She clarified that once envelopes are completed by the voter and returned to the division, they are only reviewed by the bi-partisan absentee voter review board.

REPRESENTATIVE EASTMAN asked whether a notary would be required to sign the envelopes.

MS. FENUMIAI said the absentee in-person ballots, question ballots, and special needs ballots do not require a notary. She added that the witnessing requirements for absentee by-mail ballots also do not require a notary.

[3:25:28 PM](#)

REPRESENTATIVE KAUFMAN asked whether Amendment 5 would remove the necessity of a witness.

MR. STEPP answered yes. In response to a follow-up question, he conveyed that the witness requirement would be removed in exchange for the signature verification process.

CHAIR KREISS-TOMKINS noted that the decision to add signature verification originated in the Senate as a way to enhance the integrity of the election process.

[3:26:54 PM](#)

REPRESENTATIVE EASTMAN suggested that a drafting error was made in Amendment 5. He expressed the understanding that [AS 15.20.030] primarily refers to an attesting official, which would be a DOE employee, as opposed to the witness requirement.

MR. STEPP deferred to Ms. Fenumiai.

[3:27:44 PM](#)

The committee took an at-ease from 3:27 p.m. to 3:28 p.m.

[3:28:05 PM](#)

MS. FENUMIAI shared her understanding that the proposed legislation does not intend to implement signature verification on absentee in-person ballots. She deferred to Thomas Flynn.

[3:29:04 PM](#)

THOMAS FLYNN, Assistant Attorney General, Labor and State Affairs Section, Civil Division (Anchorage), Department of Law (DOL), shared his understanding that the role of an election official or a witness would be potentially different for absentee by-mail envelopes, absentee in-person envelopes, and special needs envelopes, which were all addressed in Amendment 5. For absentee by-mail envelopes, he said, the role of the witness would be to verify the identification of the voter and watch the person sign the envelope. Alternatively, for absentee in-person envelopes, the role of the election official would be to sign as the recipient of the envelope. Similarly, for special needs envelopes, the representative would sign the envelope. For this reason, he expressed the belief that the signature of the elected official or witness may serve other purposes.

MR. STEPP acknowledged that Amendment 5 may have missed the mark. He deferred to the will of the committee.

CHAIR KREISS-TOMKINS moved to table Amendment 5. There being no objection, Amendment 5 was tabled.

[3:31:06 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 6 to HB 66, Version N, as amended, labeled, 32-LS0322\N.6, Klein, 5/8/22, which read:

Page 20, lines 17 - 30:

Delete all material and insert:

"* **Sec. 43.** AS 15.20.910 is amended to read:

Sec. 15.20.910. Standards for voting machines and vote tally systems. The director may approve a voting machine or vote tally system **that meets the criteria specified in this section** for use in an election in the state **based on** [UPON] consideration of factors relevant to the administration of state elections. **A** [, INCLUDING WHETHER THE FEDERAL ELECTION COMMISSION HAS CERTIFIED THE VOTING MACHINE OR VOTE TALLY SYSTEM TO BE 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). THE DIRECTOR MAY ONLY APPROVE A] voting machine or vote tally system must

(1) meet the United States Election Assistance Commission's voluntary voting system guidelines;

(2) be certified by the the United States Election Assistance Commission;

(3) use only open-source software technology or commercial off-the-shelf software and firmware if a voting machine or vote tally system, as applicable, using only open-source software technology or commercial off-the-shelf software and firmware is available; and

(4) satisfy [IF THE MACHINE OR SYSTEM SATISFIES] the requirements of AS 15.15.032(c)."

Page 27, line 2:

Delete "2024"

Insert "2025"

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[3:31:15 PM](#)

MR. STEPP stated that Amendment 6 would create a backup plan in case a federally certified open-source system is not available at the time of the effective date. He said that until an open-source system is federally certified, the proposed amendment would allow DOE to use other federally certified systems. Further, Amendment 6 would set an open-source implementation deadline of January 1, 2024, to avoid the potential for implementation issues during a presidential election year.

[3:32:25 PM](#)

REPRESENTATIVE VANCE asked whether Alaska currently utilized voting machines or vote tally systems.

MS. FENUMIAI characterized the technology as a "voting system" comprising many different components: precinct tabulators and scanners; voting tablets, as required by federal law; and central count scanners in the regional offices, which count absentee, question, and early ballots. Additionally, there is a management system, which she described as the "brains" of the system.

MS. FENUMIAI, in response to a follow-up question, shared her understanding that the term "vote tally system" is out-of-date. She noted that DOE refers to the entire system as a "ballot counting and tabulation system."

REPRESENTATIVE VANCE expressed the understanding that there is a general consternation around the term "voting machines." She expressed the intention to clarify, for the record, that Alaska does not use voting machines. Furthermore, she clarified that Amendment 6 would not invite the use of electronic voting machines, adding that Alaska would maintain a paper ballot system.

MS. FENUMIAI agreed that Alaska would continue to be a paper-based system.

[3:35:26 PM](#)

REPRESENTATIVE VANCE inquired about the impact of removing the term "voting machine" from Amendment 6.

MS. FENUMIAI pointed out that a "voting machine" refers to a piece of equipment which counts the ballots. She noted that this is an important part of the overall system.

CHAIR KREISS-TOMKINS shared his understanding that the language "voting machine" had existed in statute for decades. He deferred to Mr. Flynn.

[3:37:04 PM](#)

MR. FLYNN noted that "precinct tabulator" is defined in statute. He agreed that the term "voting machine" is old, and, for all purposes, this language refers to the voting system, as described by Ms. Fenumiai.

[3:37:39 PM](#)

REPRESENTATIVE KAUFMAN asked about the distinction between the Federal Election Commission (FEC) and the United States Election Assistance Commission (USEAC). He asked whether the correct agency is being referenced in Amendment 6.

MS. FENUMIAI expressed assurance that USEAC referenced [on page 1, line 14, as numbered in Amendment 6] is the correct government agency.

[3:38:46 PM](#)

REPRESENTATIVE EASTMAN inquired about the "voluntary voting system guidelines" referenced on page 1, line 14, as numbered in Amendment 6.

MS. FENUMIAI explained that the voluntary voting system guidelines were established by the USEAC.

REPRESENTATIVE EASTMAN inquired about the difference between [federal] certification and USEAC's guidelines.

MS. FENUMIAI reiterated that the voluntary voting system guidelines are the guidelines which vendors must follow to create new voting systems. Additionally, the vendors must submit their voting system to the USEAC to be tested in certified labs based on the voluntary voting system guidelines.

REPRESENTATIVE EASTMAN sought to confirm that a vote tally system certified by the USEAC would be following the FEC's guidelines.

MS. FENUMIAI responded, "That is correct."

CHAIR KREISS-TOMKINS noted that Amendment 6 would not make a substantive change in terms of compliance with the voting system guidelines and certification outlined in Version N.

REPRESENTATIVE EASTMAN proposed Conceptual Amendment 1 to Amendment 6, such that paragraph (1) would be deleted on page 1, lines 14-15, as numbered in the proposed amendment.

CHAIR KREISS-TOMKINS objected. He maintained his support for Amendment 6, absent concerns from DOE. He questioned whether Ms. Fenumiai had concerns about the current language in Version N regarding the compliance of voting machines with USEAC voluntary voting system guidelines, as embodied in Amendment 6.

[3:43:43 PM](#)

MS. FENUMIAI responded that she has no concerns.

REPRESENTATIVE EASTMAN withdrew Conceptual Amendment 1 to Amendment 6. He inquired about the purpose of the language in paragraph (3) on page 1, lines 18-21, as numbered in Amendment 6.

[3:45:25 PM](#)

MR. STEPP conveyed that essentially, paragraph (3) outlines a backup plan, such that DOE could use other systems if there were no open-source voting systems certified by [USEAC], by the effective date.

[3:46:53 PM](#)

REPRESENTATIVE EASTMAN questioned whether a comma should be inserted after the word "firmware", on page 1, line 21, as numbered in Amendment 6.

MR. STEPP responded, "It doesn't seem necessary to me." He deferred to the will of the committee.

[3:47:50 PM](#)

REPRESENTATIVE EASTMAN maintained his objection to Amendment 6.

[3:49:44 PM](#)

A roll call vote was taken. Representatives Tarr, Story, Claman, Vance, Kaufman, and Kreiss-Tomkins voted in favor of Amendment 6. Representatives Eastman voted against it. Therefore, Amendment 1 was adopted by a vote of 6-1.

[3:50:17 PM](#)

REPRESENTATIVE VANCE moved to adopt Amendment 7 to HB 66, Version N, as amended, labeled, 32-LS0322\N.7, Klein, 5/5/22, which read:

Page 2, line 24, following "or":

Insert "**for perjury under**"

Page 2, line 26, following "**perjury**":

Insert "**and witnessed by an election official**"

Page 3, line 16:

Delete "director"

Insert "division"

Page 3, line 20:

Delete "director"

Insert "division"

Page 3, line 22:
Delete "director"
Insert "division"

CHAIR KREISS-TOMKINS objected for the purpose "of presentation."

3:50:26 PM

REPRESENTATIVE VANCE explained that Amendment 7 would subject an applicant to perjury under AS 11, if the person made a false statement on the voter registration. It would also require an election official to witness the signed affidavit.

CHAIR KREISS-TOMKINS removed his objection. There being no further objection, Amendment 7 was adopted.

3:51:17 PM

REPRESENTATIVE VANCE moved to adopt Amendment 8 to HB 66, Version N, as amended, labeled, 32-LS0322\N.8, Klein, 5/7/22, which read:

Page 8, following line 16:

Insert a new subsection to read:

"(c) The division may not allow a municipality to use the division's data or equipment for a municipal election unless the municipality enforces a chain-of-custody system that satisfies the standards of the division's chain-of-custody system established under this section."

Page 25, following line 4:

Insert a new bill section to read:

"* Sec. 51. AS 15.56.080(a) is amended to read:

(a) A person commits the crime of election official misconduct in the second degree if while an election official, and while the polls are open, the person

(1) opens a ballot received from a voter at an election, unless permitted by ordinance in a local election;

(2) marks a ballot by folding or otherwise so as to be able to recognize it;

(3) otherwise attempts to learn how a voter marked a ballot; [OR]

(4) intentionally fails to sign a ballot chain-of-custody document upon receiving or releasing a ballot or group of ballots; or

(5) allows a person to do one of the acts prescribed by (1) - (4) [(1), (2), OR (3)] of this subsection."

Renumber the following bill sections accordingly.

Page 26, line 24:
Delete "and"

Page 26, line 25, following "Act,":
Insert "and AS 15.56.080(a), as amended by sec. 51 of this Act,"

Page 26, line 26:
Delete "secs. 48 - 50"
Insert "secs. 48 - 51"

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

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

CHAIR KREISS-TOMKINS objected.

[3:51:22 PM](#)

REPRESENTATIVE VANCE indicated that Amendment 8 referred to ballot security and chain of custody. She stated that the proposed amendment ensures that the chain of custody would continue to be enforced. Additionally, paragraph (4) on page 1, as numbered in Amendment 8, would reinforce the need to have an internal chain of custody for accountability.

[3:52:45 PM](#)

REPRESENTATIVE STORY sought clarification on page 1, lines 3-4, as numbered in Amendment 8. She shared her understanding that the City and Borough of Juneau often utilizes DOE's data to compile a voter registry.

REPRESENTATIVE VANCE clarified that the language in question would urge municipalities to adopt the chain of custody to ensure consistency.

REPRESENTATIVE STORY questioned whether a chain of custody is standard practice.

MS. FENUMIAI confirmed that DOE uses a chain of custody for ballots and voting equipment. She indicated that certain security measures are in place to allow access to the voter registration system for municipalities.

REPRESENTATIVE STORY sought to confirm that Ms. Fenumiai is inferring that most municipalities utilized the chain-of-custody system identified in Amendment 8.

MS. FENUMIAI expressed uncertainty. She added that if the legislature intends for the division to share voting equipment, stringent protocols will need to be in place in terms of access.

[3:55:57 PM](#)

REPRESENTATIVE EASTMAN observed that Amendment 8 would not require data and equipment sharing between DOE and municipalities. He expressed the understanding that the necessary chain of custody would need to be established if equipment were to be shared.

MS. FENUMIAI responded in the affirmative, there would need to be chain of custody procedures implemented if equipment were to be shared with the municipality.

CHAIR KREISS-TOMKINS maintained his objection to Amendment 8.

[3:57:10 PM](#)

REPRESENTATIVE VANCE reiterated that the intent of Amendment 8 is to ensure that the ballot chain of custody would be consistent.

[3:57:32 PM](#)

A roll call vote was taken. Representatives Eastman, Vance, and Kaufman voted in favor of Amendment 8. Representatives Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 8 failed by a vote of 3-3.

[3:58:10 PM](#)

REPRESENTATIVE VANCE moved to adopt Amendment 9 to HB 66, Version N, as amended, labeled, 32-LS0322\N.9, Klein, 5/5/22, which read:

Page 15, lines 2 - 9:

Delete all material and insert:

"(m) An absentee ballot application must include an option for a qualified voter to choose to receive absentee ballots by mail for future statewide elections for a period of four years. After the four-year period concludes, the division shall notify the voter that the voter may reapply to receive absentee ballots by mail for another four-year period. If the voter votes in person during the four year period, the division shall stop sending the voter absentee ballots. If a previous absentee ballot sent under this section or other mail sent to the voter by the division is returned as undeliverable, the division shall stop sending the voter absentee ballots. A voter may reapply to receive absentee ballots by mail."

CHAIR KREISS-TOMKINS objected.

[3:58:16 PM](#)

REPRESENTATIVE VANCE stated that Amendment 9 would allow voters to choose to receive absentee ballots by mail for future statewide elections for a period of two years or four years. She explained that the amendment would offer a compromise between a two-year timeline and a four-year timeline, both of which were debated in committee.

CHAIR KREISS-TOMKINS sought to clarify that the intention of the language on page 5 of Amendment 9 is after the two-or four-year period concludes.

REPRESENTATIVE VANCE responded in the affirmative.

CHAIR KREISS-TOMKINS asked Ms. Fenumiai to comment on Amendment 9.

[3:59:30 PM](#)

MS. FENUMIAI said she had no comment. She made a note on drafting technicalities, suggesting that the language use would

need to be extended throughout the entire section referencing "four years".

CHAIR KREISS-TOMKINS concurred with the comment.

REPRESENTATIVE VANCE pointed out that, if the committee is supportive of the "two- or four-year" options, the chair could grant Legislative Legal Services the authority to make conforming changes.

CHAIR KREISS-TOMKINS maintained his objection to Amendment 9.

[4:00:45 PM](#)

A roll call vote was taken. Representatives Kaufman, Eastman, and Vance voted in favor of Amendment 9. Representatives Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 9 failed by a vote of 3-3.

[4:01:27 PM](#)

The committee took an at-ease from 4:01 p.m. to 4:02 p.m.

[4:02:44 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 10 to HB 66, Version N, as amended, labeled, 32-LS0322\N.14, Klein, 5/8/22, which read:

Page 16, lines 4 - 5:

Delete all material and insert:

"(3) THE BALLOT IS NOT ATTESTED ON OR BEFORE THE DATE OF THE ELECTION;"

Page 16, line 6:

Delete "(3) [(4)]"

Insert "(4)]"

Page 16, line 12:

Delete "(4)"

Insert "(3)"

Page 16, line 14:

Delete "(5)"

Insert "(4)"

Page 17, line 9:

Delete "(6)"

Insert "(5)"

Page 17, line 10, following "records":

Insert "or the voter does not have a signature stored in voter registration records"

Page 18, lines 16 - 19:

Delete "because the voter does not have a signature stored in voter registration records, the certificate is missing a signature, the signature on the certificate is determined under AS 15.20.203 to not match the signature in voter registration records, or the voter provided insufficient voter identification,"

Insert "under AS 15.20.203(b)(1), (4), or (5)"

REPRESENTATIVE EASTMAN objected.

[4:02:54 PM](#)

MR. STEPP noted that Amendment 10 originated as a suggestion from Secure Democracy. He explained that by deleting the material on page 16, lines 4-5 of the bill, the proposed amendment would help to avoid a situation in which a mail ballot is rejected simply because a voter left the date blank or misdated the certificate. Further, Amendment 10 would clean up the ballot curing provision by explicitly cross-referencing the reasons that ballots, which are subject to cure, may be rejected. It would also make the curing provision and the ballot rejection provision consistent, in that a by-mail ballot would be rejected and sent to cure if the voter did not have a signature on file in the voter registration record.

[4:04:29 PM](#)

REPRESENTATIVE EASTMAN questioned the deletion of the language on page 2, lines 3-6, as numbered in Amendment 10.

