

**ALASKA STATE LEGISLATURE**  
**SENATE STATE AFFAIRS STANDING COMMITTEE**

April 15, 2021

3:31 p.m.

**MEMBERS PRESENT**

Senator Mike Shower, Chair  
Senator Lora Reinbold, Vice Chair (via Teams)  
Senator Mia Costello (via Teams)  
Senator Roger Holland (via Teams)

**MEMBERS ABSENT**

Senator Scott Kawasaki

**OTHER LEGISLATORS PRESENT**

Senator Peter Micciche

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S)

Military Appeals Commission  
Scott Oravec - Fairbanks

- CONFIRMATION ADVANCED

Commissioner, Department of Public Safety  
James Cockrell - Anchorage

- CONFIRMATION ADVANCED

SENATE BILL NO. 39

"An Act relating to elections; relating to voter registration; relating to ballots and a system of tracking and accounting for ballots; establishing an election offense hotline; designating as a class A misdemeanor the collection of ballots from other voters; designating as a class C felony the intentional opening or tampering with a sealed ballot, certificate, or package of ballots without authorization from the director of the division of elections; and providing for an effective date."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 39

SHORT TITLE: BALLOT CUSTODY/TAMPERING; VOTER REG; MAIL  
SPONSOR(s): SENATOR(s) SHOWER

01/25/21	(S)	PREFILE RELEASED 1/15/21
01/25/21	(S)	READ THE FIRST TIME - REFERRALS
01/25/21	(S)	STA, JUD
01/26/21	(S)	STA AT 3:30 PM BUTROVICH 205
01/26/21	(S)	-- MEETING CANCELED --
01/28/21	(S)	STA AT 3:30 PM BUTROVICH 205
01/28/21	(S)	Heard & Held
01/28/21	(S)	MINUTE(STA)
02/02/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/02/21	(S)	Heard & Held
02/02/21	(S)	MINUTE(STA)
02/09/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/09/21	(S)	Scheduled but Not Heard
02/11/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/11/21	(S)	Heard & Held
02/11/21	(S)	MINUTE(STA)
02/16/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/16/21	(S)	Heard & Held
02/16/21	(S)	MINUTE(STA)
02/18/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/18/21	(S)	-- MEETING CANCELED --
02/25/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/25/21	(S)	Heard & Held
02/25/21	(S)	MINUTE(STA)
03/16/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/16/21	(S)	Heard & Held
03/16/21	(S)	MINUTE(STA)
03/18/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/18/21	(S)	Scheduled but Not Heard
03/30/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/30/21	(S)	Scheduled but Not Heard
04/01/21	(S)	STA AT 3:30 PM BUTROVICH 205
04/01/21	(S)	-- MEETING CANCELED --
04/08/21	(S)	STA AT 3:30 PM BUTROVICH 205
04/08/21	(S)	Scheduled but Not Heard
04/15/21	(S)	STA AT 3:30 PM BUTROVICH 205

**WITNESS REGISTER**

SCOTT ORAVEC, Appointee

Military Appeals Commission  
Department of Military & Veterans Affairs (DMVA)  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified as appointee to the Military Appeals Commission.

JAMES COCKRELL, Commissioner Designee  
Department of Public Safety  
Soldotna, Alaska

**POSITION STATEMENT:** Testified as Commissioner Designee of the Department of Public Safety.

DAN SPENCER, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of the appointment of Commissioner Designee Cockrell.

SCOTT OGAN, Staff  
Senator Mike Shower  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented the sectional analysis for SB 39, version O.

#### **ACTION NARRATIVE**

[3:31:48 PM](#)

**CHAIR MIKE SHOWER** called the Senate State Affairs Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Reinbold, Costello, Holland, (all via Teams), and Chair Shower.

CHAIR SHOWER reviewed the remote meeting protocols, including the roll call to show the presence and location of the committee members:

Roll Call: SENATOR COSTELLO, Capitol room 119, SENATOR HOLLAND, Capitol room 113, SENATOR REINBOLD, Capitol room 427, and CHAIR SHOWER in the Butrovich room, Capitol 205.

**CONFIRMATION HEARING(S)**  
**Commissioner, Department of Public Safety**  
**Military Appeals Commission**

[3:35:10 PM](#)

CHAIR SHOWER announced the consideration of Governor Appointees to Boards and Commissions. He asked Scott Oravec to introduce

himself, provide a brief overview, and tell the committee why he would like to serve on the Military Appeals Commission.

