

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

April 22, 2021

3:33 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)
Senator Scott Kawasaki (via Teams)

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 7

"An Act requiring the Department of Public Safety to publish certain policies and procedures on the department's Internet website."

- MOVED SB 7 OUT OF COMMITTEE

SENATE BILL NO. 47

"An Act relating to special registration plates for vehicles owned by persons with disabilities."

- MOVED SB 47 OUT OF COMMITTEE

SENATE BILL NO. 12

"An Act relating to temporary courtesy licenses for military spouses; and relating to the Department of Commerce, Community, and Economic Development."

- MOVED SB 12 OUT OF COMMITTEE

SENATE BILL NO. 28

"An Act establishing April 24 of each year as Vic Fischer and Jack Coghill Constitution of the State of Alaska Day; and providing for an effective date."

- MOVED CSSB 28(STA) OUT OF COMMITTEE

SENATE BILL NO. 76

"An Act relating to vehicles abandoned on private property."

- MOVED SB 76 OUT OF COMMITTEE

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 & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 7

SHORT TITLE: STATE TROOPER POLICIES: PUBLIC ACCESS

SPONSOR(S): SENATOR(S) GRAY-JACKSON

01/22/21	(S)	PREFILE RELEASED 1/8/21
01/22/21	(S)	READ THE FIRST TIME - REFERRALS
01/22/21	(S)	STA, JUD
03/04/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/04/21	(S)	Heard & Held
03/04/21	(S)	MINUTE(STA)
03/11/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/11/21	(S)	Heard & Held
03/11/21	(S)	MINUTE(STA)
04/22/21	(S)	STA AT 3:30 PM BUTROVICH 205

BILL: SB 12

SHORT TITLE: MILITARY SPOUSE COURTESY LICENSE

SPONSOR(S): SENATOR(S) KAWASAKI

01/22/21	(S)	PREFILE RELEASED 1/8/21
01/22/21	(S)	READ THE FIRST TIME - REFERRALS
01/22/21	(S)	STA, L&C
03/04/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/04/21	(S)	Heard & Held
03/04/21	(S)	MINUTE(STA)
03/11/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/11/21	(S)	Heard & Held

03/11/21 (S) MINUTE (STA)
04/22/21 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 28

SHORT TITLE: EST. APRIL 24 ALASKA CONSTITUTION DAY
SPONSOR (s): SENATOR (s) BEGICH

01/22/21 (S) PREFILE RELEASED 1/8/21
01/22/21 (S) READ THE FIRST TIME - REFERRALS
01/22/21 (S) STA
03/25/21 (S) STA AT 3:30 PM BUTROVICH 205
03/25/21 (S) Heard & Held
03/25/21 (S) MINUTE (STA)
04/22/21 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 47

SHORT TITLE: VEHICLE REGISTRATION/PERSONS W/DISABILITY
SPONSOR (s): SENATOR (s) GRAY-JACKSON

01/25/21 (S) READ THE FIRST TIME - REFERRALS
01/25/21 (S) STA
03/23/21 (S) STA AT 3:30 PM BUTROVICH 205
03/23/21 (S) Heard & Held
03/23/21 (S) MINUTE (STA)
04/22/21 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 76

SHORT TITLE: ABANDONED VEHICLES; PRIVATE PROPERTY
SPONSOR (s): SENATOR (s) KIEHL

02/10/21 (S) READ THE FIRST TIME - REFERRALS
02/10/21 (S) STA, L&C
03/09/21 (S) STA AT 3:30 PM BUTROVICH 205
03/09/21 (S) Heard & Held
03/09/21 (S) MINUTE (STA)
04/22/21 (S) STA AT 3:30 PM BUTROVICH 205

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
04/15/21	(S)	Heard & Held
04/15/21	(S)	MINUTE(STA)
04/20/21	(S)	STA AT 3:30 PM BUTROVICH 205
04/20/21	(S)	-- MEETING CANCELED --
04/21/21	(S)	STA WAIVED PUBLIC HEARING NOTICE, RULE 23
04/22/21	(S)	STA AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

SENATOR ELVI GRAY-JACKSON
 Alaska State Legislature
 Juneau, Alaska
POSITION STATEMENT: Sponsor of SB 7.