MR. STEPP offered his belief that the intent would be to provide an opportunity to cure the ballot.

REPRESENTATIVE EASTMAN suggested that the operative language is on page 18, line 22 of Version N. He questioned whether removing the language in question would eliminate the basis for the director of DOE to notify voters of a deficient ballot.

MR. STEPP directed attention to page 2, line 7, as numbered in Amendment 10, which cited AS 15.20.203. He argued that the language being deleted on page 2, lines 3-6, as numbered in Amendment 10, is redundant, as it is outlined under AS 15.20.203(b)(1), (4), and (5). He deferred to Ms. Fenumiai or Mr. Flynn for corroboration.

[4:08:44 PM](#)

MR. FLYNN acknowledged that page 2, line 7, as numbered in Amendment 10, cites paragraphs (1), (4), and (5) of AS 15.20.203(b). Referencing page 15 of Version N, he remarked, "the cross-references [took] what was described in text as those three issues and just cross-referenced them to the statute that its describing."

[4:10:23 PM](#)

REPRESENTATIVE EASTMAN questioned the rationale for removing the date on the certificate.

MR. STEPP responded that, because of the presence of an intelligent mail barcode, which reliably signifies the date, no other date is needed.

REPRESENTATIVE EASTMAN proposed a scenario in which a certificate was missing a signature, and the barcode was unreadable. He asked what the division would do under those circumstances.

MR. STEPP reminded the committee that ballot curing would be a new procedure in Alaska. He shared his understanding that the scenario posed would present an opportunity for a cure. He deferred to Ms. Fenumiai for further clarification.

[4:13:28 PM](#)

MS. FENUMIAI responded that she did not have an answer for every scenario which may occur in the curing process. She pointed out that currently, voter signatures were not required on by-mail envelopes; therefore, any reference to a signature date on a voter certificate is not a current requirement.

REPRESENTATIVE EASTMAN questioned the requirement on page 16, line 4, of Version N, which stated "the certificate is not signed on or before the date of the election".

MS. FENUMIAI said the language in question refers to AS 15.20.203, which outlines the procedure for absentee ballot review. She shared her understanding that page 16, line 4, refers to the witness requirement for by-mail ballots.

MR. FLYNN pointed out AS 15.20.203(b)(3) states, "The ballot is not attested on or before the date of the election;". He noted that the language refers to the witness, as opposed to the voter.

REPRESENTATIVE EASTMAN sought to confirm that language on page 1, lines 1-4 as numbered in Amendment 10, would remove the witness requirement on absentee ballots.

[4:16:43 PM](#)

MR. FLYNN answered yes, the witness requirement would be removed.

[4:17:02 PM](#)

The committee took an at-ease from 4:17 p.m. to 4:19 p.m.

[4:19:59 PM](#)

MR. STEPP stated that the intent of the proposed amendment would be to avoid a situation in which a by-mail ballot is rejected because the voter had left the date blank or misdated the certificate. He asked Mr. Flynn whether this intent is captured in Amendment 10.

[4:21:14 PM](#)

MR. FLYNN explained that all the requirements [in Section 37] work in concert, making absentee by-mail ballots work. He suggested that the committee consider adding a date requirement to the certificate, given that the witness requirement would be removed.

MR. STEPP explained that the use of intelligent-mail barcodes would remove the necessity for a handwritten date, which is less reliable.

CHAIR KREISS-TOMKINS moved to table Amendment 10. There being no objection, Amendment 10 was tabled. He noted Representative Tarr's absence, indicating that Amendments 11, 12, and 13 would not be offered at this time.

[4:23:39 PM](#)

REPRESENTATIVE VANCE moved to adopt Amendment 14 to HB 66, Version N, as amended, labeled, 32-LS0322\N.20, Klein, 5/8/22, which read:

Page 4, line 3:

Delete "an absentee in-person, special needs, or"

Insert "a"

Page 4, lines 21 - 22:

Delete "an absentee in-person, special needs, or"

Insert "a"

Page 4, line 30:

Delete "an absentee in-person, special needs, or"

Insert "a"

Page 5, lines 5 - 6:

Delete "an absentee in-person, special needs, or"

Insert "a"

CHAIR KREISS-TOMKINS objected.

[4:23:50 PM](#)

REPRESENTATIVE VANCE informed the committee that Amendment 14 would make it so only a person registering before an official may vote a question ballot. In response to a question from Chair Kreiss-Thomkins, she expressed the belief that requiring the voter to use a question ballot would ensure proper eligibility and oversight.

[4:25:44 PM](#)

MIKE MASON, Staff, Representative Chris Tuck, Alaska State Legislature, on behalf of Representative Tuck, prime sponsor of HB 66, asked whether question ballots would be available at the early voting and absentee in-person voting stations.

MS. FENUMIAI stated that question ballots are voted only at the precinct on Election Day. She clarified that a "question ballot" refers to the type of envelope, or voter certificate, completed by the voter. She indicated that the actual ballot is always the same. She assured that all absentee in-person, special needs, and question ballots undergo a thorough review

process to validate a voter's eligibility; therefore, the vote would be counted.

[4:27:20 PM](#)

REPRESENTATIVE VANCE asked whether the review process for each type of envelope is the same.

MS. FENUMIAI answered yes, each ballot goes through an identical review process. She noted that a review process is completed by the absentee review board, while question review board completes another.

REPRESENTATIVE VANCE withdrew Amendment 14.

[4:28:21 PM](#)

REPRESENTATIVE VANCE moved to adopt Amendment 15 to HB 66, Version N, as amended, labeled, 32-LS0322\N.21, Klein, 5/8/22, which read:

Page 24, line 13:
Delete "**absentee**"

Page 24, line 14:
Delete "**absentee**"

CHAIR KREISS-TOMKINS objected.

[4:28:41 PM](#)

REPRESENTATIVE VANCE conveyed that Amendment 15 would clarify that signed ballot certificates, sealed ballot envelopes, or packages of ballots could not be intentionally opened or tampered with.

CHAIR KREISS-TOMKINS withdrew his objection. There being no further objection, Amendment 15 was adopted.

[4:29:36 PM](#)

REPRESENTATIVE VANCE moved to adopt Amendment 16 to HB 66, Version N, as amended, labeled, 32-LS0322\N.22, Klein, 5/5/22, which read:

Page 11, line 14, following "**station**":
Insert "**because of an unforeseen emergency**"

Page 11, line 17, following "writing":
Insert "at least 45 days before election day"

CHAIR KREISS-TOMKINS objected.

[4:29:43 PM](#)

REPRESENTATIVE VANCE explained that Amendment 16 would clarify the provision pertaining to the designation of an early voting station by adding "because of an unforeseen emergency" to the qualifying language in paragraph (1). Additionally, the proposed amendment would set a 45-day deadline for determining that a location is no longer appropriate for use as an early voting station and making that determination available to the public.

CHAIR KREISS-TOMKINS asked for the DOE's perspective on Amendment 16.

[4:31:02 PM](#)

MS. FENUMIAI explained that AS 15.20.050 outlined a requirement of full public notice, indicating that the director "shall" give notice of the location of absentee voting stations at least 45 days before each election. She noted that the current practice is to post this information on DOE's website prior to each election. In response to a follow-up question, she asserted that sending every registered voter in the state a written notice could pose some difficulties for the division.

[4:32:53 PM](#)

REPRESENTATIVE EASTMAN questioned the written notification.

REPRESENTATIVE VANCE pointed out that Amendment 16 would not change the written notification requirement; further, she clarified that the proposed amendment made no specific reference to each registered voter. She agreed that this could be burdensome. She explained that the intention is for a public notice regarding the change of a polling location to be beyond DOE's website. She suggested publishing in the newspaper would accommodate voters who do not have access to the internet.

[4:34:23 PM](#)

REPRESENTATIVE STORY asked whether the proposed amendment would be too prescriptive.

REPRESENTATIVE VANCE shared a personal anecdote. She stated that the amendment would create a proper public notification system for location changes, so it would not seem that the division is making changes arbitrarily.

[4:36:37 PM](#)

REPRESENTATIVE STORY inquired about the current policy for changing polling stations.

MS. FENUMIAI requested further clarification, as both "absentee voting" and "polling place locations" had been referenced. She explained that AS 15.10.090 outlined the procedure for changing polling locations and read as follows [original punctuation provided]:

Sec. 15.10.090. Notice of precinct boundary or polling place designation and modification.

The director shall give full public notice if a precinct is established or abolished, if the boundaries of a precinct are designated, abolished, or modified, or if the location of a polling place is changed. Public notice must include

(1) whenever possible, sending written notice of the change to each affected registered voter in the precinct;

(2) providing notice of the change

(A) by publication once in a local newspaper of general circulation in the precinct; or

(B) if there is not a local newspaper of general circulation in the precinct, by posting written notice in three conspicuous places as close to the precinct as possible; at least one posting location must be in the precinct;

(3) posting notice of the change on the Internet website of the division of elections;

(4) providing notification of the change to the appropriate municipal clerks, community councils, tribal groups, Native villages, and village regional corporations established under 43 U.S.C. 1606 (Alaska Native Claims Settlement Act); and

(5) inclusion in the official election pamphlet.

[4:39:08 PM](#)

REPRESENTATIVE VANCE questioned whether the intention would be to treat "early voting stations" the same as "polling locations."

[4:39:39 PM](#)

REPRESENTATIVE CHRIS TUCK, Alaska State Legislature, as prime sponsor of HB 66, said the intention would be to maintain early voting stations once established; unless, for some reason, they become no longer available. He indicated that the objective is to create consistency.

REPRESENTATIVE VANCE withdrew Amendment 16.

[4:40:58 PM](#)

REPRESENTATIVE VANCE moved to adopt Amendment 17 to HB 66, Version N, as amended, labeled, 32-LS0322\N.23, Klein, 5/5/22, which read:

Page 14, line 30, following "barcode":

Insert "or a division of elections ballot tracking barcode"

Page 16, line 10, following "barcode":

Insert "or a division of elections ballot tracking barcode"

Page 17, line 8:

Delete "or"

Page 17, line 10, following "records":

Insert ";or
(7) the ballot does not include the watermark, seal, or other security identifier required under AS 15. 15.030(18)"

CHAIR KREISS-TOMKINS objected.

[4:41:24 PM](#)

REPRESENTATIVE VANCE spoke to Amendment 17. She said the intent would be to further clarify the provision concerning the United States Postal Service tracking barcode. She explained that the addition of the language, "or a division of elections ballot tracking barcode", would allow the division to contract with a

private ballot-tracking system, thus providing additional flexibility. Further, the proposed amendment would add clarifying language to the terms for rejecting a ballot by requiring the inclusion of a watermark, seal, or other security identifier.

CHAIR KREISS-TOMKINS surmised that the proposed amendment would offer DOE more inclusive statutory language. He asked for the division's perspective on Amendment 17.

[4:42:58 PM](#)

MS. FENUMIAI questioned the type of barcode used by privately contracted companies; nonetheless, she acknowledged that two options would be better than one.

REPRESENTATIVE VANCE noted that Legislative Legal Services has confirmed that the proposed language would allow the division to contract with private ballot-tracking programs.

CHAIR KREISS-TOMKINS pointed out that language in lines 10-13, as numbered in Amendment 17, already exists in Section 14 of Version N. He indicated that the inserted language would be redundant.

REPRESENTATIVE VANCE explained that her intent is to create a statutory checklist of qualifications for rejecting a ballot. She expressed the belief that "the ballot does not include the watermark, seal, or other security identifier under AS 15.15.030(18)." She argued that these should be on the list.

CHAIR KREISS-TOMKINS sought to confirm that Section 14 of Version N already accomplished lines 10-13 of Amendment 17.

[4:46:18 PM](#)

MR. FLYNN concurred.

CHAIR KREISS-TOMKINS moved to adopt Conceptual Amendment 1 to Amendment 17, such that lines 10-13 [as numbered in Amendment 17] would be deleted.

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[4:47:11 PM](#)

REPRESENTATIVE EASTMAN offered his understanding that Conceptual Amendment 1 would delete lines 6-13, as numbered in Amendment 17, not lines 10-13.

CHAIR KREISS-TOMKINS responded in the affirmative. He withdrew Conceptual Amendment 1 to Amendment 17.

CHAIR KREISS-TOMKINS moved to adopt Conceptual Amendment 2 to Amendment 17, which sought to delete lines 7-13, as numbered in Amendment 13.

REPRESENTATIVE EASTMAN objected.

[4:47:51 PM](#)

REPRESENTATIVE EASTMAN asked whether the sponsor of Amendment 17 is amenable to Conceptual Amendment 2.

REPRESENTATIVE VANCE agreed that lines 7-13 were redundant. She expressed her support for the proposed conceptual amendment.

REPRESENTATIVE EASTMAN withdrew his objection. There being no further objection, Conceptual Amendment 2 to Amendment 17 was adopted.

CHAIR KREISS-TOMKINS removed his objection to Amendment 17, as conceptually amended. There being no further objection, Amendment 17, as conceptually amended, was adopted.

[4:49:12 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 18 to HB 66, Version N, as amended, labeled, 32-LS0322\N.24, Klein, 5/8/22, which read:

Page 3, following line 29:

Insert a new bill section to read:

"* Sec. 4. AS 15.07.070(c) is amended to read:

(c) The names of persons submitting completed registration forms by mail that are postmarked at least 30 days before the next election, or submitting completed registration forms by facsimile or other electronic transmission approved by the director under AS 15.07.050 that are received at least 30 days before the next election, shall be placed on the official registration list for that election. If a registration form received by mail less than 30 days before an

election does not have a legible and dated postmark, the name of the person submitting the form shall be placed on the official registration list for that election if the form was signed and dated by the person at least 30 days before the election and if the form is received by the director or election supervisor at least 25 days before the election. The name of a person submitting a completed registration form by mail or by facsimile or other electronic transmission that does not meet the applicable requirements of this subsection may not be placed on the official registration list for that election but shall be placed on the master register after that election. A person submitting a completed registration form that does not meet the requirements of this subsection for placement on the master register for the next election but who complies with AS 15.07.060(a)(13) may vote an absentee in-person, special needs, or questioned ballot at that 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.

[4:49:31 PM](#)

MR. STEPP explained that the purpose of Amendment 18 would be to clean up existing statutory language to account for expanded same-day registration. He explained that if a voter were to file a mail-in or online registration within 30 days of the election, current law states that the person's name may not be placed on the official registration list for that election. The proposed amendment, he said, would clarify that while the person's mail or online registration may not be effective until after the election, the voter could still use same-day registration procedures to register and would not be locked out of registration.

[4:50:47 PM](#)

REPRESENTATIVE EASTMAN observed that [AS 15.07.060(a)(13)], as referenced on page 1, line 19 of Amendment 18, is on page 2, line 25 of Version N. He directed attention to page 1, line 9, as numbered in Amendment 18, and asked for clarification on the timeline for mailing a registration form to the division.

MR. STEPP responded that the language in question is existing statute. He deferred to Ms. Fenumiai.

[4:53:38 PM](#)

MS. FENUMIAI explained that, per AS 15.07.070(c), the voter registration deadline is 30 days prior to the election; however, the form must be signed on or before that date and received by the division at least 25 days before the election.

[4:54:57 PM](#)

REPRESENTATIVE EASTMAN asked whether it would be the bill sponsor's intent that a person could register and vote an

absentee in-person, specialty, or question ballot on the day of an election.

MR. STEPP responded in the affirmative.

[4:55:51 PM](#)

REPRESENTATIVE EASTMAN withdrew his objection. There being no further objection, Amendment 18 was adopted.

[4:56:10 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 19 to HB 66, Version N, as amended, labeled, 32-LS0322\N.25, Klein, 5/7/22, which read:

Page 16, lines 4 - 5:

Delete all material and insert:

"(3) THE BALLOT IS NOT ATTESTED ON OR BEFORE THE DATE OF THE ELECTION;"

Page 16, line 6:

Delete "(3) ["

Page 16, line 12:

Delete "(4)"

Insert "(3)"

Page 16, line 14:

Delete "(5)"

Insert "(4)"

Page 17, line 9:

Delete "(6)"

Insert "(5)"

REPRESENTATIVE EASTMAN objected.

[4:56:23 PM](#)

CHAIR KREISS-TOMKINS shared his understanding that Amendment 19 is "intertwined" with Amendment 10, which has been tabled.

[The committee treated Amendment 19 as tabled.]

MR. STEPP asked to "take another bite" [at Amendment 10].

CHAIR KREISS-TOMKINS advised that the committee recess, and once reconvened the issue could be addressed.

[4:57:10 PM](#)

The House State Affairs Standing Committee recessed at 4:57 p.m. [The meeting reconvened at 7:30 p.m.]