[3:35:31 PM](#)

SCOTT ORAVEC, Appointee, Military Appeals Commission, Department of Military & Veterans Affairs (DMVA), Fairbanks, Alaska, stated that he has been licensed to practice law in Alaska since 2001 and currently serves as the US Magistrate Judge in Fairbanks. His military law background includes service in the Army Judge Advocate General (JAG) core on active duty or reserve since 2001. He said he would like to offer his experience to the state to assist in establishing the Military Appeals Commission and to ensure its smooth operation. He described implementing this commission as an important piece of implementing the Alaska National Guard Military Code of Justice.

CHAIR SHOWER thanked him for his service to the country. He asked if he had read the state's ethics policy.

MR. ORAVEC answered yes.

CHAIR SHOWER asked if he had any unreported conflicts of interest, ethical, or criminal issues that might create a problem serving on this commission.

MR. ORAVEC answered no, and if a conflict were to come before the commission, he would apply the Judicial Canons.

CHAIR SHOWER asked if he had any skeletons in the closet that the committee might want to know about but might not think to ask.

MR. ORAVEC answered no.

[3:38:25 PM](#)

SENATOR HOLLAND asked if he thought there was any potential for conflict with being in the Reserve and serving on the Military Appeals Commission.

MR. ORAVEC said he looked into it but did not think so because he serves in the Army Reserve and the cases would be on appeal from the Alaska National Guard.

[3:39:52 PM](#)

CHAIR SHOWER opened public testimony on the appointment of Scott Oravec to the Military Appeals Commission; finding none, he

closed public testimony. He advised that written testimony would be accepted until 5:00 p.m. this evening at ssta@akleg.gov.

CHAIR SHOWER found no questions or comments and solicited a motion

[3:41:34 PM](#)

SENATOR REINBOLD stated that in accordance with AS 39.05.080, the Senate State Affairs Standing Committee reviewed the following and recommends the appointment be forwarded to a joint session for consideration:

Military Appeals Commission

Scott Oravec - Fairbanks

Signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

CHAIR SHOWER found no objection and the name was forwarded.

CHAIR SHOWER asked James Cockrell, Commissioner Designee of the Department of Public Safety to introduce himself and provide his opening statement.

[3:43:07 PM](#)

JAMES COCKRELL, Commissioner Designee, Department of Public Safety, Soldotna, Alaska, stated that he and his wife live in Soldotna, and she is the emergency operations manager for the city. He has lived in Alaska most of his life and is a second-generation Alaska State Trooper. He said he loves Alaska, the Department of Public Safety and its mission.

He related that he started working at the Department of Public Safety in 1983 as a recruit at the State Trooper Academy. He has been the director of both the Alaska Wildlife Troopers and the Alaska State Troopers and retired in 2004. He came out of retirement twice. The first time was to oversee a federal grant as a road trooper and the second time was to work on safety as director of the Alaska Wildlife Troopers and then as the director of the Alaska State Troopers.

[3:46:20 PM](#)

CHAIR SHOWER asked if his father also had found it difficult to stay retired.

[3:46:25 PM](#)

COMMISSIONER DESIGNEE COCKRELL answered yes; he has over 55 years of state service.

[3:46:36 PM](#)

CHAIR SHOWER asked if he had any unreported conflicts of interest that might create a problem serving as the Commissioner of the Department of Public Safety.

COMMISSIONER DESIGNEE COCKRELL answered no.

CHAIR SHOWER asked if he had any ethical or criminal issues that the committee might want to know about.

COMMISSIONER DESIGNEE COCKRELL answered no.

CHAIR SHOWER asked if he had any skeletons in the closet to disclose.

COMMISSIONER DESIGNEE COCKRELL answered no.

CHAIR SHOWER asked if he had read the state ethics policy.

COMMISSIONER DESIGNEE COCKRELL answered yes.

[3:47:32 PM](#)

SENATOR REINBOLD asked if he wanted to comment on the 911-call center.

COMMISSIONER DESIGNEE COCKRELL asked her to clarify the question.

SENATOR REINBOLD said former Commissioner Price initiated efforts to consolidate the 911 system to save money.