SENATOR TOM BEGICH
 Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 28.

SENATOR JESSE KIEHL

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 76.

ALEC MESDAG, Director of Energy Services

Alaska Electric Light and Power (AELP)

Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 76.

TERRENCE SHANIGAN, Staff

Senator Mike Shower and Aide

Senate State Affairs Committee

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Delivered a PowerPoint presentation to highlight the differences between version A and version O of SB 39.

SCOTT OGAN, Staff

Senator Mike Shower

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Answered questions and provided information during the hearing on SB 39.

ACTION NARRATIVE

[3:33:16 PM](#)

CHAIR MIKE SHOWER called the Senate State Affairs Standing Committee meeting to order at 3:33 p.m. Present at the call to order were Senators Costello (via Teams), Kawasaki (via Teams), Holland (via Teams), and Chair Shower. Senator Reinbold joined the committee remotely during the course of the meeting.

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

Roll Call: SENATOR KAWASAKI, Capitol room 7, SENATOR HOLLAND, Capitol room 113, SENATOR COSTELLO, Capitol room 119, and CHAIR SHOWER in the Butrovich committee room, Capitol 205.

SB 7-STATE TROOPER POLICIES: PUBLIC ACCESS

[3:35:46 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 7 "An Act requiring the Department of Public Safety to publish certain policies and procedures on the department's Internet website."

He asked the sponsor if she had any closing comments before the bill moved to the next committee of referral.

[3:36:14 PM](#)

SENATOR ELVI GRAY-JACKSON, Alaska State Legislature, Juneau, Alaska, sponsor of SB 7, said it was an honor to have the bill heard and she appreciated that it may move to the next committee of referral.

[3:36:30 PM](#)

SENATOR HOLLAND moved to report SB 7, work 32-LS0058\A, from committee with individual recommendations and attached fiscal note(s).

CHAIR SHOWER found no objection and SB 7 moved from the Senate State Affairs Standing Committee.

SB 47-VEHICLE REGISTRATION/PERSONS W/DISABILITY

[3:37:22 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 47 "An Act relating to special registration plates for vehicles owned by persons with disabilities."

[3:38:03 PM](#)

SENATOR HOLLAND moved to report SB 47, work order 32-LS0367\A, from committee with individual recommendations and attached fiscal note(s).

CHAIR SHOWER found no objection and SB 47 moved from the Senate State Affairs Standing Committee.

SB 12-MILITARY SPOUSE COURTESY LICENSE

[3:38:32 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 12, "An Act relating to temporary courtesy licenses for military spouses; and relating to the Department of Commerce, Community, and Economic Development."

He asked Senator Kawasaki if he had any closing comments.

[3:38:57 PM](#)

SENATOR SCOTT KAWASAKI, speaking as sponsor of SB 12, thanked the committee and the chair specifically for his support for the bill that is good for the economy, the workforce and the military.

CHAIR SHOWER found no questions or comments and solicited the will of the committee.

[3:39:36 PM](#)

SENATOR HOLLAND moved to report SB 12, work order 32-LS0143\A, from committee with individual recommendations and attached fiscal note(s).

CHAIR SHOWER found no objection and SB 12 moved from the Senate State Affairs Standing Committee.

SB 28-EST. APRIL 24 ALASKA CONSTITUTION DAY

[3:40:15 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 28 "An Act establishing April 24 of each year as Vic Fischer and Jack Coghill Constitution of the State of Alaska Day; and providing for an effective date."

He noted that the sponsor had an amendment for the committee to consider.

[3:40:37 PM](#)

SENATOR TOM BEGICH, Alaska State Legislature, Juneau, Alaska, sponsor of SB 28, advised that the amendment eliminates an unintended cost.