[7:38:49 PM](#)

CHAIR KREISS-TOMKINS called the House State Affairs Standing Committee meeting back to order at 7:38 p.m. Representatives Vance, Tarr, Kaufman, Claman, Story, Eastman, and Kreiss-Tomkins were present at the call back to order.

[7:39:57 PM](#)

REPRESENTATIVE EASTMAN moved to adopt [Amendment 25] to HB 66, Version N, as amended, labeled, 32-LS0322\N.32, Ambrose/Klein, 5/8/22, which read:

Page 8, line 4, following "AS 15.15.450.":

Insert "The system must include monitoring of ballots by video camera, whose footage the division shall stream live and make available for public viewing on the division's Internet website, covering the time the ballots arrive at the division until the election is certified under AS 15.15.450, including the completion of any audits or recounts."

CHAIR KREISS-TOMKINS objected.

[7:40:03 PM](#)

REPRESENTATIVE EASTMAN explained that the purpose of Amendment 25 would be to allow the public to observe the ballot process via live video surveillance footage. This would cover the time the ballots arrive at the division until the election is certified, and it would include the completion of any audits or recounts. He noted that the footage would be made available for public viewing on the division's website.

[7:41:57 PM](#)

REPRESENTATIVE TARR questioned why observers physically present for the ballot count would not be sufficient. She expressed

concern that broadcasting the process would compromise workers' safety.

REPRESENTATIVE EASTMAN said this would allow the ballots to be seen online, via a live feed, for the duration of the process. He argued that video monitoring would increase security and address any complaints or objections.

[7:44:10 PM](#)

REPRESENTATIVE CLAMAN voiced opposition to the amendment. He stated that he had been involved in a close state race and had observed the process. He expressed the belief that exercising this proposal would require an enormous fiscal note to accommodate the video technology and larger facilities.

[7:45:40 PM](#)

REPRESENTATIVE EASTMAN acknowledged that more cameras would need to be purchased; however, he argued that this is the cost of doing business in the twenty-first century.

CHAIR KREISS-TOMKINS maintained his objection to Amendment 25.

[7:47:02 PM](#)

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of Amendment 25. Representatives Tarr, Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 25 failed by a vote of 4-3.

[7:47:53 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 26 to HB 66, Version N, as amended, labeled, 32-LS0322\N.33, Ambrose/Klein, 5/8/22, which read:

Page 7, line 14, following "board.":
Insert "The watcher may use a cell phone to document the actions observed by the watcher."

CHAIR KREISS-TOMKINS objected.

[7:48:02 PM](#)

REPRESENTATIVE EASTMAN conveyed that Amendment 26 would allow the appointed election "watchers" to use a cell phone to document observed actions.

REPRESENTATIVE TARR questioned how to strike a balance between transparency and accountability without creating an environment of intimidation.

[7:50:11 PM](#)

MS. FENUMIAI voiced that this question has not been addressed by the division. She shared the concerns expressed by Representative Tarr about worker intimidation.

[7:50:46 PM](#)

REPRESENTATIVE STORY asked whether anything in existing law prohibited [the use of cell phones to document actions observed by the watcher].

MS. FENUMIAI expressed uncertainty about an existing legal prohibition. She noted that any disruption at a polling place was a top concern for the division. She deferred to Mr. Flynn.

[7:51:52 PM](#)

MR. FLYNN expressed uncertainty concerning any legal prohibition on the use of a cell phone by a watcher. He expressed concern about the watcher capturing personal identifiable information or confidential information in the voter registration record.

[7:52:10 PM](#)

REPRESENTATIVE EASTMAN inquired about current restrictions on watchers in terms of personal identifiable information (PII).

MR. FLYNN expressed uncertainty. He offered to follow up with the requested information. He remarked, "It's one thing to see these things in passing and another to record them."

[7:52:45 PM](#)

REPRESENTATIVE CLAMAN asked whether there is a concern about allowing poll watchers to record the process on their personal cell phones.

MR. FLYNN expressed uncertainty concerning consent for recording.

[7:53:45 PM](#)

REPRESENTATIVE EASTMAN asked at what point in the process PII might be observed by poll watchers. Additionally, he asked what the PII would consist of.

MS. FENUMIAI explained that poll watchers were required to stand at a distance to obstruct access to the precinct register. She conveyed that observable PII would consist of information on the precinct register, such as voter number, date of birth, social security number, and driver's license number.

[7:55:09 PM](#)

CHAIR KREISS-TOMKINS maintained his objection to Amendment 26.

[7:55:15 PM](#)

REPRESENTATIVE EASTMAN argued that the proposed amendment would bring Alaska into the twenty-first century.

[7:56:20 PM](#)

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of Amendment 26. Representatives Claman, Tarr, Story, and Kreiss-Tomkins voted against it. Therefore, Amendment 26 failed by a vote of 3-4.

[7:56:56 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 27 to HB 66, Version N, as amended, labeled, 32-LS0322\N.34, Ambrose/Klein, 5/8/22, which read:

Page 12, line 24:
Delete "and"

Page 12, line 25, following "register":
Insert "; and
(4) exhibition of proof of an employment conflict that prevents the voter from casting a vote in person on election day in the precinct in which the voter is qualified to vote"

CHAIR KREISS-TOMKINS objected.

[7:57:01 PM](#)

REPRESENTATIVE EASTMAN stated that Amendment 27 would put limitations on early voting by limiting its access to those individuals who could demonstrate a conflict that prevents the voter from casting a vote in person on Election Day in the precinct.

CHAIR KREISS-TOMKINS maintained his objection.

[7:58:09 PM](#)

A roll call vote was taken. Representative Eastman voted in favor of Amendment 27. Representatives Story, Claman, Vance, Kaufman, Tarr, and Kreiss-Tomkins voted against it. Therefore, Amendment 27 failed by a vote of 1-6.

[7:58:41 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 28 to HB 66, Version N, as amended, labeled, 32-LS0322\N.35, Ambrose/Klein, 5/9/22, which read:

Page 20, following line 7:

Insert a new subsection to read:

"(c) The division shall

(1) capture an image of each ballot that has been counted or scanned by the division;

(2) publish each image captured on the division's Internet website on the same day the ballot was counted or scanned; and

(3) retain the image and make the image available for viewing on the division's Internet website for not less than four years after the date the image is first published."

Reletter the following subsections accordingly.

CHAIR KREISS-TOMKINS objected.

[7:58:48 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 28 would require the division to publish a scanned image of each ballot on DOE's website on the same day the ballot was counted.

CHAIR KREISS-TOMKINS maintained his objection.

[8:00:54 PM](#)

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of Amendment 28. Representatives Tarr, Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 28 failed by a vote of 3-4.

[8:01:27 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 29 to HB 66, Version N, as amended, labeled, 32-LS0322\N.39, Foote/Klein, 5/10/22, which read:

Page 20, following line 16:

Insert a new subsection to read:

"(f) A ballot may not be scanned until after the closing of the polls under AS 15.15.310."

CHAIR KREISS-TOMKINS objected.

[8:01:32 PM](#)

REPRESENTATIVE EASTMAN conveyed that the proposed amendment would add clarifying language, such that a ballot may not be scanned until after the closing of the polls under AS 15.15.310.

[8:02:33 PM](#)

REPRESENTATIVE TARR shared her belief that Amendment 29 would conflict with provisions in Version N that allow the counting of certain ballots to begin two weeks in advance. For that reason, she expressed opposition to the proposal.

[8:02:52 PM](#)

REPRESENTATIVE EASTMAN noted that the amendment would not apply to hand-counted ballots - only those that were scanned.

[The committee treated the objection as if it was maintained.]

[8:03:13 PM](#)

A roll call vote was taken. Representatives Eastman, Vance, and Kaufman voted in favor of Amendment 29. Representatives Tarr,

Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 29 failed by a vote of 3-4.

[8:03:51 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 30 to HB 66, Version N, as amended, labeled, 32-LS0322\N.41, Foote/Klein, 5/9/22, which read:

Page 2, following line 24:

Insert a new paragraph to read:

"(13) a declaration of whether the applicant requests a hand count of the applicant's ballot;"

Renumber the following paragraphs accordingly.

Page 4, following line 9:

Insert a new bill section to read:

"* **Sec. 5.** AS 15.07.070(f) is amended to read:

(f) Incomplete or inaccurate registration forms may not be accepted. A person who submitted an incomplete or inaccurate registration form may register by reexecuting and resubmitting a registration form in person, by mail, or by facsimile or other electronic transmission approved by the director under AS 15.07.050. The requirements of (c) or (d) of this section apply to a registration form resubmitted under this subsection. Notwithstanding the foregoing, an application made under AS 43.23.015 that contains the information required by AS 15.07.060(a)(1) - (4), [AND] (7) - (9), and (13), and an attestation that such information is true, shall not be deemed an incomplete registration form and shall be accepted in accordance with AS 15.07.070(i)."

Renumber the following bill sections accordingly.

Page 4, following line 18:

Insert a new bill section to read:

"* **Sec. 7.** AS 15.07.070(j) is amended to read:

(j) The division shall cooperate with the Department of Revenue under AS 43.23.101 to ensure that the permanent fund dividend application form furnished by the Department of Revenue under AS 43.23.015 allows an applicant, a person who is

designated in a power of attorney to act on behalf of an applicant, or a person acting on behalf of a physically disabled applicant to submit voter registration information required under AS 15.07.060(a)(1) - (4), [AND] (7) - (9), and (13), and an attestation that such information is true. The director may require proof of identification of the applicant, if not already in the Department of Revenue's possession, as required by regulations adopted by the director under AS 44.62 (Administrative Procedure Act)."

Renumber the following bill sections accordingly.

Page 26, following line 17:

Insert new bill sections to read:

*** Sec. 58.** AS 43.23.015(b) is amended to read:

(b) The department shall prescribe and furnish an application form for claiming a permanent fund dividend. The application must include

(1) notice of the penalties provided for under AS 43.23.270;

(2) a statement of eligibility and a certification of residency;

(3) the means for an applicant eligible to vote under AS 15.05, or a person authorized to act on behalf of the applicant, to furnish information required by AS 15.07.060(a)(1) - (4), [AND] (7) - (9), and (13), and an attestation that such information is true.

*** Sec. 59.** AS 43.23.101 is amended to read:

Sec. 43.23.101. Voter registration. The commissioner shall establish by rule a schedule by which the commissioner will provide, and shall provide as soon as is practicable the director of elections with

(1) electronic records from the permanent fund dividend applications of the information required by AS 15.07.060(a)(1) - (4), [AND] (7) - (9), and (13), and the attestation that such information is true, for each permanent fund dividend applicant who

(A) is a citizen of the United States; and

(B) is at least 18 years of age or will be within 90 days of the date of the application; and

(2) the mailing addresses for all permanent fund dividend applicants."

Renumber the following bill sections accordingly.

Page 26, line 22:
Delete "sec. 45"
Insert "sec. 47"

Page 26, line 23:
Delete "sec. 46"
Insert "sec. 48"
Delete "sec. 48"
Insert "sec. 50"

Page 26, line 24:
Delete "sec. 49"
Insert "sec. 51"

Page 26, line 25:
Delete "sec. 50"
Insert "sec. 52"

Page 26, lines 25 - 26:
Delete "secs. 45, 46, and 48 - 50"
Insert "secs. 47, 48, and 50 - 52"

Page 27, line 2:
Delete "Sections 43 and 44"
Insert "Sections 45 and 46"

Page 27, line 3:
Delete "Section 58"
Insert "Section 62"

Page 27, line 4:
Delete "secs. 59 and 60"
Insert "secs. 63 and 64"

CHAIR KREISS-TOMKINS objected.

[8:03:54 PM](#)

REPRESENTATIVE EASTMAN said the proposed amendment would allow an applicant to declare, on the voter registration, a request for a hand count of the applicant's ballot. He noted that the language itself would not require a hand count; rather, it would act as an expression of the voter's interests. He argued that Amendment 30 would provide the division and the legislature with more access to information on voter preference.

[8:04:49 PM](#)

A roll call vote was taken. Representatives Kaufman, Eastman, and Vance voted in favor of Amendment 30. Representatives Tarr, Story, Claman, and Kaufman voted against it. Therefore, Amendment 30 failed by a vote of 3-4.

[8:05:22 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 31 to HB 66, Version N, as amended, labeled, 32-LS0322\N.42, Radford/Klein, 5/10/22, which read:

Page 1, line 2, following "voting,":
Insert "voter misconduct,"

Page 1, following line 4:
Insert new bill sections to read:

"* **Section 1.** AS 12.55.035(b) is amended to read:

(b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of not more than

(1) \$500,000 for murder in the first or second degree, attempted murder in the first degree, murder of an unborn child, sexual assault in the first degree, sexual abuse of a minor in the first degree, kidnapping, sex trafficking in the first degree under AS 11.66.110(a)(2), or misconduct involving a controlled substance in the first degree;

(2) \$250,000 for a class A felony;

(3) \$100,000 for a class B felony, except as provided in (5) of this subsection;

(4) \$50,000 for a class C felony;

(5) \$25,000 for

(A) an offense under AS 15.56.040(b)(1);

(B) a class A misdemeanor;

(6) \$2,000 for a class B misdemeanor;

(7) \$500 for a violation.

* **Sec. 2.** AS 12.55.078(f) is amended to read:

(f) The court may not suspend the imposition or entry of judgment and may not defer prosecution under this section of a person who

(1) is charged with a violation of
AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320,
11.41.360 - 11.41.370, 11.41.410 - 11.41.530,

AS 11.46.400, AS 11.61.125 - 11.61.128, [OR]
AS 11.66.110 - 11.66.135, or AS 15.56.040(a)(1);

(2) uses a firearm in the commission of the offense for which the person is charged;

(3) has previously been granted a suspension of judgment under this section or a similar statute in another jurisdiction, unless the court enters written findings that by clear and convincing evidence the person's prospects for rehabilitation are high and suspending judgment under this section adequately protects the victim of the offense, if any, and the community;

(4) is charged with a violation of AS 11.41.230, 11.41.250, or a felony and the person has one or more prior convictions for a misdemeanor violation of AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a felony in this state; for the purposes of this paragraph, a person shall be considered to have a prior conviction even if

(A) the charges were dismissed under this section;

(B) the conviction has been set aside under AS 12.55.085; or

(C) the charge or conviction was dismissed or set aside under an equivalent provision of the laws of another jurisdiction; or

(5) is charged with a crime involving domestic violence, as defined in AS 18.66.990.

*** Sec. 3.** AS 12.55.085(f) is amended to read:

(f) The court may not suspend the imposition of sentence of a person who

(1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400, AS 11.61.125 - 11.61.128, [OR] AS 11.66.110 - 11.66.135, or AS 15.56.040(a)(1);

(2) uses a firearm in the commission of the offense for which the person is convicted; or

(3) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony and the person has one or more prior convictions for a misdemeanor violation of AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a felony in this state;

for the purposes of this paragraph, a person shall be considered to have a prior conviction even if that conviction has been set aside under (e) of this section or under the equivalent provision of the laws of another jurisdiction.

* **Sec. 4.** AS 12.55.090(a) is amended to read:

(a) Except as provided under (o) of this section, probation [PROBATION] may be granted whether the offense under AS 11 or AS 16 or the crime is punishable by fine or imprisonment or both. If an offense under AS 11 or AS 16 or a crime is punishable by both fine and imprisonment, the court may impose a fine and place the defendant on probation as to imprisonment. Probation may be limited to one or more counts or indictments, but, in the absence of express limitation, shall extend to the entire sentence and judgment.

* **Sec. 5.** AS 12.55.090 is amended by adding a new subsection to read:

(o) A defendant is not eligible for probation under this section if the defendant has been convicted of a crime under AS 15.56.040(a)(1).

* **Sec. 6.** AS 12.55.125(d) is amended to read:

(d) Except as provided in (i) of this section, a defendant convicted of a class B felony may be sentenced to a definite term of imprisonment of not more than 10 years, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and does not involve circumstances described in (2) or (5) of this subsection, one to three years; a defendant sentenced under this paragraph may, if the court finds it appropriate, be granted a suspended imposition of sentence under AS 12.55.085 if, as a condition of probation under AS 12.55.086, the defendant is required to serve an active term of imprisonment within the range specified in this paragraph, unless the court finds that a mitigation factor under AS 12.55.155 applies;

(2) if the offense is a first felony conviction,

(A) the defendant violated AS 11.41.130, and the victim was a child under 16 years of age, two to four years;

(B) two to four years if the conviction is for attempt, solicitation, or conspiracy to manufacture related to methamphetamine under AS 11.31 and AS 11.71.021(a)(2)(A) or (B), and

(i) the attempted manufacturing occurred, or the solicited or conspired offense was to have occurred, in a building with reckless disregard that the building was used as a permanent or temporary home or place of lodging for one or more children under 18 years of age or the building was a place frequented by children; or

(ii) in the course of an attempt to manufacture, the defendant obtained the assistance of one or more children under 18 years of age or one or more children were present;

(3) if the offense is a second felony conviction, three to seven years;

(4) if the offense is a third felony conviction, six to 10 years;

(5) if the offense is a felony conviction under AS 15.56.040(b)(1), two to four years.