COMMISSIONER DESIGNEE COCKRELL answered he had not been briefed on the topic, but he could say that the 911 consolidation that DPS moved forward on for the last several years was a complex program and he believes there needed to be more time spent in the study phase. The department is evaluating the next steps and has signed contracts in the Mat-Su and Kenai Peninsula to continue dispatch services the way they were before the efforts to consolidate.

SENATOR REINBOLD asked if he believes it is appropriate to suspend constitutional rights during a disaster, and if he takes an oath to the constitution.

COMMISSIONER DESIGNEE COCKRELL confirmed that he takes an oath to uphold the Constitution of the United States and the Constitution of the State of Alaska. As to the question, he said he does not have the legal training to determine constitutional issues presumably related to COVID-19.

SENATOR REINBOLD's audio dropped.

[3:51:24 PM](#)

SENATOR HOLLAND said he appreciates that Commissioner Designee Cockrell came out of retirement.

[3:51:50 PM](#)

SENATOR COSTELLO said she appreciates that he came out of retirement to take this important position, that he came to her office for a personal meeting, and that he is so dedicated. "I look forward to my yes vote to support you as Commissioner."

SENATOR REINBOLD said she looks forward to Commissioner Designee Cockrell visiting her office. She asked if he takes his oath seriously, if he believes that the Constitution is the supreme law of the land, and if he will uphold and defend the rights of the citizens of Alaska, even during a disaster.

COMMISSIONER DESIGNEE COCKRELL said he takes both the US Constitution and the Alaska Constitution seriously; he has not been sued for a constitutional violation and has never had a case overthrown based on constitutional issues. He added that DPS receives legal advice from the Office of the Attorney General and has faith in the office to provide guidance to conduct law enforcement activities statewide.

SENATOR REINBOLD expressed concern with his answer because the current attorney general candidate was responsible for the mandates [during the COVID-19 pandemic]. She said her top request is that he read the Alaska Constitution, the Declaration of Independence, and the Constitution of the United States and stand by that. She asked if he agrees that the constitution is the supreme law of the land and would always default to the US and Alaska constitutions.

[3:56:27 PM](#)

CHAIR SHOWER asked if she was looking for a "yes" or "no" because he already answered the question.

[3:56:30 PM](#)

SENATOR REINBOLD said that is what she was looking for.

3:56:34 PM

COMMISSIONER DESIGNEE COCKRELL reiterated that he takes both the US and Alaska constitutions seriously and will follow them.

CHAIR SHOWER said he has consistently heard that Attorney General Designee Cockrell has a leadership style that makes people want to follow; he does not dictate that people follow and that gives provides comfort that he will be a good leader of DPS. "That speaks very well to your character," he said.

3:58:15 PM

CHAIR SHOWER opened public testimony on the appointment of James Cockrell as Commissioner of the Department of Public Safety.

3:58:47 PM

DAN SPENCER, representing self, Juneau, Alaska, stated that he is it a retired state employee who completely supports the Governor's appointment of James Cockrell as commissioner of the Department of Public Safety. He related his experience working together in the department. He said Jim is familiar with the department and the issues statewide. He is a leader, and the state will be well served with him as commissioner of DPS. "Mr. Chairman, you can't do better," he said.

4:00:17 PM

CHAIR SHOWER found nobody else who wished to testify, and he closed public testimony on the appointment of James Cockrell as Commissioner of the Department of Public Safety. He advised that written testimony could be sent to [ssta@akleg.gov](mailto:ssta@akleg.gov).

CHAIR SHOWER asked what his top priorities would be as commissioner of DPS.

4:01:03 PM

COMMISSIONER DESIGNEE COCKRELL said his top priority is to try to reduce the incidence of domestic violence and sexual assault in the state. The victimization studies that are done every five years show the rates are decreasing but Alaska still leads the nation in domestic violence, sexual assault, and human trafficking. He mentioned the rapid turnover the last few years and said his second goal would be to add stability to the department focusing on what the department does best, which is to provide professional law enforcement services statewide. The third goal would be to recruit and retain more troopers. He said part of the retention problem has been quality of life issues

and one way to reduce burnout and increase the quality of life is to fill more positions. He also mentioned the problems statewide with heroin and said that while COVID-19 has masked that problem, it has not gone away. Suicide and overdose deaths have continued to rise during the pandemic so pressure to reduce opioid and heroin imports must continue.

CHAIR SHOWER commented on the pressure officers are under and expressed appreciation that he was stepping up during a time of trouble and turbulence for law enforcement.