[3:41:47 PM](#)

SENATOR COSTELLO moved Amendment 1, work order 32-LS0278\B.1.

32-LS0278\B.1
Wayne
54/22/21

AMENDMENT 1

OFFERED IN THE SENATE

TO: SB 28

Page 1, line 4, through page 2, line 18:

Delete all material and insert a new bill section to read:

"* **Section 1.** AS 44.12 is amended by adding a new section to read:

Sec. 44.12.137. Vic Fischer and Jack Coghill Constitution of the State of Alaska Day. Vic Fischer and Jack Coghill Constitution of the State of Alaska Day is established on April 24 of each year to honor Jack Coghill and Vic Fischer and commemorate the creation of the Constitution of the State of Alaska. Vic Fischer and Jack Coghill Constitution of the State of Alaska Day may be observed at school assemblies and by suitable observances and exercises by civic groups and the public."

Renumber the following bill section accordingly.

CHAIR SHOWER objected for discussion purposes.

SENATOR BEGICH explained that Amendment 1 shifts the Vic Fischer and Jack Coghill Constitution of the State of Alaska Day from one section in Title 44 to another to clarify that this is an honorary day of celebration. He read the amendment that appears above.

CHAIR SHOWER asked him to discuss how this prevents the cost.

SENATOR BEGICH explained that two sections in Title 44 address different types of celebratory days. The official holiday section is limited to the paid holiday days for state employees who might be subject to union negotiations. Another section in Title 44 addresses days that are unpaid holidays. The latter section is where this celebratory day should reside.

[3:44:21 PM](#)

CHAIR SHOWER removed his objection and Amendment 1 passed.

SENATOR HOLLAND expressed support for the change.

SENATOR COSTELLO stated that she supports highlighting the Alaska Constitution and these two delegates in particular, but she feels it is important to recognize all the delegates who

participated in the convention. She requested permission to read the names.

CHAIR SHOWER thanked her for the thought and asked her to proceed.

3:45:38 PM

CHAIR COSTELLO read the following names of the delegates to the 1955 Alaska Constitutional Convention:

R. Rolland Armstrong
Dorothy J. Awes
Frank Barr
John C. Boswell
Seaborn J. Buckalew
John B. Coghill
E. B. Collins
George D. Cooper
John M. Cross
Edward V. Davis
James P. Doogan
William A. Egan
Truman C. Emberg
Mrs. E.A. (Helen) Fischer
Victor Fischer
Gray Douglas
Thomas C. Harris
John S. Hellenthal
Hermann, Mildred R.
Herb Hilscher
Jack Hinckel
James Hurley
Maurice T. Johnson
Yule F. Kilcher
Leonard H. King
William W. Knight
W. W. Laws
Eldor R. Lee
Maynard D. Londborg
Steve McCutcheon
George W. McLaughlin
Robert J. McNealy
John A. McNees
M. R. Marston
Irwin L. Metcalf
Leslie Nerland
James Wrangell Nolan

Katherine D. Nordale
Frank Peratrovich
Chris Poulsen
Peter L. Reader
Burke Riley
Ralph J. Rivers
Victor C. Rivers
R. E. Robertson
John H. Rosswog
W. O. Smith
B. D. Stewart
George Sundborg
Dora M. Sweeney
Warren A. Taylor
H. R. VanderLeest
M. J. Walsh
Barrie M. White
Ada B. Wien.

CHAIR SHOWER thanked Senator Costello and said he wishes he had thought to do that.

[3:47:42 PM](#)

SENATOR BEGICH said he too wishes he had thought of reading the names and he would like Senator Costello to honor the delegates again when the bill is on the floor.

[3:48:40 PM](#)

SENATOR HOLLAND moved to report SB 28, work order 32-LS0278\B as amended, from committee with individual recommendations and attached fiscal note(s).

CHAIR SHOWER found no objection and CSSB 28(STA) moved from the Senate State Affairs Standing Committee.

SB 76-ABANDONED VEHICLES; PRIVATE PROPERTY

[3:49:08 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 76 "An Act relating to vehicles abandoned on private property."