* Sec. 7. AS 12.55.127(c) is amended to read:

(c) If the defendant is being sentenced for

(1) escape, the term of imprisonment shall be consecutive to the term for the underlying crime;

(2) two or more crimes under AS 11.41, a consecutive term of imprisonment shall be imposed for at least

(A) the mandatory minimum term under AS 12.55.125(a) for each additional crime that is murder in the first degree;

(B) the mandatory minimum term for each additional crime that is an unclassified felony governed by AS 12.55.125(b);

(C) the presumptive term specified in AS 12.55.125(c) or the active term of imprisonment, whichever is less, for each additional crime that is

(i) manslaughter; or

(ii) kidnapping that is a class A felony;

(D) two years or the active term of imprisonment, whichever is less, for each additional crime that is criminally negligent homicide;

(E) one-fourth of the presumptive term under AS 12.55.125(c) or (i) for each additional crime that is sexual assault in the first degree under AS 11.41.410 or sexual abuse of a minor in the first degree under AS 11.41.434, or an attempt,

solicitation, or conspiracy to commit those offenses;
and

(F) some additional term of imprisonment for each additional crime, or each additional attempt or solicitation to commit the offense, under AS 11.41.200 - 11.41.250, 11.41.420 - 11.41.432, 11.41.436 - 11.41.458, or 11.41.500 - 11.41.520;

(3) voter misconduct in the first degree under AS 15.56.040(b)(1), the term of imprisonment shall be consecutive to the term for each additional crime."

Page 1, line 5:

Delete "Section 1"

Insert "Sec. 8"

Renumber the following bill sections accordingly.

Page 23, following line 25:

Insert a new bill section to read:

"* **Sec. 55.** AS 15.56.040(b) is amended to read:

(b) Voter misconduct in the first degree

(1) is a class B felony if the person violates (a)(1) of this section;

(2) is a class C felony if the person violates (a)(2), (3), or (4) of this section."

Renumber the following bill sections accordingly.

Page 26, following line 17:

Insert new bill sections to read:

"* **Sec. 64.** AS 33.16.010(g) is amended to read:

(g) A prisoner is not eligible for mandatory parole if the prisoner has been convicted of a crime under AS 11.41.100, [OR] 11.41.110, **or AS 15.56.040(a)(1).**

* **Sec. 65.** AS 33.16.090(a) is amended to read:

(a) A prisoner sentenced to an active term of imprisonment of at least 181 days may, in the discretion of the board, be released on discretionary parole if the prisoner

(1) has served the amount of time specified under (b) of this section, except that

(A) a prisoner sentenced to one or more mandatory 99-year terms under AS 12.55.125(a), [OR] one or more definite terms under AS 12.55.125(1), **or**

under AS 15.56.040 (b) (1) is not eligible for consideration for discretionary parole;

(B) a prisoner is not eligible for consideration of discretionary parole if made ineligible by order of a court under AS 12.55.115;

(C) a prisoner imprisoned under AS 12.55.086 is not eligible for discretionary parole unless the actual term of imprisonment is more than one year;

(D) a prisoner sentenced to a single sentence within or below a presumptive range set out in AS 12.55.125(c), (d)(2) - (4), (e)(3) and (4), or (i) who has not been allowed by the three-judge panel under AS 12.55.175 to be considered for discretionary parole release is not eligible for consideration of discretionary parole;

(E) a prisoner sentenced to a single sentence, including a consecutive or partially consecutive sentence, that is not eligible for a good time deduction under AS 33.20.010(a)(3) and that has not been allowed by the three-judge panel under AS 12.55.175 to be considered for discretionary parole release is not eligible for consideration of discretionary parole; or

(2) is at least 60 years of age, has served at least 10 years of a sentence for one or more crimes in a single judgment, and has not been convicted of an unclassified felony or a sexual felony as defined in AS 12.55.185.

* **Sec. 66.** AS 33.20.010(a) is amended to read:

(a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner convicted of an offense against the state or a political subdivision of the state and sentenced to a term of imprisonment that exceeds three days is entitled to a deduction of one-third of the term of imprisonment rounded off to the nearest day if the prisoner follows the rules of the correctional facility in which the prisoner is confined. A prisoner is not eligible for a good time deduction if the prisoner has been sentenced

(1) to a mandatory 99-year term of imprisonment under AS 12.55.125(a) after June 27, 1996;

(2) to a definite term under AS 12.55.125(1);

(3) for a sexual felony under AS 12.55.125(i)

(A) and has one or more prior sexual felony convictions as determined under AS 12.55.145(a)(4); or

(B) that is an unclassified or a class A felony; [OR]

(4) for an unclassified felony under AS 11.41.100 or 11.41.110; or

(5) for an offense under AS 15.56.040(b)(1)."

Renumber the following bill sections accordingly.

Page 26, line 22:

Following "APPLICABILITY.":

Insert "AS 12.55.035(b), as amended by sec. 1 of this Act, AS 12.55.078(f), as amended by sec. 2 of this Act, AS 12.55.085(f), as amended by sec. 3 of this Act, AS 12.55.090(a), as amended by sec. 4 of this Act, AS 12.55.090(o), enacted by sec. 5 of this Act, AS 12.55.125(d), as amended by sec. 6 of this Act, AS 12.55.127(c), as amended by sec. 7 of this Act,"

Delete "sec. 45"

Insert "sec. 52"

Page 26, line 23:

Delete "sec. 46"

Insert "sec. 53"

Following "Act,":

Insert "AS 15.56.040(b), as amended by sec. 55 of this Act,"

Delete "sec. 48"

Insert "sec. 56"

Page 26, line 24:

Delete "sec. 49"

Insert "sec. 57"

Page 26, line 25:

Delete "sec. 50"

Insert "sec. 58"

Page 26, lines 25 - 26:

Delete "secs. 45, 46, and 48 - 50"

Insert "secs. 1 - 7, 52, 53, and 55 - 58"

Page 27, line 2:

Delete "Sections 43 and 44"

Insert "Sections 50 and 51"

Page 27, line 3:

Delete "Section 58"

Insert "Section 69"

Page 27, line 4:

Delete "secs. 59 and 60"

Insert "secs. 70 and 71"

CHAIR KREISS-TOMKINS objected.

[8:05:28 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 31 would increase the penalty for knowingly attempting to vote another person's ballot. The fine for said crime would be up to \$100,000, he said, and the offender could be convicted of a Class B felony. Further, the proposed amendment would deny the offender discretionary probation.

[8:06:36 PM](#)

REPRESENTATIVE KAUFMAN inquired about the varying levels of felony offenses.

MR. FLYNN offered to follow up with the requested information after conferring with DOL's Criminal Division.

CHAIR KREISS-TOMKINS maintained his objection.

[8:08:07 PM](#)

REPRESENTATIVE EASTMAN directed attention to the sentencing windows on page 4 of the proposed amendment. He reported that the presumptive window is two to four years for the offense outlined in Amendment 31.

[8:09:09 PM](#)

A roll call vote was taken. Representatives Vance and Eastman voted in favor of Amendment 31. Representatives Kaufman, Tarr, Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 31 failed by a vote of 2-5.

[8:09:43 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 32 to HB 66, Version N, as amended, labeled, 32-LS0322\N.43, Foote/Klein, 5/9/22, which read:

Page 7, following line 26:

Insert a new bill section to read:

"* **Sec. 15.** AS 15.15.032(c) is amended to read:

(c) The director shall provide for a paper record of each electronically generated ballot that can be

(1) reviewed and corrected by the voter at the time the vote is cast; [AND]

(2) used for a recount of the votes cast at an election in which electronically generated ballots were used;

(3) used as the official ballot for a vote count in a hand-count district."

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"

CHAIR KREISS-TOMKINS objected.

8:09:49 PM

REPRESENTATIVE EASTMAN conveyed that Amendment 32 would add clarifying language so the paper record of each electronically generated ballot would be used as the official ballot for a vote count in a hand-count district.

8:10:42 PM

REPRESENTATIVE KAUFMAN asked whether ballots were currently electronically generated.

REPRESENTATIVE TUCK responded in the negative. He added that currently, the only electronically generated ballots are those printed off the internet and mailed in.

REPRESENTATIVE KAUFMAN questioned concerns of having electronically generated ballots.

REPRESENTATIVE TUCK expressed concern about the security of printed and scanned ballots.

REPRESENTATIVE KAUFMAN directed the same question to the maker of Amendment 32.

REPRESENTATIVE EASTMAN responded that the amendment would clarify that electronically generated paper ballots would be treated the same as paper ballots.

8:14:49 PM

REPRESENTATIVE TARR sought to confirm that this provision was not flagged for consideration by the sponsor of the companion bill in the Senate or by the governor in his proposed legislation.

CHAIR KREISS-TOMKINS confirmed that the provision in question is not a cause for concern.

8:15:29 PM

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of Amendment 32. Representatives Claman, Tarr, Story, and Kreiss-Tomkins voted against it. Therefore, Amendment 32 failed by a vote of 3-4.

8:16:00 PM

REPRESENTATIVE EASTMAN moved to adopt Amendment 33 to HB 66, Version N, as amended, labeled, 32-LS0322\N.44, Foote/Klein, 5/9/22, which read:

Page 10, following line 14:

Insert a new bill section to read:

"* **Sec. 21.** AS 15.15.470 is amended to read:

Sec. 15.15.470. Preservation of election ballots, papers, and materials. The director shall preserve all precinct election certificates, tallies, and registers for four years after the election. All ballots, images of scanned ballots, and stubs for elections shall be retained for four years [OTHER THAN NATIONAL ELECTIONS MAY BE DESTROYED 30 DAYS] after the certification of the state ballot counting review unless an application for recount has been filed and not completed, or unless their destruction is stayed by an order of the court. All ballots for national elections shall be retained for four years [MAY BE DESTROYED IN ACCORDANCE WITH FEDERAL LAW]. The director may permit the inspection of election materials upon call by the Congress, the state legislature, or a court of competent jurisdiction."

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"

CHAIR KREISS-TOMKINS objected.

[8:16:04 PM](#)

REPRESENTATIVE EASTMAN said Amendment 33 would ensure that all records, including images and ballots, be maintained by the division for at least four years, after which they could be disposed of.

REPRESENTATIVE TARR inquired about the implications of maintaining all ballots for four years.

[8:16:51 PM](#)

MS. FENUMIAI responded that it would increase the cost of storage at state archives, and it would require a change in the records retention schedule. She pointed out that all paper ballots are stored in the archives according to DOE's record retention schedule; therefore, maintaining images of the scanned ballots would be a duplicative effort. In response to a follow-up question, she stated that on occasion, ballots were utilized in legal challenges and presented to the court upon request.

REPRESENTATIVE TARR asked whether this scenario would be prior to certification. She sought to confirm that once certified, the results of the election could not be challenged.

MS. FENUMIAI stated that existing procedures are in place for filing an election contest, which would occur after certification. She expounded that federal law requires a ballot retention schedule of 22 months - the standard under which DOE operates.

CHAIR KREISS-TOMKINS maintained his objection. He opined that the digital maintenance of records proposed in Amendment 33 would be onerous.

[8:19:38 PM](#)

REPRESENTATIVE EASTMAN referenced the allegations against a former member of the legislature for election fraud during the 2014 election. He argued that the retention of records would be worthwhile to reassure the public that the information remains available.

[8:21:31 PM](#)

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of Amendment 33. Representatives Story, Claman, Tarr, and Kreiss-Tomkins voted against it. Therefore, Amendment 33 failed by a vote of 3-4.

[8:22:07 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 34 to HB 66, Version N, as amended, labeled, 32-LS0322\N.45, Foote/Klein, 5/9/22, which read:

Page 10, following line 14:

Insert a new bill section to read:

"* **Sec. 21.** AS 15.15.480 is amended to read:

Sec. 15.15.480. Security of ballots. All official ballots and scanned images of ballots in the possession of election officials, whether voted or not voted, shall be kept in a secure manner until destroyed in accordance with law. The director shall provide for the security of ballots during transportation and storage under AS 44.62 (Administrative Procedure Act)."

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"

CHAIR KREISS-TOMKINS objected.

[8:22 :12 PM](#)

REPRESENTATIVE EASTMAN stated that Amendment 34 would direct the division to retain all scanned images of ballots in its possession.

[8:22:42 PM](#)

REPRESENTATIVE EASTMAN, in response to a question from Representative Vance, reiterated that under current statute, all official ballots are securely maintained in state archives; however, he shared the understanding that it is not current practice to store the scanned images of ballots. He posited that scanned images would become increasingly more important in the future.

REPRESENTATIVE VANCE inquired about the current practice for images of scanned ballots.

MS. FENUMIAI said currently, the scanned images were not stored or utilized by the division. In response to a follow-up question, she explained that ballots are scanned, and the scanned images are stored; however, the scanned images are not the official ballot of record. The paper ballots are the official ballot of record, she said.

[8:25:11 PM](#)

REPRESENTATIVE VANCE asked whether law enforcement ever needed to look at ballots and whether the scanned ballot images would be evidence.

REPRESENTATIVE EASTMAN expressed the understanding that a determination would be up to the judge in each case.

CHAIR KREISS-TOMKINS maintained his objection.

[8:26:29 PM](#)

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of Amendment 34. Representatives Tarr, Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 34 failed by a vote of 3-4.

[8:27:01 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 35 to HB 66, Version N, as amended, labeled, 32-LS0322\N.47, Foote/Klein, 5/9/22, which read:

Page 7, following line 20:

Insert a new bill section to read:

"* **Sec. 14.** AS 15.10.170 is amended by adding new subsections to read:

(c) Immediately after voting ends, a watcher at a precinct or counting center may request that the precinct election board hand count precinct ballots for a candidate, initiative, referendum, or recall. The board shall allow the watcher to observe the hand count. The board shall transmit the result of the hand count to the director if the hand count provides different vote totals than the precinct ballot counting voting machine or precinct tabulator.

(d) The division shall adopt a watcher handbook that includes methods for documenting misconduct by election officials. The division shall publish the handbook on the division's public Internet website not later than 180 days before a general election.

(e) In this section, "counting center" includes a location at which the division counts early, questioned, or absentee ballots."

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"

CHAIR KREISS-TOMKINS objected.

[8:27:06 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 35 would allow a watcher at a precinct or counting center to request that the precinct election board hand count precinct ballots for a candidate, initiative, referendum, or recall. The watcher would also be allowed to observe the hand count.

CHAIR KREISS-TOMKINS maintained his objection.

[8:28:09 PM](#)

REPRESENTATIVE EASTMAN directed attention to Subsection (d) of the proposed amendment. This would require DOE to adopt a watcher handbook for outlined methods for documenting misconduct by election officials.

[8:28:39 PM](#)

A roll call vote was taken. Representatives Eastman, Vance, and Kaufman voted in favor of Amendment 35. Representatives Tarr, Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 35 failed by a vote of 3-4.

[8:29:12 PM](#)

REPRESENTATIVE VANCE moved to adopt Amendment 36 to HB 66, Version N, as amended, labeled, 32-LS0322\N.48, Klein, 5/5/22, which read:

Page 6, line 28, following "place":
Insert "and on the division's Internet website"

CHAIR KREISS-TOMKINS objected.

[8:29:16 PM](#)

REPRESENTATIVE VANCE stated that the proposed amendment would insert "and on the division's Internet website" on page 6, line 28, following the word "place".

CHAIR KREISS-TOMKINS asked Ms. Fenumiai to comment on Amendment 36.

MS. FENUMIAI shared her understanding that the instructions for cancellation are already posted on DOE's website; nonetheless, the task would not be difficult to accomplish.

CHAIR KREISS-TOMKINS removed his objection. There being no further objection, Amendment 36 was adopted.