[4:08:04 PM](#)

SENATOR REINBOLD asked if he had a specific plan to reduce sexual assault and violence in the state.

COMMISSIONER DESIGNEE COCKRELL replied he was working with the governor's office to develop a comprehensive sexual assault domestic violence initiative. Nothing was in writing at this point, but he would release it to legislators and the public when it was available.

[4:09:17 PM](#)

SENATOR REINBOLD said she would like to know if he needed any specific improvements to the criminal code to accomplish that goal.

She said she was formally requesting the number of deaths from drug overdose and suicide during COVID-19. She then asked if he was willing to work with and train Alaska Wildlife Troopers to deal with human crime if the need were to arise.

COMMISSIONER DESIGNEE COCKRELL replied that the Alaska Wildlife Troopers have a specific mission, but they are routinely brought in to work on traffic enforcement and investigations statewide and that will continue.

[4:11:26 PM](#)

SENATOR REINBOLD asked him to weigh in on "the Colonel Massie situation."

COMMISSIONER DESIGNEE COCKRELL responded, "Colonel Massie is my colonel and I am going to stand by my Colonel."

SENATOR REINBOLD asked if it has brought consternation to promote somebody from a sergeant to a colonel.

[4:12:12 PM](#)

COMMISSIONER DESIGNEE COCKRELL answered that he was not with the department when Colonel Massie was promoted to colonel, but he has been in that position for three years and he would stick by him.

SENATOR REINBOLD thanked him for stepping up to serve the Department of Public Safety and wished him well.

CHAIR SHOWER found no further questions or comments and solicited a motion.

[4:13:04 PM](#)

SENATOR REINBOLD stated that in accordance with AS 39.05.080, the Senate State Affairs Standing Committee reviewed the following and recommends the appointment be forwarded to a joint session for consideration:

Commissioner, Department of Public Safety  
James Cockrell - Soldotna

Signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

CHAIR SHOWER found no objection and the name was forwarded.

**SB 39-BALLOT CUSTODY/TAMPERING; VOTER REG; MAIL**

[4:13:43 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 39 "An Act relating to elections; relating to voter registration; relating to ballots and a system of tracking and accounting for ballots; establishing an election offense hotline; designating as a class A misdemeanor the collection of ballots from other voters; designating as a class C felony the intentional opening or tampering with a sealed ballot, certificate, or package of ballots without authorization from the director of the division of elections; and providing for an effective date."

He noted the new committee substitute for SB 39. He said that because this is largely a new bill, he would go through the new sponsor statement.

[4:14:12 PM](#)

CHAIR SHOWER read [Original punctuation provided]:

Senate Bill 39, updates Alaska's decades-old election statutes, strengthening voter access and improving integrity so Alaskans may regain confidence in our election system. We sometimes disagree with election results, but rarely in our history have we refused to accept them. A troubling trend has emerged where entire segments of our nation not only disagree with election results, but refuse to acknowledge them as legitimate. It happened in 2016, and again in 2020. Whether these concerns are real or perceived, we must find a way to restore all people's faith in our election system as it is a cornerstone to our Constitutional Republic.

"I began working on election issues in 2018, involving the accuracy of Alaska's election data and our voter rolls. Problematic areas within our system created integrity concerns and irreconcilable errors which limited citizens from qualifying their ballots when the Division of Elections questioned or rejected them."

Alaska's current election model is built on a foundation of disqualification and rejection of ballots. A significant aspect of SB 39 is to shift toward greater voter inclusion with the qualification of ballots. "Voters should know when their ballots are questioned or rejected and be informed of it immediately. Ballot curing is a two-part process that includes immediate voter notification and then providing voters reasonable time and opportunity to correct identified technical deficiencies. Once notified, the voter should have an opportunity to correct technical issues rather than the Division disqualifying the ballot and not counting their vote. Curing of ballots is an essential component of SB 39."

Improvements to voter access required extensive additional work on existing statutes that have contributed to limiting all voters. Before the 2020 elections, only two states had clear regulations and policies for vote-by-mail procedures. A new measure of inclusion is amending the current statute to accept additional types of qualifying identification such as Tribal identification as one example. Alaska is a diverse state, and our Indigenous First Alaskans are an essential segment with unique needs not experienced

in urban communities. "My goal is to include additional provisions for increased Tribal participation and for more opportunities for communities to take a greater role in their local voting systems, just as many larger communities already practice across Alaska."