He asked the sponsor if he would like to speak to the bill before the committee hears public testimony.

[3:49:31 PM](#)

SENATOR KIEHL, Alaska State Legislature, Juneau, Alaska, sponsor of SB 76, recapped that SB 76 shortens the time a private

property owner has to store an abandoned vehicle on their private property before they can begin the legal process to remove the vehicle.

CHAIR SHOWER asked him remind the public how long a property owner has to wait to begin the process.

SENATOR KIEHL answered that the property owner must leave the vehicle on their property for 6 months before they can begin the legal process. SB 76 shortens the initial wait time to one month.

CHAIR SHOWER highlighted that abandoned vehicles are a significant problem in many areas of the state.

[3:51:00 PM](#)

CHAIR SHOWER opened public testimony on SB 76.

[3:51:30 PM](#)

ALEC MESDAG, Director, Energy Services, Alaska Electric Light and Power (AELP), Juneau, Alaska, stated that he manages the properties held by AJT Mining Properties Inc., a land-holding sister company of AEL&P. This company owns property throughout Juneau and for the last several years has had to deal with about one abandoned vehicle per month, many of which are an environmental and health hazard. The company has the option of leaving the vehicle in place for six months, which creates an eyesore and strains relationships with adjacent landowners, or pay to tow the vehicle to a secure lot and pay again later to tow it for disposal. He said reducing the initial required holding time would lessen the burden of managing these vehicles. He thanked the committee and expressed appreciation to Senator Kiehl for introducing the bill.

CHAIR SHOWER asked Senator Kiehl if he had any final comments.

SENATOR KIEHL thanked the chair for hearing the bill a second time.

[3:53:05 PM](#)

CHAIR SHOWER closed public testimony on SB 76.

SENATOR KAWASAKI asked the sponsor to describe the process for notifying the owner of record of an abandoned vehicle.

SENATOR KIEHL explained that the property owner must wait six months after which they can send a certified letter with return

receipt to the vehicle owner giving the individual 30 days to move the vehicle. If the vehicle owner does nothing during that time, the property owner then may file the appropriate forms with the Division of Motor Vehicles (DMV) to transfer the title. Once DMV has completed the paperwork, the property owner receives the title and may dispose of the vehicle.

CHAIR SHOWER found no further questions or comments and solicited the will of the committee.

[3:55:32 PM](#)

SENATOR HOLLAND moved to report SB 76, work order 32-LS0005\A, from committee with individual recommendations and attached fiscal note(s).

CHAIR SHOWER found no objection and SB 76 moved from the Senate State Affairs Standing Committee.

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

[3:55:53 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."

[The committee adopted work draft CSSB 39(STA), work order 32-LS0204/O, as the working document on 4/15/21.]

Speaking as sponsor, Senator Shower advised that his staff would give a short presentation before the committee considered amendments.

[3:56:52 PM](#)

TERRENCE SHANIGAN, Staff, Senator Mike Shower and Senate State Affairs Standing Committee, Alaska State Legislature, Juneau, Alaska, advised that the PowerPoint highlights the differences between version A and version O and outlines what version O does. He directed attention to language on slide 1 that describes the intent of SB 39. It reads as follows:

INCREASED VOTER ACCESS, IMPROVED DATA SECURITY, BALLOT QUALIFICATION, CHAIN OF CUSTODY, AND MAXIMIZED LOCAL CONTROL.

[3:58:11 PM](#)

MR. SHANIGAN briefly discussed the provisions in version A that were eliminated and then he described the following provisions that appear in version O:

- Distributed Ledger Technology. This allows ballots to be timestamped and tracked.
- USPS Ballot Chain-of-Custody Tracking System
- Multi-Factor Authentication
- Ballot Qualification. This provision focuses on qualifying ballots, resolving technical issues, and curing problems before the election is certified.

CHAIR SHOWER advised that ballot curing provides voters the opportunity to fix or cure an error, so their vote is counted.