[8:30:25 PM](#)

CHAIR KREISS-TOMKINS moved to take from the table Amendment 5 to HB 66, Version N, as amended, labeled, 32-LS0322\N.5, Klein, 5/6/22, which read:

Page 10, line 20, through page 11, line 3:

Delete all material and insert:

*** Sec. 22.** AS 15.20.030 is amended to read:

Sec. 15.20.030. Preparation of ballots, envelopes, and other material. The director shall provide ballots for use as absentee ballots in all districts. The director shall provide a secrecy sleeve in which the voter shall initially place the marked ballot, and shall provide a postage-paid return [AN] envelope with the prescribed voter's certificate on it, in which the secrecy sleeve with ballot enclosed shall be placed. The director shall prescribe the form of and prepare the voter's certificate, envelopes, and other material used in absentee voting. The voter's certificate shall include a declaration, for use when required, that the voter is a qualified voter in all respects and [,] a blank for the voter's signature. An envelope may not identify a voter's party affiliation [, A CERTIFICATION THAT THE AFFIANT PROPERLY EXECUTED THE MARKING OF THE BALLOT AND GAVE THE VOTER'S IDENTITY, BLANKS FOR THE ATTESTING OFFICIAL OR WITNESS, AND A PLACE FOR RECORDING THE DATE THE ENVELOPE WAS SEALED AND WITNESSED]. The envelope with the voter's certificate must include a notice that false statements made by the voter [OR BY THE ATTESTING OFFICIAL OR WITNESS] on the certificate are punishable by law."

Page 12, following line 18:

Insert a new bill section to read:

"* **Sec. 28.** AS 15.20.061(c) is amended to read:

(c) On receipt of an absentee ballot in person, the voter shall proceed to mark the ballot in secret, to place the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided, and to sign the voter's certificate on the envelope in the presence of an [THE] election official [WHO SHALL SIGN AS ATTESTING OFFICIAL AND DATE THAT SIGNATURE]. The election official shall then accept the ballot."

Renumber the following bill sections accordingly.

Page 13, following line 16:

Insert a new bill section to read:

"* **Sec. 33.** AS 15.20.072(d) is amended to read:

(d) The representative shall deliver the special needs ballot and other voting materials to the voter as soon as practicable. The voter shall mark the ballot in secret, place the ballot in the secrecy sleeve, and place the secrecy sleeve in the envelope provided. The voter shall provide the information on the envelope that would be required for absentee voting if the voter voted in person. The voter shall sign the voter's certificate in the presence of the representative. The representative shall sign the voter's certificate in a place designated on the certificate [AS ATTESTING OFFICIAL] and date the voter's signature."

Renumber the following bill sections accordingly.

Page 26, line 18:

Delete "AS 15.20.203(i)"

Insert "AS 15.20.160, 15.20.203(i)"

Page 26, line 22:

Delete "sec. 45"

Insert "sec. 47"

Page 26, line 23:

Delete "sec. 46"

Insert "sec. 48"

Delete "sec. 48"

Insert "sec. 50"

Page 26, line 24:
Delete "sec. 49"
Insert "sec. 51"

Page 26, line 25:
Delete "sec. 50"
Insert "sec. 52"

Page 26, lines 25 - 26:
Delete "secs. 45, 46, and 48 - 50"
Insert "secs. 47, 48, and 50 - 52"

Page 27, line 2:
Delete "Sections 43 and 44"
Insert "Sections 45 and 46"

Page 27, line 3:
Delete "Section 58"
Insert "Section 60"

Page 27, line 4:
Delete "secs. 59 and 60"
Insert "secs. 61 and 62"

There being no objection, Amendment 5 was before the committee.

[The committee treated the amendment as though an objection had been made for the purpose of discussion.]

[8:31:34 PM](#)

MR. STEPP reviewed Amendment 5, noting that the original intent was to delete stray references to the "attesting official" or "witness" requirements. He stated that this was lingering language reflecting the witness notarization requirement replaced by "signature matching." He stated that keeping this language on the envelope would likely confuse voters; additionally, the use of intelligent mail barcodes would make dating the envelope unnecessary. He explained that a conceptual amendment has been drafted in response to Ms. Fenumiai's earlier comments about the absentee in-person ballots and absentee ballots.

[8:32:42 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Conceptual Amendment 1 to Amendment 5, which read as follows [original punctuation provided]:

Delete page 1, line 21 to page 3, line 29 of the amendment.

In light of Director Fenumiai's explanation that different envelopes are used for mail absentee, in-person absentee, and questioned ballots, this conceptual amendment avoids any changes to the in-person absentee and questioned ballot envelopes, and instead simply deletes information on the mail absentee envelope that has been rendered extraneous by other portions of the bill. Specifically, it deletes references to the attesting official and a place for the attesting official to date the envelope. Since there is no longer a need for an attesting official for mail ballot envelopes, leaving this language on the envelope would only confuse voters.

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[8:33:14 PM](#)

MR. STEPP stated that, concerning Ms. Fenumiai's explanation that different envelopes are used for absentee by-mail ballots, in-person absentee ballots, and question ballots, the proposed conceptual amendment would not make changes to the absentee and question envelopes. Instead, Conceptual Amendment 1 would delete information on the absentee mail-in envelope which would be rendered extraneous by other portions of the bill. He specified that references to the attesting official and the space for the attesting official to date the envelope would be deleted.

[8:34:23 PM](#)

REPRESENTATIVE EASTMAN questioned whether PII used to verify a voter's identity currently is placed on the exterior envelope.

MS. FENUMIAI answered yes; however, it is protected by a flap covering PII.

REPRESENTATIVE EASTMAN suggested that Conceptual Amendment 1 would limit the ability of voters to identify their party affiliation on the envelope's exterior under the protective

flap. He asked whether envelopes have ever been used to update voter registration information in any way.

MS. FENUMIAI clarified that Representative Eastman was referring to the absentee by-mail envelope, which is not used for any purpose related to voter registration.

[8:38:12 PM](#)

REPRESENTATIVE EASTMAN withdrew his objection to Conceptual Amendment 1 to Amendment 5. There being no further objection, Conceptual Amendment 1 to Amendment 5 was adopted.

REPRESENTATIVE EASTMAN withdrew his objection to Amendment 5, as conceptually amended. There being no further objection, Amendment 5, as conceptually amended, was adopted.

[8:39:04 PM](#)

CHAIR KREISS-TOMKINS moved to take from the table Amendment 10 to HB 66, Version N, as amended, labeled, 32-LS0322\N.14, Klein, 5/8/22, which read:

Page 16, lines 4 - 5:

Delete all material and insert:

"(3) THE BALLOT IS NOT ATTESTED ON OR BEFORE THE DATE OF THE ELECTION;"

Page 16, line 6:

Delete "(3) [(4)]"

Insert "(4)]"

Page 16, line 12:

Delete "(4)"

Insert "(3)"

Page 16, line 14:

Delete "(5)"

Insert "(4)"

Page 17, line 9:

Delete "(6)"

Insert "(5)"

Page 17, line 10, following "records":

Insert "or the voter does not have a signature stored in voter registration records"

Page 18, lines 16 - 19:

Delete "because the voter does not have a signature stored in voter registration records, the certificate is missing a signature, the signature on the certificate is determined under AS 15.20.203 to not match the signature in voter registration records, or the voter provided insufficient voter identification,"

Insert "under AS 15.20.203(b) (1), (4), or (5)"

There being no objection, Amendment 10 was before the committee.

[The committee treated the amendment as though an objection had been made for the purpose of discussion.]

[8:39:28 PM](#)

The committee took a brief at-ease.

[8:39:43 PM](#)

CHAIR KREISS-TOMKINS moved to retable Amendment 10. There being no objection, Amendment 10 was re-tabled.

CHAIR KREISS-TOMKINS moved to [take from the table] Amendment 19 to HB 66, Version N, as amended, labeled, 32-LS0322\N.25, Klein, 5/7/22, which read:

Page 16, lines 4 - 5:

Delete all material and insert:

"(3) THE BALLOT IS NOT ATTESTED ON OR BEFORE THE DATE OF THE ELECTION;"

Page 16, line 6:

Delete "(3) ["

Page 16, line 12:

Delete "(4)"

Insert "(3)"

Page 16, line 14:

Delete "(5)"

Insert "(4)"

Page 17, line 9:

Delete "(6)"

Insert "(5)"

REPRESENTATIVE EASTMAN objected.

8:40:2 1 PM

MR. STEPP noted that Amendment 19 is similar to Amendment 10. He explained that Amendment 19 would delete the language on page 16, lines 4-5 of Version N, which states, "THE BALLOT IS NOT ATTESTED ON OR BEFORE THE DATE OF THE ELECTION;". The purpose, he said, would be to avoid by-mail ballots being rejected because of a blank date or a misdated certificate. He reiterated that intelligent-mail barcodes would negate the necessity of the signature date. He added that unsigned ballots would still be rejected under AS 15.20.203(b)(1) [Section 37 of Version N].

8:42:10 PM

CHAIR KREISS-TOMKINS moved to adopt Conceptual Amendment 1 to Amendment 19.

REPRESENTATIVE EASTMAN objected.

8:42:44 PM

MR. STEPP shared that Conceptual Amendment 1 to Amendment 19 would delete page 16, lines 4-5 of Version N and renumber the section accordingly. Additionally, the proposed conceptual amendment would replace the text on page 16, line 8 [subparagraph (A)] with "(A) is postmarked after the date of the election;" and replace the existing text on page 16, lines 9-11, with [subparagraphs] (B) and (C). Mr. Stepp referred to a hard copy of Conceptual Amendment 1, which was distributed to the committee members. He stated that the proposed conceptual amendment provides that by-mail ballot envelopes would be rejected if any one of the following is true: the postmark is after the date of the election; the intelligent-mail barcode indicates mailing after the date of the election; or the ballot certificate is signed after the date of the election.

REPRESENTATIVE EASTMAN asked whether currently there is a certain window of time in which ballots can be received.

MR. STEPP deferred to Ms. Fenumiai.

MS. FENUMIAI conveyed that mail ballots postmarked on or before the primary election date are to be received by the close of business on the tenth day after the election. She explained that ballots postmarked within the U.S. have a 10-day window, whereas ballots postmarked outside the U.S. are allotted 15 days.

REPRESENTATIVE EASTMAN questioned whether this would pose a legal challenge.

[8:46:24 PM](#)

MR. FLYNN answered no, the requirements would remain intact.

REPRESENTATIVE EASTMAN inquired about the impact of deleting [page 16, lines 4-5] and renumbering the section accordingly.

MR. STEPP, directing attention to Section 37 of Version N, reiterated that the language on page 16, lines 4-5 would be deleted. Additionally, if Conceptual Amendment 1 to Amendment 19 were to pass, the text on page 16, lines 8-11, would be replaced with the following subparagraphs: "(A) is postmarked after the date of the election; (B) the United States Postal Service tracking barcode verifies that the ballot was mailed after the date of the election; or (C) the certificate is signed after the date of the election;".

[8:49:04 PM](#)

REPRESENTATIVE EASTMAN pointed out that the language in subparagraphs (A) and (B) would be changed from a negative to a positive connotation. He asked whether the effect would be ultimately the same.

MR. STEPP expressed the understanding that it would have the same effect.

REPRESENTATIVE EASTMAN asked why the language would be amended if there is no effect. Additionally, he questioned the reason for changing the negative verbiage if the same intent is maintained with the positive verbiage.

MR. STEPP explained that, after speaking with Mr. Flynn, it was determined to add subparagraph (C), "the certificate is signed after the date of the election;", for the sake of statutory consistency, because subparagraphs (A) and (B) were written with positive phrases.

[8:51:12 PM](#)

MR. STEPP, in response to a follow-up question, stated that under current law, if a ballot arrives without the barcode, it would not be counted; however, subparagraph (C) [in Conceptual Amendment 1 to Amendment 19] would add the practice of signing the certificate, and this would be another layer of defense against the ballot being discarded.

REPRESENTATIVE EASTMAN questioned whether the by-mail ballot would be counted without a signed date or tracking barcode. He posed a scenario in which the ballot was signed before the date of the election, but it arrived without a tracking barcode. He asked whether this ballot would be counted by the division. Additionally, he inquired about a ballot signed on the date of the election.

MR. STEPP deferred to Mr. Flynn.

[8:54:31 PM](#)

MR. FLYNN clarified that under current law, the witness dates the certificate, as opposed to the voter. He stated that this has been useful on occasions when the postmark was in error. He noted that the proposed language in subparagraph (C) of Conceptual Amendment 1 to Amendment 19 would not clarify who would be signing the certificate. He speculated that the elimination of the witness requirement would entail the elimination of the date on the certificate, as voters are not responsible for dating the certificate. He deferred to Ms. Fenumiai.

MS. FENUMIAI confirmed that the voter is not required to date the certificate; therefore, removing the witness requirement would remove the date requirement, unless new language is added requiring the signatures be dated.

[8:56:30 PM](#)

REPRESENTATIVE EASTMAN [moved to adopt] Conceptual Amendment 1 [to Conceptual Amendment 1 to Amendment 19] that would allow voters to sign and date the certificate in case the barcode was interfered with or damaged.

MR. STEPP deferred to Ms. Fenumiai.

[8:57:47 PM](#)

MS. FENUMIAI stated that currently, there is no statutory requirement for the voter to date the signature. She acknowledged that, to be deemed eligible for the count, a ballot with an unreadable barcode would need the voter's signature on or before the date of the election.

CHAIR KREISS-TOMKINS said he considered the proposed Conceptual Amendment 1 to Conceptual Amendment 1 to Amendment 19 as a friendly amendment. There being no objection, the proposed Conceptual Amendment 1 to Conceptual Amendment 1 to Amendment 19 was adopted. He provided Legislative Legal Services with the authority to make any necessary conforming changes.

[8:59:47 PM](#)

REPRESENTATIVE KAUFMAN highlighted an inconsistency. He pointed out that Version N, on page 16, line 8, covered the absence of a postmark; however, as amended, the new language would not address the absence of a postmark. He questioned whether the revision presented a risk.

MR. STEPP shared his understanding that the proposed language would allow for the absence of a postmark, and he asked whether this was the concern.

REPRESENTATIVE KAUFMAN reiterated that the absence of a postmark was not addressed in the proposed amendment.

REPRESENTATIVE TARR suggested directing the question to Mr. Flynn to avoid inadvertently excluding a non-postmarked ballot with the new language.

[9:04:07 PM](#)

MR. FLYNN agreed with Representative Kaufman. He stated that changing the language from a negative to a positive would not capture the absence of a postmark.

REPRESENTATIVE KAUFMAN suggested that the new language would allow for ballots to be counted which had not gone through the postal system, as a postmark would no longer be a primary indicator of validity.

MR. STEPP shared his understanding that it is customary for some ballots to be without a postmark. He asked whether that was accurate.

MS. FENUMIAI confirmed that some ballots are not postmarked. In these cases, the date provided by the witness is relied upon to determine whether the ballot was voted on or before the date of the election. She added that if the ballot was voted on or before the date of the election and received within the statutory guidelines, the ballot would be deemed eligible.

[9:06:29 PM](#)

REPRESENTATIVE KAUFMAN asked whether there was any risk associated with the proposed language.

MS. FENUMIAI contended that a ballot should never be counted if it was postmarked after the date of the election.

[9:07:31 PM](#)

REPRESENTATIVE VANCE moved to adopt Conceptual Amendment 2 to Conceptual Amendment 1, as conceptually amended, to Amendment 19, such that "or" would be added after "election" on [page 26], line 8.

MR. STEPP suggested that "or" should be placed after subparagraph (B), which would infer the same meaning; nonetheless, he deferred to the will of the committee.

REPRESENTATIVE VANCE explained that the proposed conceptual amendment would be consistent with the language in Version N.

CHAIR KREISS-TOMKINS announced that, there being no objection, Conceptual Amendment 2 to Conceptual Amendment 1, as conceptually amended, was adopted.

[9:11:08 PM](#)

REPRESENTATIVE TARR proposed Conceptual Amendment 3 to Conceptual Amendment 1, as conceptually amended, to Amendment 19, such that "or has no postmark" would be added after the language "postmarked after the date of election."

REPRESENTATIVE KAUFMAN suggested alternative language, such that "is missing a postmark" would be added before "or postmarked after the date of election."

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[9:13:22 PM](#)

The committee took an at-ease from 9:13 p.m. to 9:15 p.m.

[9:15:18 PM](#)

CHAIR KREISS-TOMKINS moved to [retable] Amendment 19. There being no objection, Amendment 19 was [retabled].

REPRESENTATIVE VANCE moved to adopt Amendment 37 to HB 66, Version N, as amended, labeled, 32-LS0322\N.49, Klein, 5/8/22, which read:

Page 19, line 26, following "that":

Insert ", because of an inability to hire election workers,"

CHAIR KREISS-TOMKINS objected.

[9:17:15 PM](#)

REPRESENTATIVE VANCE explained that Amendment 37 would insert "because of an inability to hire election workers" on page 19, line 26, following the word "that".

CHAIR KREISS-TOMKINS removed his objection. There being no further objection, Amendment 37 was adopted.