4:16:35 PM

Consistency and standardization of protocols is an overarching objective, and communities that already practice vote-by-mail are enhanced by improved security and authentication. Additionally, absentee voting improvements expand the option to voters where they may request an automatic absentee ballot. Alaskans should be able to vote in the manner which suits them and feel confident that their vote is secure and counted. If we shift to one type of voting or another we risk alienating a significant portion of the population and inadvertently suppressing votes. This is not a bill to suggest one method of voting over another. SB 39 addresses the quality of the voter data, security standards, and chain of custody.

Another major area SB39 improves is voter registration roll accuracy. Alaska checks only a few databases against eligible voter lists; SB39 enables the state to clean the voter rolls more often and cross-reference a broader segment of other available databases. It requires third-party supervised bi-annual audits of our voter rolls. Municipalities such as Anchorage use state data for their vote-by-mail system. It is self-evident that when the state's data is not accurate, neither is their vote-by-mail system based upon the over mailing of ballots. There are thousands more people on our voter rolls than are eligible to vote in Alaska. Currently the Division of Elections checks our voter data with 31 other states. Why are we not running it by all 50 states? Data is also not checked with many local and national sources that would certainly improve the quality of our voter rolls. Do we want a 60% solution or a 100% solution? Alaska voters deserve better than what we have now.

4:18:08 PM

A cornerstone to how SB 39 mitigates chain of custody concerns, and vulnerable or compromised voter data, is through a well-established methodology, Multi-Factor

Authentication (MFA), and blockchain technology, which many of the most secure institutions utilize. Both MFA and Blockchain have been around for a long time and are used worldwide in many different ways. A Biden Administration report and an independent Harvard Journal of Law and Technology study recommend that states implement Multi-Factor Authentication and chain of custody protocols to strengthen election integrity and ensure one voter equals one vote.

In addition to Multi-Factor Authentication, this bill requires the Division of Elections to adhere to the US Postal Service's best practice recommendation for a vote by mail ballot chain of custody system. By utilizing the USPS's existing ballot envelope barcode procedure, voters can account for their ballot anywhere it is in transit. Citizens should be able to track their ballot from the time it is shipped from the Division until received by the voter and until it is returned to the Division. These systems also notify a voter if their ballot has been questioned, rejected and may even include ballot curing procedures. Nearly everyone orders products online today. Most things can be tracked, down to the minute, and a precise location; we can also do so with ballots using election-specific software readily available and already in use in many states for ballot tracking.

[4:19:29 PM](#)

The platform for elections security is a three-legged stool; data security, accurate voter rolls, and a qualitative, secure chain of custody which is achieved through Multi-Factor Authentication. In October of 2020, a data breach resulted in 113,000 Alaskans having their personal data exposed. The Division confirmed on the record that the stolen data could be used to apply for and submit ill-cast ballots and lead to identity theft. SB 39 addresses these concerns by bringing Alaska into the 21st century.

[4:20:06 PM](#)

CHAIR SHOWER said this bill is not in its final form and other committees will have an opportunity to make changes through the process. He asked Mr. Ogan to introduce himself and walk through the sectional analysis for SB 39, version 0.

[4:20:33 PM](#)

SCOTT OGAN, Staff, Senator Mike Shower, Alaska State Legislature, Juneau, Alaska, highlighted that version O does not ban by-mail voting, but it does establish protocols. He paraphrased the sectional analysis for SB 39, version O. [Original punctuation provided.]

Sec 1. Perjury for false statement about citizenry.

Sec 2. Includes tribal ID, deletes hunt and fish licenses.

Sec 3. Makes electronic transmission universal.

Sec 4. Shall (no longer may) adopt regs APA NVRA.

1. Block Chain requirement for data systems
2. Voter authentication process
3. Alternate process for digital MFA

Sec 5. New voters multi-factor authentication education process.

He explained that this section directs the Division of Elections to instruct voters on how the multi-factor authentication process would work.

Sec 6. Adds process regulation information to existing registration process.

Sec 7. New Section:

1. Nationally recognized best practices and develop protocols to produce accurate voter rolls.
2. Utilize nationally recognized expert to biannually audit rolls, using multiple data bases to cross check data.
3. Allows DOL and DOE to share with others-including tribal.