[4:02:21 PM](#)

MR. SHANIGAN added that a technical error on the ballot envelope is what may be cured. The intent is that DOE will immediately notify the voter of the error and give the individual a chance to correct it. The ballot remains in the secrecy sleeve inside the envelope and is never exposed during the curing process. He noted that ballot curing is becoming more common nationwide.

CHAIR SHOWER asked him to talk about the provision that addresses what happens if somebody inadvertently votes twice.

MR. SHANIGAN related that the bill would codify the process of resolving which ballot would count but he believes that should be a committee discussion and decision. He noted that this decision currently is a matter of policy, which can change with the administration.

CHAIR SHOWER stated his belief that the legislature should assert its authority and codify the policy.

[4:06:00 PM](#)

SENATOR KAWASAKI said he was having difficulty locating the provisions in the bill. He added that he supports including tribal IDs as acceptable identification for voting, but he wonders about the elimination of hunting and fishing licenses as IDs.

[4:06:29 PM](#)

SCOTT OGAN, Staff, Senator Mike Shower, Alaska State Legislature, Juneau, Alaska, advised that the cure section appears on page 20.

SENATOR KAWASAKI restated his question.

MR. OGAN explained that hunting and fishing licenses were dropped as acceptable IDs because vendors do not reliably check the applicant's identification when they apply for a license. The only check is an unsworn falsification statement that the applicant signs.

CHAIR SHOWER summarized that hunting and fishing licenses did not seem to have a sufficient level of verification to qualify as a valid ID for voting purposes. By contrast, tribal IDs have been verified and he believes their use should be codified.

[4:09:11 PM](#)

MR. SHANIGAN continued to review the list of provisions on slide 2 that appear in version O.

- Additional ID Acceptance. This could include correspondence from a Native corporation or one of the tribal consortiums.
- Maximized Local Control. The idea is to give communities the most local-level control possible. He noted a recent conversation with the PFD Division about weak links and how voter information will be shared with DOE, particularly if a community chooses to do vote by mail. To prevent communities from being the weak link in the system for data security, the bill tries to set standards but allow DOE to create the agreements with the communities that target the same standards for security, authentication, and validation of voters and ballots.
- Tribal Inclusion
- Improved Data Protocols

CHAIR SHOWER emphasized that nothing in the current bill prevents a local community from using its own mail out scheme.

MR. SHANIGAN agreed.

[4:12:23 PM](#)

SENATOR KAWASAKI asked if the bulleted reference to maximized local control correlates to Section 24 about Division of Elections (DOE) support of local elections.

CHAIR SHOWER answered yes.

SENATOR KAWASAKI offered his opinion that the requirements in Section 24 for a city to submit data to DOE and have the director approve municipal election systems would burden local communities.

CHAIR SHOWER explained the reasoning. The bill seeks to improve the accuracy and security of the Division of Elections' voter roll data and this provision asks municipalities and cities that conduct their own by-mail elections to maintain the same security standards as the state if they choose to use those state resources.

[4:15:31 PM](#)

MR. SHANIGAN added that in the discussion about weak links, the Permanent Fund Division said it started improving its data security five years ago in response to financial institution concerns that the division's security measures were a weak link in the system. The core bank network potentially was vulnerable through an end user on a laptop. He said the sponsor is looking at the election system with that in mind. If local governments use state equipment and technology in an election, the state's data security standards must be maintained at all levels.

CHAIR SHOWER clarified that the state will implement the security standards; the responsibility of the local governments will be to agree to uphold that minimum level of security. He asked Senator Kawasaki if he had additional questions.

SENATOR KAWASAKI responded that he could get information from Director Fenumiai when she testifies.

[4:17:41 PM](#)

MR. OGAN stated "we changed our attitude about mail-out voting" because multifactor authentication, ballot chain of custody, and secure data will ensure the accuracy of the voter rolls.

CHAIR SHOWER summarized that the key points are to have clean voter rolls, ballot chain of custody, and data security. He asked Mr. SHANIGAN to continue.