[9:20:20 PM](#)

REPRESENTATIVE VANCE moved to adopt Amendment 38 to HB 66, Version N, as amended, labeled, 32-LS0332\N.50, Klein, 5/7/22, which read:

Page 20, line 18:

Delete "**voting machines**"

Insert "tabulators [VOTING MACHINES]"

Page 20, line 19:

Delete "voting machine"

Insert "tabulator [VOTING MACHINE]"

Page 20, line 21, following "A":

Insert "tabulator"

Page 20, line 26:

Delete "]" voting machine"

Insert "VOTING MACHINE]"

CHAIR KREISS-TOMKINS objected.

[9:20:25 PM](#)

REPRESENTATIVE VANCE explained that Amendment 38 would replace "voting machines" with "tabulators" for the public's clarification.

[9:21:08 PM](#)

REPRESENTATIVE EASTMAN suspected that "voting machines" could be interpreted differently by different people.

REPRESENTATIVE TARR inquired about any inadvertent implications of the proposed language change.

MS. FENUMIAI pointed out that the terminology, "precinct tabulators", is defined under AS 15.20.010. She expressed the opinion that the proposed language is not problematic.

MR. FLYNN concurred.

CHAIR KREISS-TOMKINS maintained his objection.

REPRESENTATIVE VANCE opined that the proposed language would be helpful for the public's understanding.

[9:24:54 PM](#)

A roll call vote was taken. Representatives Kaufman, Eastman and Vance voted in favor of Amendment 38. Representatives Tarr, Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 38 failed by a vote of 3-4.

[9:25:23 PM](#)

REPRESENTATIVE VANCE moved to adopt Amendment 39 to HB 66, Version N, as amended, labeled, 32-LS0322\N.51, Klein, 5/10/22, which read:

Page 22, line 30:

Delete "or"

Page 23, line 15, following "ballot":

Insert "; or

(9) votes a ballot, other than a substitute ballot provided by an election board under AS 15.15.140(a), that the person knows is not an official ballot"

CHAIR KREISS-TOMKINS objected.

[9:25:28 PM](#)

REPRESENTATIVE VANCE explained that Amendment 39 would add the language, "; or (9) votes a ballot, other than a substitute ballot provided by an election board under AS 15.15.140(a), that the person knows is not an official ballot" to page 23, line 15.

REPRESENTATIVE VANCE, in response to a question from Representative Eastman, said the proposed amendment would be an attempt to clarify the unlawfulness of fraudulently voting an unofficial ballot.

[The committee treated the objection as if it was maintained.]

[9:27:38 PM](#)

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of Amendment 39. Representatives Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 39 failed by a vote of 3-3.

REPRESENTATIVE VANCE moved to adopt Amendment 40 to HB 66, Version N, as amended, labeled, 32-LS0322\N.52, Klein, 5/9/22, which read:

Page 25, line 17, following "shall":

Insert "(1)"

Page 25, line 18, following "integrity":

Insert "; and

(2) notify each voter affected by the cyber attack or data breach

(A) within 30 days; or

(B) if a statewide election will occur in less than 30 days, not less than 10 days before the election"

CHAIR KREISS-TOMKINS objected.

[9:28:15 PM](#)

REPRESENTATIVE VANCE conveyed that Amendment 40 would require the division to notify each voter affected by a cyber attack or data breach within 30 days or no less than 10 days before the election.

[9:29:32 PM](#)

REPRESENTATIVE STORY inquired about the feasibility and cost of the proposed amendment.

MS. FENUMIAI expressed doubt about the practicality of the timeline, as it takes time to identify the extent of a data breach. She confirmed that there would be an associated cost; however, she was unable to identify it at this time.

[9:30:32 PM](#)

REPRESENTATIVE VANCE explained that the intent of Amendment 40 would be to start the notification process sooner in the event of a cyber attack.

[The committee treated the objection as if it was maintained.]

[9:31:48 PM](#)

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of Amendment 40. Representatives Claman, Tarr, Story, and Kreiss-Tomkins voted against it. Therefore, Amendment 40 failed by a vote of 3-4.

[9:32:19 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 41 to HB 66, Version N, as amended, labeled, 32-LS0322\N.54, Klein, 5/9/23, which read:

Page 7, line 23:

Delete "electronic ballot,"
Insert "electronically generated ballot, be
printed on proprietary security paper and"

CHAIR KREISS-TOMKINS objected.

[9:32:25 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 41 would add clarifying language on page 7, line 23 of Version N. The amendment would replace "electronic ballot" with "electronically generated ballot, be printed on proprietary security paper and".

REPRESENTATIVE EASTMAN noted that various types of security paper are available to the state at a reduced cost.

[The committee treated the objection as if it was maintained.]

[9:34:46 PM](#)

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of Amendment 41. Representatives Story, Tarr, and Kreiss-Tomkins voted against it. Therefore, Amendment 41 failed by a vote of 3-3.

[9:35:18 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 42 to HB 66, Version N, as amended, labeled, 32-LS0322\N.55, Klein, 5/10/22, which read:

Page 8, line 22:
Delete "a new subsection"
Insert "new subsections"

Page 8, following line 28:
Insert a new subsection to read:
"(g) The division shall use a video recording device to record while ballots are being cast or votes are being counted at a precinct, counting center, or polling place. When recording ballots cast and votes counted, the division shall protect the secrecy of the ballot."

CHAIR KREISS-TOMKINS objected.

[9:35:22 PM](#)

REPRESENTATIVE EASTMAN stated that Amendment 42 would add clarifying language to ensure ballot secrecy is protected. He shared an anecdotal example. Additionally, he stated that the proposed amendment would require DOE to record the ballot

casting and vote counting at a precinct, counting center, or polling place.

CHAIR KREISS-TOMKINS maintained his objection based on the previous amendment, which related to video recording. He expressed the hope that such situations would be addressed through training and enforcement.

[9:37:51 PM](#)

REPRESENTATIVE EASTMAN clarified that, unlike the previous amendment, the video recording in Amendment 42 would be for the division's records, as opposed to being released to the public.

[9:38:58 PM](#)

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of Amendment 42. Representatives Tarr, Story, and Kreiss-Tomkins voted against it. Therefore, Amendment 42 failed by a vote of 3-3.

[9:39:27 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 43 to HB 66, Version N, as amended, labeled, 32-LS0322\N.56, Klein, 5/10/22, which read:

Page 10, following line 2:

Insert a new bill section to read:

"* **Sec. 20.** AS 15.15.240 is amended to read:

Sec. 15.15.240. Voter assistance. A qualified voter needing assistance in voting may request an election official, a person, or not more than two persons of the voter's choice to assist. If the election official is requested, the election official shall assist the voter. If any other person is requested, the person shall state upon oath before the election official that the person will not divulge the vote cast by the person assisted. **The election board shall record the names of a voter receiving assistance and the election official, person, or persons providing the assistance.**"

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"

CHAIR KREISS-TOMKINS objected.

[9:39:34 PM](#)

REPRESENTATIVE EASTMAN stated that Amendment 43 would require the election board to record the names of a voter receiving assistance and the election officials, person, or persons providing the assistance, under AS 15.15.240.

REPRESENTATIVE EASTMAN emphasized the importance of maintaining a record of those receiving assistance to be made available to the division by request.

[The committee treated the objection as if it was maintained.]

[9:40:45 PM](#)

A roll call vote was taken. Representatives Eastman, Vance, and Kaufman voted in favor of Amendment 43. Representatives Tarr, Story, and Kreiss-Tomkins voted against it. Therefore, Amendment 43 failed by a vote of 3-3.

[9:41:11 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 44 to HB 66, Version N, as amended, labeled, 32-LS0322\N.57, Klein, 5/9/22, which read:

Page 10, following line 2:

Insert new bill sections to read:

"* **Sec. 20.** AS 15.15.250 is amended to read:

Sec. 15.15.250. Disposition of spoiled ballot. If a voter improperly marks, damages, or otherwise spoils a ballot, the voter may request and the election board shall provide another ballot, with a maximum of three. The board shall record on the precinct register that there was a spoiled ballot. The board shall preserve spoiled ballots as prescribed in AS 15.15.470 [AND DESTROY THE SPOILED BALLOT IMMEDIATELY WITHOUT EXAMINING IT].

* **Sec. 21.** AS 15.15.350(a) is amended to read:

(a) The director may adopt regulations prescribing the manner in which the precinct ballot count is accomplished so as to ensure accuracy in the count and to expedite the process. An official ballot may not be destroyed at a precinct. The election board shall account for all ballots by completing a ballot statement containing (1) the number of official ballots received; (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4) the number of unused official ballots. The board shall report all unused ballots by number and transfer the unused ballots to a counting center. Before an election is certified, a candidate who ran for an office that appears on an unused ballot may review the unused ballot under an election official's supervision [UNUSED AND EITHER DESTROYED OR RETURNED FOR DESTRUCTION TO THE ELECTIONS SUPERVISOR OR THE ELECTION SUPERVISOR'S DESIGNEE]. The board shall count the number of questioned ballots and compare that number to the number of questioned voters in the register. Discrepancies shall be noted and the numbers

included in the certificate prescribed by AS 15.15.370. The election board, in hand-count precincts, shall count the ballots in a manner that allows watchers to see the ballots when opened and read. A person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for mailing may not have a marking device in hand or remove a ballot from the immediate vicinity of the polls."

Renumber the following bill sections accordingly.

Page 26, line 22:

Delete "sec. 45"
Insert "sec. 47"

Page 26, line 23:

Delete "sec. 46"
Insert "sec. 48"
Delete "sec. 48"
Insert "sec. 50"

Page 26, line 24:

Delete "sec. 49"
Insert "sec. 51"

Page 26, line 25:

Delete "sec. 50"
Insert "sec. 52"

Page 26, lines 25 - 26:

Delete "secs. 45, 46, and 48 - 50"
Insert "secs. 47, 48, and 50 - 52"

Page 27, line 2:

Delete "Sections 43 and 44"
Insert "Sections 45 and 46"

Page 27, line 3:

Delete "Section 58"
Insert "Section 60"

Page 27, line 4:

Delete "secs. 59 and 60"
Insert "secs. 61 and 62"

CHAIR KREISS-TOMKINS objected.

9:41:18 PM

REPRESENTATIVE EASTMAN explained that Amendment 44 would require that spoiled ballots be preserved, as prescribed in AS 15.15.470.

[The committee treated the objection as if it was maintained.]

9:42:25 PM

A roll call vote was taken. Representatives Kaufman, Eastman, and Vance voted in favor of Amendment 44. Representatives Tarr, Story, and Kreiss-Tomkins voted against it. Therefore, Amendment 44 failed by a vote of 3-3.

9:42:58 PM

REPRESENTATIVE EASTMAN moved to adopt Amendment 45 to HB 66, Version N, as amended, labeled, 32-LS0322\N.59, Wallace/Klein, 5/10/22, which read:

Page 10, following line 14:

Insert a new bill section to read:

"* **Sec. 21.** AS 15.15 is amended by adding new sections to read:

Sec. 15.15.490. Duplication of ballots. An election official may not duplicate a facsimile ballot, electronic ballot, or damaged ballot unless the election official duplicates the ballot in front of a video recording device.

Sec. 15.15.495. Election audits. (a) The division shall audit and authenticate ballots for each state election. The audit must begin not later than 120 days after the election.

(b) The division shall conduct a forensic audit of all voting databases and voting machine and precinct tabulator hardware and software for each state election. The audit must begin not later than 120 days after the election.

(c) Not later than 30 days after completing an audit under (a) or (b) of this section, the division shall provide to the governor, the lieutenant governor, and each member of the legislature a written report, including recommendations for improvement, of the audit results. Not later than 60 days after completing an audit under (a) or (b) of this section,

the division shall publish on the division's public Internet website a written report of the election results and audit results."

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"

CHAIR KREISS-TOMKINS objected.

[9:43:03 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 45 would add new language related to the duplication of ballots and election

audits. He noted that once the division conducts the audit, the results shall be published for the public.

[The committee treated the objection as if it was maintained.]

[9:44:03 PM](#)

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of Amendment 45. Representatives Tarr, Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 45 failed by a vote of 3-4.

[9:44:33 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 46 to HB 66, Version N, as amended, labeled, 32-LS0322\N.60, Wallace/Klein, 5/7/22, which read:

Page 12, line 26:

Delete "a new subsection"

Insert "new subsections"

Page 12, following line 29:

Insert a new subsection to read:

"(f) The ballot box at an early voting location must be a transparent, secured container. During the early voting period, until the ballot is reviewed for counting, an early voting ballot must be in view of a video recording device, and, if the Internet is available, the division shall continuously livestream video of the ballot box to the division's public Internet website. The division shall, three days before removing early voting ballots from a ballot box, notify all parties authorized to appoint poll watchers under AS 15.10.170."

CHAIR KREISS-TOMKINS objected.

[9:44:40 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 46 would require that ballot boxes be transparent and secured; further, that DOE would record and livestream the early ballot casting process to the division's website. Lastly, Amendment 46 would provide that, three days before removing ballots from a ballot box, the division shall notify all parties authorized to appoint poll watchers.

[The committee treated the objection as if it was maintained.]

[9:45:29 PM](#)

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of Amendment 46. Representatives Tarr, Story, and Kreiss-Tomkins voted against it. Therefore, Amendment 46 failed by a vote of 3-3.

[9:46:02 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 47 to HB 66, Version N, as amended, labeled, 32-LS0322\N.61, Wallace/Klein, 5/10/22, which read:

Page 15, following line 15:

Insert a new subsection to read:

"(o) Until an absentee ballot received by the division is reviewed for counting, the ballot must be stored in a transparent, secured container in view of a video recording device, and, if internet is available, the division shall continuously livestream video of the container to the division's public Internet website. The division shall, three days before removing absentee ballots from a container, notify each party authorized to appoint a poll watcher under AS 15.10.170."

CHAIR KREISS-TOMKINS objected.

[9:46:12 PM](#)

REPRESENTATIVE EASTMAN stated that Amendment 47 would insert a new subsection providing that absentee ballots must be stored in a transparent, secured container in view of a video recording device, and DOE shall continuously livestream video of the container to the division's website.

[The committee treated the objection as if it was maintained.]

[9:46:43 PM](#)

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of Amendment 47. Representatives Story, Tarr, and Kreiss-Tomkins voted against it. Therefore, Amendment 47 failed by a vote of 3-3.

REPRESENTATIVE EASTMAN moved to adopt Amendment 48 to HB 66, Version N, as amended, labeled, 32-LS0322\N.63, Nauman/Klein, 5/9/22, which read:

Page 19, following line 22:

Insert a new bill section to read:

"* Sec. 41. AS 15.20.430 is amended by adding a new subsection to read:

(c) In a precinct that is not a hand-count precinct, an interested party may, within five days after the completion of the state review, file an application with the director requesting a hand recount of ballots that were counted by a voting machine or precinct tabulator. However, the application may be filed only within three days after the completion of the state review after the general election for a recount of votes cast for the offices of governor and lieutenant governor. The interested party shall include a \$1,000 deposit for each precinct in which the party requests a hand count and may observe the hand count. If the hand count results in a difference in vote totals that is more than one percent of total votes cast or is enough to change the outcome of the election in the precinct, the division shall refund the deposit. If the entire deposit is not refunded, the director shall refund any money remaining after the cost of the recount has been paid from the deposit. In this subsection, "interested party" includes a candidate on a ballot, candidate's political party, or political group designated on the ballot."

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"

[9:47:18 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 48 would add a new subsection providing that within five days after the completion of a state review, an individual may file a request for a hand count by precinct along with a deposit of \$1,000.

REPRESENTATIVE EASTMAN added that the \$1,000 deposit would be forfeited if, after the hand count, the results remained unchanged. If the hand count resulted in a difference of more than 1 percent in vote totals, the \$1,000 deposit would be refunded to the individual.

[The committee treated the objection as if it was maintained.]

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of Amendment 48. Representatives Tarr, Story, and Kreiss-Tomkins voted against it. Therefore, Amendment 48 failed by a vote of 3-3.

[9:48:46 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 49 to HB 66, Version N, as amended, labeled, 32-LS0322\N.64, Nauman/Klein, 5/9/22, which read:

Page 20, line 31:

Delete "a new subsection"

Insert "new subsections"

Page 20, following line 31:

Insert new subsections to read:

"(b) The division shall develop strict chain of custody and dual control protocols for delivering to a precinct and storing a voting machine or precinct tabulator. When delivering a voting machine or tabulator to a precinct, the division shall follow the strict chain of custody and dual control protocols developed by the division. If a machine or tabulator is delivered by a contractor, the division shall require a division employee or provide for a state trooper to accompany the machine or tabulator in transit. The division shall store a machine or tabulator at an election precinct in compliance with strict chain of custody and dual control protocols developed by the division, in a secure and locked location that is subject to video surveillance and is accessible only to division employees.