Sec 8. Mandates multi-factor authentication security.

Sec 9. Adds notification requirement to cancel voter registration.

Sec 10. Requires a watermark or other identifier on most official ballots.

Sec 11. Required software for electronically generated ballots to be open-source USA based servers.

Sec 12. New subsection requires electronic generated ballots to utilize multi-factor authentication.

Sec 13. New Section requires robust ballot security and chain of custody procedures.

[4:24:15 PM](#)

Sec 14. Clarifies guidelines for election workers screening voters.

Sec 15. Requires multi-factor authentication, but exempts those that are unable.

Sec 16. Allows tribal ID, but eliminate hunting and fishing license as valid ID.

Sec 17. Ends practice of destroying a spoiled ballot, and give director the ability to mark or punch a spoiled ballot to preserve ballot chain of custody.

Sec 18. Director ay prescribe how to void ballot.

Sec 19. Guides exhibited ballot protocols.

[4:25:17 PM](#)

MR. OGAN explained that this provision preserves the integrity of a private vote.

Sec 20. Mandates how the director handles ballots and ends practice of destroying them to maintain chain of custody.

Sec 21. New Section on Voter qualification.

Sec 22. New Section on when the Lt Gov can certify the election and what disclosures need to be made.

Sec 23. Ballot chain of custody protocols stipulating that all ballots remain in strict control of DOE for 22 months.

[4:26:07 PM](#)

Sec 24. New Section prescribing division support for municipal support for elections as long as chain of

custody and multi-factor authentication protocol are followed.

Sec 25. Outlining multi-factor authentication protocols to voters.

Sec 26. Prescribes multi-factor authentication procedures for absentee voting.

Sec 27. New Section prescribing disclaimers on absentee ballot applications.

Sec 28. Requires multi-factor authentication protocols on electronic voting procedures.

Sec 29. Changes the application deadlines to 14 days, from 10 days, to allow for earlier returns of absentee ballots, to allow for better accounting and ballot curing.

Sec 30. Prescribes new protocols for absentee signatures only if an authorized oath taker is not available, and requires positive identification and contact information, along with a statement verifying why an oath taker was not available, and creating the penalty of perjury for not being truthful.

Sec 31. Shortens time allowed for absentee ballots to be received by DOL, allowing for earlier election results. Matches Colorado, another state that has a large military constituency.

[4:27:55 PM](#)

Sec 32. Voter inclusion measure to allow for rural voters to vote when multi-factor authentication is no possible. May need to phase to allow director to eventually require non exclusionary multi-factor protocols.

Sec 33. New Section. Allows a voter to sign up for absentee voting for a four-year period.

[4:28:21 PM](#)

Sec 34. Guides review of absentee ballot envelopes.

Sec 35. Disallows removal of ballots from envelopes before close of election.

Sec 36. Requires the vote to not be counted unless postmarked or barcode tracked being mailed on or before the day of the election; allows tribal ID; prescribes new absentee ballot signature requirements; and multi-factor protocols.

Sec 37. Prescribes that the ballot may not be separated from the envelope until the division has determined the voter has not voted more than once.

Sec 38. Ballot cure provision.

Sec 39. New subsection: Guides the director to allow the last vote made to be counted if the voter did not intentionally vote twice.

Sec 40. Prescribes that the vote may not be counted if the voter was able to utilize Multi-factor authentication, and voter fails to provide said authentication.

Sec 41. Ballot Curing Section.

Sec 42. Chain of custody language to assure identifier data is verified.

Sec 43. Expands grounds for election contest to include breach of voter registration data, and ballot accounting irregularities.

Sec 44. Codifies that the division's failure to contact an absentee voter whose ballot is rejected, is not grounds for a contested election.

Sec 45. Allows the director to conduct mail out voting in a community of less than 750 people. Allows larger communities to request mail out voting. Allows mail out voting in emergencies.

Sec 46. Puts sideboards on mail out voting rolls, and chain of custody protection and management through block chain.

[4:30:40 PM](#)

Sec 47. Requires forensic examination of precinct tabulators and bans internet connection before and after election.

MR. OGAN clarified that internet connection is also banned during an election.

Sec 48. Criminalizes ballot harvesting, but protects those that assist others with limited drop offs of ballots.

Sec 49. Defines "collects"

Sec 50. Protects people who are cognitively unable to express their vote.