[4:19:51 PM](#)

MR. SHANIGAN returned attention to the list of provisions on slide 2 that appear in version 0.

- Expanded Voting Choice. With multifactor authentication and secure voter rolls, it was possible to move to just one standard for voting both in-person and absentee.
- VBN (Vote by Mail) Flexibility. Voters may sign up for by-mail voting on either an annual basis or every four years. Updating at least every four years helps keep the voter rolls current.

CHAIR SHOWER emphasized that the bill does not change the voting options that are currently available. People will still be able to vote either in-person or absentee.

[4:25:22 PM](#)

MR. SHANIGAN continued to review the provisions on slide 2 that appear in version O.

- Protected PFD AVR (Automatic Voter Registration). Version O maintains automatic voter registration from the PFD application but the information is screened and filtered for eligibility before the Division of Elections uses it in the voter roll database.

He suggested that Mr. Ogan point to the bill section.

CHAIR SHOWER asked him to address the 30-day provision.

[4:27:31 PM](#)

MR. OGAN directed attention to Section 59 on page 26, line 11. The applicant is required to identify the House district they have resided in for the last 30 days and attest that the information is true. This is the length of residency required to qualify to vote. He said the intention is to filter the data, so it is more accurate before it goes to the Division of Elections.

CHAIR SHOWER commented that he did not believe they had found fidelity on this issue and that his office was still working on amendments.

[4:29:29 PM](#)

MR. SHANIGAN continued to review the provisions on slide 2 that appear in version O.

- Local Exceptions/Waivers Situations that a community might need a waiver include pandemics, public safety and public health emergencies, and natural disasters.

He noted that his office was still discussing different ways to work with tribal communities.

CHAIR SHOWER added that his office had a "tribal entity" amendment for the next committee of referral to consider.

[4:31:05 PM](#)

MR. SHANIGAN continued.

- Protected Ballot Assistance The intention was to protect citizens who help citizens with their ballots but not companies or individuals who are paid to do this.
- Harvesting Limited

[4:32:33 PM](#)

SENATOR KAWASAKI cited examples in Fairbanks from the Pioneer Home and the Denali Center where citizens offer legitimate help picking up ballots. He said he had not seen ballot harvesting in Alaska and he did not believe it was a large issue. He continued to say that he did not like the way this provision was written but he had not prepared an amendment because he was at a loss as to how to polish the bill.

CHAIR SHOWER acknowledged that some people deny that ballot harvesting happens, but he knows that it does because he saw it both during the Knowles campaign and during the last election. He offered his belief that the language strikes a balance that protects the citizen-to-citizen legitimate help while keeping out the professionals. He pointed out that there was a reason that other states have outlawed it.

MR. OGAN explained that the bill limits a person from collecting more than six ballots in a single election because that is what many other states do. He directed attention to the provision on page 25, line [9 of version O]. He mentioned ballot chain of custody concerns and argued that limiting people to collecting just six ballots in an election strikes a reasonable compromise.

[4:37:58 PM](#)

CHAIR SHOWER told Senator Kawasaki that he was open to making a change if he had a better suggestion to accomplish both goals.

SENATOR KAWASAKI suggested that Gail Fenumiai could talk about the training that the Division of Elections provides for citizens who collect ballots at the Fairbanks Pioneer Home, the Denali Center, Raven Landing and the League of Women Voters.

CHAIR SHOWER described an amendment that allows an individual to collect more ballots if they have training as a potential bridge between the two positions. However, he maintained that the voter should still request the help.

[4:39:26 PM](#)

MR. SHANIGAN added that the sponsor's office did not provide the committee with information about the ballot harvesters throughout the country who were criminally charged in the last year. He said they were paid millions of dollars from political parties, governmental entities, and contracts from ad hoc groups. He mentioned one harvester who had ballots printed in China for use in Hawaii and throughout the southern U.S.

CHAIR SHOWER wanted that on the record to highlight that ballot harvesting is not a phantom.