(c) Before using a voting machine or precinct tabulator in an election in the state, the division shall designate the machine or tabulator by numeric identifier and designate the precinct at which the machine or tabulator will be deployed. Not later than seven days before the election, the division shall test each machine or tabulator. The division shall physically disconnect the machine or tabulator from the Internet and disable the ability of the machine or tabulator to connect to the Internet before the test date. The division shall provide

- (1) public notice of the upcoming test;
- (2) access for the public to observe the test; and
- (3) livestream video of the test to the division's public Internet website.

(d) After testing a voting machine or precinct tabulator that will be used in an election, the division shall

- (1) store the machine or tabulator in view of a video recording device that continuously livestreams video of the machine or tabulator to the division's public Internet website;

(2) follow strict chain of custody and dual control protocols developed under (b) of this section;

(3) physically monitor the machine or tabulator; and

(4) monitor the livestream of the video.

(e) One hundred twenty days after an election, the division may enable the ability of a voting machine or precinct tabulator used in the election to connect to the Internet.

(f) An electronic record of a voting machine or precinct tabulator used in an election in the state must be saved on two storage devices. The first device must be used to transmit results to the division for reporting. The second device must be stored in an anti-tampering sealed envelope. After the division posts on the division's public Internet website the results transmitted on the first device, the division shall open the anti-tampering sealed envelope and use a computer that is not connected to the Internet to compare the results on the second device with the posted results."

Reletter the following subsection accordingly.

CHAIR KREISS-TOMKINS objected.

[9:48:50 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 49 would amend the ballot chain-of-custody protocols to ensure there is no single point of failure.

[The committee treated the objection as if it was maintained.]

[9:49:53 PM](#)

A roll call vote was taken. Representatives Eastman, Vance, and Kaufman voted in favor of Amendment 49. Representatives Tarr, Story, and Kreiss-Tomkins voted against it. Therefore, Amendment 49 failed by a vote of 3-3.

[9:50:21 PM](#)

REPRESENTATIVE VANCE moved to withdraw Amendment 50. There being no objection, Amendment 50 was withdrawn.

[9:50:48 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 51 to HB 66, Version N, as amended, labeled, 32-LS0322\N.66, Klein, 5/10/22, which read:

Page 7, following line 20:

Insert a new bill section to read:

"* **Sec. 14.** AS 15.15.010 is amended by adding a new subsection to read:

(b) The division may not accept funding for the administration of an election from a corporation, an individual, a political party, a foundation, an organization, or a foreign government."

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"

CHAIR KREISS-TOMKINS objected.

[9:50:53 PM](#)

REPRESENTATIVE EASTMAN stated that Amendment 51 would prohibit DOE from accepting funding for the administration of an election from a corporation, individual, political party, foundation, organization, or foreign government.

REPRESENTATIVE EASTMAN expressed difficulty in understanding why Alaska would want an outside entity or foreign government to provide money for state elections; consequently, he emphasized that the funding should be provided by the state, as opposed to relying upon outside sources.

[The committee treated the objection as if it was maintained.]

[9:52:11 PM](#)

A roll call vote was taken. Representatives Kaufman, Eastman, and Vance voted in favor of Amendment 51. Representatives Tarr, Story, and Kreiss-Tomkins voted against it. Therefore, Amendment 51 failed by a vote of 3-3.

[9:52:47 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 52 to HB 66, Version N, as amended, labeled, 32-LS0322\N.67, Klein, 5/10/22, which read:

Page 8, line 3:
Delete "22 months"
Insert "4 years"

Page 10, following line 14:
Insert a new bill section to read:

"* **Sec. 21.** AS 15.15.470 is amended to read:

Sec. 15.15.470. Preservation of election ballots, papers, and materials. The director shall preserve all precinct election certificates, tallies, and registers for four years after the election. All division records relating to an election, ballots, and stubs, including spoiled ballots and electronic images and other electronic records in a voting machine or

precinct tabulator, for elections other than national elections may be destroyed four years [30 DAYS] after the certification of the state ballot counting review [UNLESS AN APPLICATION FOR RECOUNT HAS BEEN FILED AND NOT COMPLETED, OR] unless their destruction is stayed by an order of the court. [ALL BALLOTS FOR NATIONAL ELECTIONS MAY BE DESTROYED IN ACCORDANCE WITH FEDERAL LAW.] The director shall [MAY] permit the inspection of election materials upon call by the Congress, the state legislature, or a court of competent jurisdiction."

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"

CHAIR KREISS-TOMKINS objected.

[9:52:54 PM](#)

REPRESENTATIVE EASTMAN stated that Amendment 52 would provide that the director "shall", instead of "may", permit the inspection of election materials upon a call by Congress, the state legislature, or a court of competent jurisdiction.

[9:53:32 PM](#)

REPRESENTATIVE TARR expressed concern about the first part of Amendment 52, pertaining to record retention; however, she supported the change from "may" to "shall". She questioned the scenario in which DOE would deny the state legislature the opportunity to see the inspection of election materials.

[9:54:22 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Conceptual Amendment 1 to Amendment 52, such that the added language [on lines 11-13] would be removed, thereby retaining the change on line 17 from "may" to "shall". There being no objection, Conceptual Amendment 1 was adopted.

[9:55:29 PM](#)

REPRESENTATIVE EASTMAN expressed the belief that the director should be responsible for providing the inspection of election materials, should they be requested.

[The committee treated the objection as if it was maintained.]

[9:55:55 PM](#)

A roll call vote was taken. Representatives Vance, Kaufman, Eastman, Tarr, and Story voted in favor of Amendment 52, as conceptually amended. Representative Kreiss-Tomkins voted against it. Therefore, Amendment 52 was adopted by a vote of 5-1.

[9:57:01 PM](#)

REPRESENTATIVE TARR moved to adopt Amendment 12 to HB 66, Version N, as amended, labeled, 32-LS0322\N.17, Klein, 5/8/22, which read:

Page 6, following line 28:

Insert a new bill section to read:

"* **Sec. 13.** AS 15.10.090 is amended to read:

Sec. 15.10.090. Notice of precinct boundary or polling place designation and modification. The director shall give full public notice if a precinct is established or abolished, if the boundaries of a precinct are designated, abolished, or modified, or if the location of a polling place is changed. Public notice must include

(1) whenever possible, sending two written notices, printed, in the 10 languages spoken by the highest number of speakers in the state, [NOTICE] of the change to each affected registered voter in the precinct;

(2) providing notice of the change

(A) by publication once in a local newspaper of general circulation in the precinct; or

(B) if there is not a local newspaper of general circulation in the precinct, by posting written notice in three conspicuous places as close to the precinct as possible; at least one posting location must be in the precinct;

(3) posting notice of the change on the Internet website of the division of elections;

(4) providing notification of the change to the appropriate municipal clerks, community councils, tribal groups, Native villages, and village regional corporations established under 43 U.S.C. 1606 (Alaska Native Claims Settlement Act); and

(5) inclusion in the official election pamphlet."

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"

CHAIR KREISS-TOMKINS objected.

[9:57:08 PM](#)

REPRESENTATIVE TARR explained that Amendment 12 would increase the required number of public notices from one to two upon the occurrence of a precinct boundary or polling place designation change.

[9:58:06 PM](#)

REPRESENTATIVE VANCE asked how the notices, printed in the 10 languages, spoken by the highest number of speakers in the state, would be implemented.

REPRESENTATIVE TARR related that the intent would be to effectuate more inclusivity to avoid any potential legal challenge.

REPRESENTATIVE VANCE sought to confirm that the notices would be postcards sent to each voter in the precinct. She asked how the division would know which language would be needed.

REPRESENTATIVE TARR said she envisioned one postcard with the notice written in various languages.

9:59:29 PM

The committee took an at-ease from 9:59 p.m. to 10:00 p.m.

10:00:29 PM

REPRESENTATIVE CLAMAN concurred with sending two notices; however, he predicted two challenges with the postcards in 10 languages. He suggested that postcards with smaller print tended not to be read, and he surmised that the 10 languages spoken by the highest number of speakers in the state could exclude the very language which had been the subject of the referenced lawsuit. He moved to adopt Conceptual Amendment 1 to Amendment 12, which would delete the added language on lines 8-9 following the word "written". There being no objection, Conceptual Amendment 1 to Amendment 12 was adopted.

REPRESENTATIVE VANCE inquired about the cost and effectiveness of publicizing the notice in a local newspaper, per subparagraph (A).

REPRESENTATIVE TARR clarified that [subparagraph (A)] is existing statutory language and unaltered by the proposed amendment; nonetheless, she posited that newspapers are widely used in smaller communities, which is why this provision was unchanged.

10:04:36 PM

REPRESENTATIVE EASTMAN highlighted the potential fiscal impact of sending two notices instead of one. He advised that the decision should be made at the discretion of the division. Additionally, he asked whether only one publication in a local newspaper is already required.

REPRESENTATIVE TARR pointed out that the provision in question is an existing statute; further, per subparagraph (B), if there is not a local newspaper in the precinct, an option would be given to post written notices in three "conspicuous places" as close to the precinct as possible. In terms of the change from one notice to two notices, she estimated that the endeavor would only cost several thousand dollars, which was not much in the way of additional cost for a "vast" improvement in communication.

CHAIR KREISS-TOMKINS removed his objection; there being no further objection, Amendment 12, as conceptually amended, was adopted.

[10:07:07 PM](#)

REPRESENTATIVE TARR moved to adopt Amendment 13 to HB 66, Version N, as amended, labeled, 32-LS0322\N.18, Klein, 5/8/22, which read:

Page 26, following line 19:

Insert a new bill section to read:

*** Sec. 57.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REPORT TO THE LEGISLATURE. The division of elections shall provide a report to the legislature by December 31, 2023, recommending options for expanding early voting in rural communities and low-income neighborhoods. The division shall deliver the report to the senate secretary and the chief clerk of the house of representatives and notify the legislature that the report is available. In this section,

(1) "low-income neighborhood" means a neighborhood where the median family income is below 80 percent of the statewide median family income;

(2) "rural community" means a community with a population of 7,500 or less that is not connected by road or rail to Anchorage or Fairbanks or a community with a population of 3,500 or less that is connected by road or rail to Anchorage or Fairbanks."

Renumber the following bill sections accordingly.

Page 27, line 3:

Delete "Section 58"

Insert "Section 59"

Page 27, line 4:

Delete "secs. 59 and 60"

Insert "secs. 60 and 61"

CHAIR KREISS-TOMKINS objected.

[10:07:13 PM](#)

REPRESENTATIVE TARR explained that Amendment 13 would add a new section, requiring DOE to provide a report to the legislature by December 31, 2023. The report would recommend options for expanding early voting in rural communities and low-economic neighborhoods.

[10:08:47 PM](#)

REPRESENTATIVE CLAMAN expressed support for the proposed amendment in all respects, except for the date of the report. He moved to adopt Conceptual Amendment 1 to Amendment 13, such that December 31 would be deleted and replaced with November 1. He reasoned that the earlier date would provide enough time for the legislature to look at the report in advance of the legislative session.

REPRESENTATIVE TARR expressed the opinion that Conceptual Amendment 1 to Amendment 13 is a friendly amendment.

CHAIR KREISS-TOMKINS, hearing no objection, announced that Conceptual Amendment 1 to Amendment 13 was adopted. He removed his objection to Amendment 13, as conceptually amended.

REPRESENTATIVE EASTMAN objected. He opined that increasing early voting should not be the focus of [the legislature's] time and efforts.

REPRESENTATIVE TARR, in wrap up, said the intent would be to learn more and receive feedback on early voting in low-income neighborhoods and rural communities. She noted that the recommendations could be as simple as a one-page summary or a volume of information.

[The committee treated the objection as if it was maintained.]

[10:11:15 PM](#)

A roll call vote was taken. Representatives Claman, Vance, Kaufman, Tarr, Story, and Kreiss-Tomkins voted in favor of Amendment 13, as conceptually amended. Representative Eastman voted against it. Therefore, Amendment 13, as conceptually amended, was adopted by a vote of 6-1.

[10:12:08 PM](#)

The committee took an at-ease from 10:12 p.m. to 10:13 p.m.

[10:13:49 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 21 to HB 66, Version N, as amended, labeled, 32-LS0322\N.27, Klein, 5/9/22, which read:

Page 2, line 25, following "applying":
Insert "to register for the next election"

Page 2, line 25:
Delete "an"
Insert "the"

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[10:14:00 PM](#)

MR. STEPP related that Amendment 21 would clarify that a person registering to vote at the Division of Motor Vehicles (DMV) or completing a mail or online registration within 30 days of an election, would not need to meet the additional requirements for the registration to take effect after the election. He added that the requirement in Section 13 only applies if the person is trying to register for a particular election within 30 days before that election. The amendment, he said, would clarify that the procedures apply solely to same-day registration.

[10:15:27 PM](#)

REPRESENTATIVE EASTMAN considered a hypothetical scenario and asked whether it applied to the proposed amendment.

MR. STEPP, in response, expressed agreement that the amendment would apply to the scenario.

[10:17:02 PM](#)

REPRESENTATIVE EASTMAN requested feedback from DOE on potential confusion pertaining to Amendment 21.

[10:17:59 PM](#)

MS. FENUMIAI expressed confusion concerning the proposed amendment. She opined that because the bill allowed for same-day registration, the person would be registering for the current election and any future elections.

10:18:50 PM

MR. FLYNN stated that the bill would create a "heightened requirement" to register to vote within the 30-day window. He explained that Amendment 21 would clarify the requirement be only applied to those registering for the upcoming election. He understood that if a person failed to meet the "heightened requirement," but still met the normal requirement for registering to vote, the division would acquiesce, thus registering the individual for future elections, which could be explained to the voter at that time.

MR. STEPP concurred.

MS. FENUMIAI concurred.

10:20:02 PM

REPRESENTATIVE EASTMAN asked whether another section of statute would cover a situation in which a person applied within 30 days before or on the date of an election.

MR. STEPP expressed confusion concerning the question and deferred to Mr. Flynn. He reiterated that the goal would be to create a "higher hurdle" for same-day registration. The purpose of Amendment 21, he added, would be to make it "crystal clear" that the additional requirements in Section 13 were for same-day registration.

10:22:06 PM

REPRESENTATIVE EASTMAN directed attention to page 1, line 14 of Version N and suggested that the proposed amendment would not accomplish the maker's intent.

CHAIR KREISS-TOMKINS expressed confusion on the concern.

REPRESENTATIVE EASTMAN maintained his concern.

MR. STEPP reiterated that the intent and the effect of Amendment 21 would be to clarify that the specific identification requirements only applied to same-day registration.

REPRESENTATIVE EASTMAN asked where the requirements would be for individuals registering to vote within 30 days of the upcoming election, should Amendment 21 pass.

[10:26:37 PM](#)

MR. FLYNN suggested that there may be confusion regarding the meaning of "next election". He stated that the division would interpret this as the immediate-approaching election within 30 days. He added that if the "higher hurdle" is not met by the registrant, the person could still be registered for the following election, meaning the one not happening within 30 days.

REPRESENTATIVE EASTMAN expressed understanding and removed his objection. There being no further objection, Amendment 21 was adopted.

[10:27:29 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 22 to HB 66, Version N, as amended, labeled, 32-LS0322\N.28, Klein, 5/7/22, which read:

Page 19, line 10:

Delete "confirms that the voter returned a ballot to the division,"

Page 19, line 11:

Delete "for verification,"

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[10:28:05 PM](#)

MR. STEPP explained that Amendment 22 would remove redundant language, as the voter's form already confirms that the voter returned a ballot to the division. Additionally, it would delete "for verification on page 19, line 11, to avoid ambiguity.

[10:30:05 PM](#)

REPRESENTATIVE VANCE expressed appreciation for the cleanup.

[10:30:34 PM](#)

REPRESENTATIVE EASTMAN considered a scenario in which the voter had no memory of returning the ballot to the division. In that situation, he asked whether the ballot should be counted.

MR. STEPP remarked, "I'd say you're correct, sir, that there was intent, and ... I'm not sure how else to explain it."

REPRESENTATIVE EASTMAN requested further comments on the proposed amendment.

[10:31:53 PM](#)

REPRESENTATIVE TUCK requested a summary of the intent of Amendment 22.

MR. STEPP added that the provision in question is not presently in statute. He argued that the proposed amendment would improve the statutory language. He shared his understanding that the change was recommended by Legislative Legal Services.

REPRESENTATIVE TUCK expressed agreement with the amendment.