Sec 51. Adds to the crime of voter misconduct, for those that attempt to corrupt the vote.

MR. OGAN noted that he had omitted Section 52 from the sectional analysis.

SENATOR REINBOLD advised that Section 52 talks about election fraud in violation of AS 15.56.060 thereby causing the outcome of an election to change. This crime is a Class C felony.

MR. OGAN thanked Senator Reinbold for the lifeline. He continued the sectional analysis.

Sec 53. Codifies the crime of disclosing unauthorized election data before election day.

Sec 54. New Section that asserts that the legislature is the constitutionally defined body with the sole authority to prescribe election law.

Sec 55. Bans electronic signatures.

Sec 56. Requires the Lt gov to notify the legislature and the public of a data breach.

Sec 57. Clarifies what "mark" of a person that cannot write is acceptable.

Sec 58. Prescribes election fraud training at the Trooper Academy.

Sec 59. Requires a Permanent Fund Dividend applicant to identify the house district the applicant has been a resident I for the last 30 days.

[4:33:30 PM](#)

MR. OGAN highlighted that the opt-in provision for the Permanent Fund is not in version O.

Sec 60. Effective date of audit provision.

Sec 61. Effective dates and applicability.

Sec 62. Transition regulations .

Sec 63. Effective dates. Sec 64. Additional effective dates.

[4:34:05 PM](#)

CHAIR SHOWER directed attention to Section 9 regarding the notification requirement to cancel voter registration. He explained that citizens are not trained to ask the Division of Elections to remove their name from the voter rolls when they leave the state. He cited the example of a former Alaskan who holds office in Maine and still receives ballots from Alaska. Section 9 requires the state to educate citizens about the process to deregister.

He found no questions or comments and solicited a motion to adopt the CS.

[4:36:45 PM](#)

SENATOR REINBOLD moved to adopt the work draft CS for SB 39(STA), work order 32-LS0204\O, as the working document.

[4:37:02 PM](#)

CHAIR SHOWER objected for discussion purposes and asked Mr. Ogan to share why there is not an explanation of the changes.

MR. OGAN said he did not prepare an explanation of changes because SB 39, version O, is essentially a new bill.

CHAIR SHOWER asked if there were questions or comments on the CS.

SENATOR REINBOLD said she had no problem adopting the CS; she would drill down on it in judiciary.

[4:39:09 PM](#)

SENATOR COSTELLO asked how the mail-in ballot provisions differ between version A and version O.

MR. OGAN said version A had a ban on voting by mail and version O switches the focus to ballot chain of custody. He described ballot integrity as a three-legged stool. It must have good data that is secure, good ballot chain of custody procedures, and multi-factor authentication. He mentioned the Municipality of Anchorage mail out voting efforts and said there was no intention to usurp local control, but any community that uses state resources to support an election must have those data protection protocols in place to use mail out ballots. He highlighted that version O expands the sources the state uses to ensure data integrity and it directs that a third party, nationally recognized expert assist the division with an audit of the data rolls.

CHAIR SHOWER added that everything that was in the original version of the bill reflected concerns from different individuals or groups. That created significant debate and his office worked with groups and local communities to distill what would be good for local control. He said that was the goal all along. Local governments should be able to choose how to do business as long as the elections are secure, and all Alaskans can trust the results.

SENATOR COSTELLO said she was pleased that mail in voting was restored because that was the section that generated the most emails to her office. She stated support for secure and accessible elections.

CHAIR SHOWER emphasized that the bill does not restrict municipalities from having mail in balloting. The focus is on cleaning up the data rolls, chain of custody, and multi-factor authentication to ensure that every eligible Alaskan is able to vote and their vote counts. He said everyone should be cognizant of the two data breaches in 2019 and 2020. "We're getting data breaches as we go in this electronic world and we must move into the 21st Century to get to the point where we can secure our data," he said. Part of the effort with blockchain technology is to protect people's data. He described other state's use of this technology to track voting data and ballot location on a phone.

[4:48:12 PM](#)

CHAIR SHOWER removed his objection. Finding no further objection, the CS for SB 39, version 0, was adopted as the working document.

4:48:45 PM

CHAIR SHOWER held SB 39 in committee for future consideration.

4:49:39 PM

There being no further business to come before the committee, Chair Shower adjourned the Senate State Affairs Standing Committee meeting at 4:49 p.m.