REPRESENTATIVE EASTMAN asked whether it is the bill sponsor's intent that, in a close election, a voter who did not recall voting should be able to cure a ballot which was submitted in the voter's name.

REPRESENTATIVE TUCK expressed disagreement with the statement. He pointed out, however, that if there is more than one person in the state with the same name, it could provide an opportunity for the other person to cure the ballot, if the person had, in fact, cast the ballot.

[10:36:18 PM](#)

MR. STEPP asked whether the language on page 19, lines 7-9, addressed Representative Eastman's question.

REPRESENTATIVE EASTMAN suggested that there is a duplication at end of line 8. He questioned who would be performing the confirmation.

REPRESENTATIVE TUCK shared his belief that the confirmation would be performed by DOE.

[10:37:58 PM](#)

REPRESENTATIVE EASTMAN said if the voter would be performing the confirmation, his question is resolved. He withdrew his objection. There being no further objection, Amendment 22 was adopted.

10:38:10 PM

CHAIR KREISS-TOMKINS moved to adopt Amendment 23 to HB 66, Version N, as amended, labeled, 32-LS0332\N.29, Klein, 5/9/22, which read:

Page 4, line 5, following "election.":

Insert "The division may not reject the absentee in-person, special needs, or questioned ballot of a qualified voter who registers within 30 days before or on the day of an election on the grounds that the voter is not on the official registration list for the election."

Page 4, line 24, following "reregistration.":

Insert "The division may not reject the absentee in-person, special needs, or questioned ballot of a qualified voter who reregisters within 30 days before or on the day of an election on the grounds that the voter is not on the official registration list for the election."

Page 4, line 30, following "ballot":

Insert ". The division may not reject the absentee in-person, special needs, or questioned ballot of a qualified voter who transfers registration within 30 days before or on the day of an election on the grounds that the voter is not on the official registration list for the election"

Page 5, line 6, following "ballot":

Insert ". The division may not reject the absentee in-person, special needs, or questioned ballot of a qualified voter who registers within 30 days before or on the day of an election on the grounds that the voter is not on the official registration list for the election"

Page 26, line 17, following "election.":

Insert "The municipality may not reject the absentee, special needs, or questioned ballot of a qualified voter who registers within 30 days before or on the day of an election on the grounds that the voter is not on the official registration list for the election."

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[10:38:29 PM](#)

MR. STEPP stated that Amendment 23 would clean language up, clarifying that a ballot cast on the same day as registration could not be rejected because the person was not on the official registration list for the election.

REPRESENTATIVE EASTMAN asked whether Amendment 23 would pertain to individuals who were given an absentee in-person ballot or a special needs ballot.

MR. STEPP deferred to Mr. Flynn.

[10:40:17 PM](#)

MR. FLYNN recalled that a prior withdrawn amendment had provided that only question ballots would be given to same-day registrants. Regardless, he pointed out that absentee in-person, specialty, and question ballots were all subject to the same level of review.

[10:41:02 PM](#)

REPRESENTATIVE EASTMAN requested verification that special needs ballots were reserved for individuals who were being represented by another person at the precinct voting in their capacity.

MR. FLYNN clarified that, instead of strictly "same-day" registration, he was referring to registration within the window of 30 days before the election or on the day of the election, which would allow for absentee in-person or special needs situations. He directed attention to page 4, lines 1-4 [of the amendment].

[10:42:30 PM](#)

REPRESENTATIVE EASTMAN inquired about page 2 of Amendment 23.

[10:42:43 PM](#)

MR. STEPP shared his understanding that page 2, lines 2-5, offered technical and conforming changes to extend the provision to municipalities.

REPRESENTATIVE EASTMAN sought to confirm that any discretion a municipality might have "to handle their elections any other way" would be removed by the language in question.

MR. STEPP answered yes.

[10:44:12 PM](#)

REPRESENTATIVE EASTMAN removed his objection. There being no further objection, Amendment 23 was adopted.

[10:44:24 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 24 to HB 66, Version N, as amended, labeled, 32-LS0322\N.30, Klein, 5/8/22, which read:

Page 17, line 9, following "(6)":

Insert "**the voter did not vote in-person and**"

Page 17, line 12:

Delete "The"

Insert "Except for a voter who voted in-person,
the"

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[10:44:32 PM](#)

MR. STEPP said Amendment 24 would clarify that absentee in-person voters are subject to the same identification standards as other in-person voters.

[10:46:12 PM](#)

REPRESENTATIVE EASTMAN sought to confirm that this section referred to absentee in-person voters.

MR. STEPP deferred to Mr. Flynn.

[10:46:57 PM](#)

MR. FLYNN shared his understanding that it would apply to absentee in-person voters. He suggested further clarifying the language in Amendment 24 by adding "absentee" before "in-person". He suggested that this would avoid confusion regarding the curing process.

[10:47:49 PM](#)

The committee took an at-ease from 10:47 p.m. to 10:48 p.m.

[10:48:49 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Conceptual Amendment 1 to Amendment 24, which would insert the word "absentee" after the word "vote" and before the words "in-person" on line 2 and line 6. There being no objection, Conceptual Amendment 1 to Amendment 24 was adopted.

REPRESENTATIVE EASTMAN removed his objection to Amendment 24, as conceptually amended. There being no further objection, Amendment 24, as conceptually amended, was adopted.

CHAIR KREISS-TOMKINS informed the committee that two of the three forthcoming amendments were substantially similar, both relating to cure notices. He invited Representative Tarr to share her thoughts on cure notices.

[10:50:28 PM](#)

REPRESENTATIVE TARR provided an overview of how the cure notice process would work and highlighted the communication challenges in the existing process, as the inclusion of a phone number or email address is currently an optional item on the voter registration form. Consequently, some voters would receive a cure notice by mail, and others would receive it by phone call or email. She expressed the desire to create a system which would consider all options and would send automated electronic or telephonic communication daily, in addition to a notice by mail. She asked the division whether this is feasible.

[10:55:14 PM](#)

MS. FENUMIAI pointed out that the entire cure process is longer than the referenced 14-day period. She expressed doubt about robocalls; nonetheless, BallotTrax and other products offer a way to communicate the information to voters. She expressed the inability to comment on the feasibility of the technology at this time. She suggested that the notification process would be a policy call.

[10:56:53 PM](#)

REPRESENTATIVE VANCE asked whether it would be possible to include on the voter registration form a phrase which would emphasize the importance of an email address or phone number for curing one's ballot.

MS. FENUMIAI opined that the voter registration application is not the appropriate document. Instead, she suggested the absentee by mail application.

REPRESENTATIVE VANCE questioned whether BallotTrax provides the option to notify registered voters.

MS. FENUMIAI answered yes, BallotTrax could send notices by text, email, or phone, depending on the information provided by the applicant.

[10:59:55 PM](#)

REPRESENTATIVE EASTMAN question whether the mail requirement is needed, as the division could contact voters by email or phone.

CHAIR KREISS-TOMKINS pointed out that people not well integrated into society may rely upon mail correspondence, including the elderly and voters in rural areas.

REPRESENTATIVE EASTMAN opined that the proposed amendment could be seen as a voter suppression amendment. He opined that a daily phone call or text message may not be appreciated by some people; therefore, the amendment could be counterproductive.

[11:04:04 PM](#)

REPRESENTATIVE VANCE asked whether 24 hours is enough time for the division to send out the deficiency notice.

MS. FENUMIAI explained that she did not have an answer at this time. She suspected that unless automated, a daily email or phone call could be problematic [for the division].

REPRESENTATIVE VANCE asked when the 24-hour period would begin.

MS. FENUMIAI expressed the understanding that notices would be sent within 24 hours of identifying the deficiency. She deferred to Mr. Flynn.

[11:06:38 PM](#)

MR. FLYNN directed attention to page 18 of the bill, suggesting that rejection of the ballot would be the triggering event. Essentially, he said he agreed with Ms. Fenumiai.

[11:07:12 PM](#)

The committee took an at-ease from 11:07 p.m. to 11:10 p.m.

[11:10:01 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 20 to HB 66, Version N, as amended, labeled, 32-LS0322\N.26, Klein, 5/8/22, which read:

Page 18, lines 22 - 28:

Delete "The director shall, within 48 hours, but in no event later than five days after election day, send a notice of deficiency by first class, nonforwardable mail to the address indicated in the voter's registration record and by electronic mail to the voter's electronic mail address if the voter has provided an electronic mail address. If the voter has provided a telephone number, the director shall attempt to notify the voter of the deficiency by telephone call or text message to the voter's telephone number."

Insert "The director shall, within 24 hours, send a notice of deficiency by electronic mail to the voter's electronic mail address if the voter has provided an electronic mail address. If the voter has provided a telephone number, the director shall, within 24 hours, attempt to notify the voter of the deficiency by telephone call and text message. The director shall, within 48 hours, but not later than five days after election day, send a notice of deficiency by first class, nonforwardable mail to the address in the voter's registration record."

REPRESENTATIVE CLAMAN objected.

[11:11:19 PM](#)

REPRESENTATIVE CLAMAN moved to adopt Conceptual Amendment 1 to Amendment 20, which would add "to the extent practicable," after the words "24 hours," on line 8.

CHAIR KREISS-TOMKINS objected.

[11:11:51 PM](#)

MR. MASON suggested that adding the word "begin" after "24 hours," and before "send" on line 8, would give discretion to the division.

REPRESENTATIVE CLAMAN withdrew Conceptual Amendment 1. He moved to adopt Conceptual Amendment 2 to Amendment 20, which would replace the words "send a notice" with "begin sending notices" on line 8.

CHAIR KREISS-TOMKINS objected.

[11:12:39 PM](#)

REPRESENTATIVE STORY recalled that Ms. Fenumiai had stated that sending notices within 24 hours would be a problem for the division. She asked whether 48 hours would be more realistic.

CHAIR KREISS-TOMKINS advised dispensing of the proposed conceptual amendment first and removed his objection. There being no further objection, Conceptual Amendment 1 to Amendment 20 was adopted. He asked Ms. Fenumiai for further comment on the 24 versus 48-hour period.

[11:13:55 PM](#)

MS. FENUMIAI stated that she had no further comments. She shared her understanding that 24 hours was typical in other states, indicating that the division would comply with the will of the committee.

[11:14:40 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Conceptual Amendment [3] to Amendment 20, which would add the words "to the extent practicable," after "director shall," on line 8.

CHAIR KREISS-TOMKINS objected.

REPRESENTATIVE VANCE expressed her support for the proposed conceptual amendment, as it would provide the division with more flexibility and discretion.

CHAIR KREISS-TOMKINS expressed compassion for the division's administrative workload; however, he expressed comfort by the existence of precedent in other states.

[11:16:41 PM](#)

REPRESENTATIVE EASTMAN withdrew Conceptual Amendment 3 to Amendment 20.

[11:16:57 PM](#)

REPRESENTATIVE TARR questioned how the division would interpret electronic mail versus telephone or text. More specifically, she asked whether a single phone call would be sufficient to meet the requirement and whether a single attempt at the three forms of communication would suffice.

MS. FENUMIAI interpreted the language to mean that an attempt to call, email, and text would satisfy the requirement. She deferred to Mr. Flynn.

CHAIR KREISS-TOMKINS pointed out that because of the "and" language, an attempt at each of the three forms of communication would suffice.

[11:19:18 PM](#)

MR. FLYNN explained that per Amendment 20, the director shall send an email and shall attempt to notify by telephone or text message. He added that there is no discretion to choose one or the other.

REPRESENTATIVE TARR said she is not in favor of one single [attempt], as qualifying. She expressed her hope that the language would be more comprehensive; nonetheless, Amendment 20 would be an improvement on the existing language, she opined.

CHAIR KREISS-TOMKINS contended that the proposed amendment is comprehensive because it would capture all three forms of communication.

REPRESENTATIVE TARR reiterated her position that a single attempt would be problematic, as some people screen unknown numbers, for example. Additionally, she shared her understanding that not all registrants would choose to provide their phone number and email address on the application.

[11:21:38 PM](#)

REPRESENTATIVE EASTMAN suggested adding the word "attempt" on line 8 would make the language consistent with line 10.

CHAIR KREISS TOMKINS said that would be considered a friendly amendment.

[11:22:28 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Conceptual Amendment [4] to Amendment 20, such that the words "attempt to" would be added after "24 hours," on line 8. There being no objection, Conceptual Amendment [4] was adopted.

[11:22:57 PM](#)

REPRESENTATIVE CLAMAN removed his objection to Amendment 20, as conceptually amended. There being no further objection, Amendment 20, as conceptually amended, was adopted.

[11:23:22 PM](#)

CHAIR KREISS-TOMKINS moved to take from the table Amendment 10 to Version N, labeled, 32-LS0322\N.14, Klein, 5/8/22. There being no objection, Amendment 10 was before the committee. He withdrew Amendment 10. He moved to take from the table Amendment 19 to Version N, labeled 32-LS0322\N.25, Klein, 5/7/22, which read:

Page 16, lines 4 - 5:

Delete all material and insert:

"(3) THE BALLOT IS NOT ATTESTED ON OR BEFORE THE DATE OF THE ELECTION;"

Page 16, line 6:

Delete "(3) ["

Page 16, line 12:

Delete "(4)"

Insert "(3)"

Page 16, line 14:

Delete "(5)"

Insert "(4)"

Page 17, line 9:

Delete "(6)"
Insert "(5)"

There being no objection, Amendment 19 was before the committee.

[11:24:15 PM](#)

REPRESENTATIVE EASTMAN objected.

[The committee treated Conceptual Amendment 2 to Amendment 19 as moved.]

[11:24:33 PM](#)

MR. STEPP explained that he drafted Conceptual Amendment 2 to Amendment 19 to capture Representative Eastman's concern. He stated that, in addition to what would already be required for the voter's certificate, Legislative Legal Services would add on page 10, line 20, Section 22 of Version N, language which indicates the voter's certificate "shall" include a place for recording the date the certificate was signed. Additionally, per Representative Vance's suggestion, the word "or" would be added on page 16, line 8, after the "is postmarked after the date of the election,".

[11:26:12 PM](#)

REPRESENTATIVE EASTMAN inquired about the concern regarding the absence of the postmark not being anticipated by the previous language.

MR. STEPP shared his belief that as drafted, Conceptual Amendment 2 to Amendment 19 would prevent this from happening.

[11:27:41 PM](#)

CHAIR KREISS-TOMKINS announced that, there being no objection, Conceptual Amendment 2 to Amendment 19 was adopted.

REPRESENTATIVE EASTMAN removed his objection to Amendment 19, as conceptually amended. There being no further objection, Amendment 19, as conceptually amended, was adopted.

CHAIR KREISS-TOMKINS announced the completion of the amendment process. He invited closing comments on Version N, as amended.

[11:28:47 PM](#)

REPRESENTATIVE TUCK summarized the history of the legislation throughout previous legislative sessions. He described the bill as the legislature's opportunity to modernize the election process and thanked the committee members for their hard work on Version N.

[11:31:33 PM](#)

REPRESENTATIVE VANCE opined that there is more work to do, characterizing the bill as the first step towards modernizing the election process and addressing constituents' concerns. She shared her belief the ballot curing would be a "curtesy," and "not a right." She expressed disappointment that there had been no conversation about data breaches. She expressed the hope that safeguarding information would be addressed in the next committee of referral.

[11:33:59 PM](#)

REPRESENTATIVE STORY said that after hearing from Ms. Fenumiai and the division, she was impressed by the existing safeguards and hoped this would be reassuring to the public.

[11:35:05 PM](#)

REPRESENTATIVE EASTMAN discussed the impact of fraud and organized crime on the election industry. He opined that the division's response to his questions regarding election fraud reflected a lack of awareness and a failure to adequately assess the threat level. Further, he expressed the belief that the committee had failed to give DOE the necessary tools to protect voters, voter information, and election outcomes from criminal influence.

[11:38:26 PM](#)

REPRESENTATIVE TARR expressed the belief that the right to vote must be available and equally accessible to all eligible individuals. Further, she opined that it is state leaders' responsibility to push back against information sharing to assure the public that elections are safe, while continuing to work on the areas that need improvement. She pointed out that sometimes, lack of participation is related to the challenges of life, as opposed to nefarious or dishonest behavior.

[11:40:44 PM](#)

CHAIR KREISS-TOMKINS described Version N as pragmatic and the kind of compromise which should happen more often in this institution. He acknowledged that it would not make every person on the far left or far right happy; nonetheless, he hoped it would pass, as it represents an improvement for Alaska.

[11:41:46 PM](#)

REPRESENTATIVE CLAMAN moved to report CSHB 66, Version 32-LS0322\N, Klein, 4/30/22, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 66(STA) was reported from the House State Affairs Standing Committee.

[11:42:11 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 11:42 p.m.