[4:41:16 PM](#)

MR. SHANIGAN reviewed the last two provisions on slide 2 that appear in version O.

- Preserved Paper Records Federal law requires the retention of election records for 22 months.
- Adherence to National Best Practices

SENATOR SHOWER mentioned the U.S. Department of Justice assessment of the last election and emphasized that it is absolutely true, that elections are being influenced and that Americans have lost faith in the system. He highlighted that the brief talks specifically about and recommends many of the things that are in SB 39.

[4:44:56 PM](#)

MR. SHANIGAN turned to slide three. He said the four legs of the election stool are the components that make SB 39 so unique. These are:

Voter Authentication - know who is voting;

Ballot Chain-of-Custody - know the location of the ballot;

Accurate and Secure Data - make sure DOE looks at more than 31 states because that is just a 60 percent solution. If the capacity to look at 50 states can't be achieved in-house, the state should follow the Permanent Fund example and outsource; and Voter Access - ensure that Alaskans who want to vote continue to have access without compromising the system.

[4:46:41 PM](#)

CHAIR SHOWER recognized that Senator Reinbold joined the committee online some time ago.

CHAIR SHOWER said that when a reporter recently pointed out that DOE has methods to check and update the voter rolls, he asked the reporter if he wouldn't want the 100 percent solution, not 60 percent. To that end, the bill has a provision that requires DOE to look at other databases to keep the Alaska voter rolls up to date. Right now, the numbers do not add up to show that the voter rolls are accurate. He mentioned another provision that teaches people to unregister when they leave the state. To illustrate the need for this he pointed to the elected official from Maine who left Alaska five years ago and is still receiving ballots from Alaska.

[4:49:03 PM](#)

MR. SHANIGAN provided a more in-depth explanation of the four legs of the election stool.

Voter Authentication Currently ballots are accepted prima facia and the bill seeks to ensure one person equals one vote. This is accomplished through a combination of multifactor authentication and distributed ledger technology such as block chain.

Ballot Chain of Custody Most states already use mail-in ballot tracking through the U.S. Postal Service. The ballots look the same, but they have a bar code the voter can use to track their ballot.

[4:51:17 PM](#)

SENATOR KAWASAKI asked about ballot custody when a voter uses a municipal drop box.

MR. SHANIGAN explained that the drop boxes are smart boxes that have cameras to scan the bar code on the ballot envelope so the voter can track their ballot on their phone. Then the ballot is scanned again when it is removed from the drop box as part of the chain of custody tracking system.

SENATOR KAWASAKI posited that municipalities would not be able to afford smart drop boxes.

CHAIR SHOWER said the municipalities will work with the Division of Elections to come up with what is feasible. Whether or not the drop box is a smart box, he said it is still part of the chain of custody and trained people will remove the ballots.

[4:53:45 PM](#)

MR. SHANIGAN discussed the third leg of the election stool.

Accurate & Secure Data The point is that corrupt, compromised, or insecure data leads to a corrupt, compromised, or insecure election. Using digital ledger technology such as blockchain ensures clean data with timestamps that is virtually impenetrable.

Voter Access Good policy begins with unambiguous statutes. Voter authentication is important, but the intention is to remove barriers to voting.

MR. SHANIGAN reviewed the bulleted points on slide 8 about what is driving election reform.

- Two Major Data Breaches in 2 years. Data is compromised.
- A person can currently print ballots from the internet.
- +20% more people registered to vote than are eligible.
- Current system does not have acceptable protocols or guidelines for the unique needs in much of rural Alaska.
- No current ballot chain-of-custody mechanisms for VBM.
- System is built on Ballot Disqualification.
- Pay for hire companies can canvas and collect ballots with no regulations to guide their activity regardless of intent.

MR. SHANIGAN turned to slide 9 and noted that he had discussed most of the points on the list of 12 problems addressed by SB 39. He then turned to the video clips that conclude the presentations.

CHAIR SHOWER, responding to a question from Senator Holland, explained that the videos illustrate how the use of technology can make elections better.

SENATOR KAWASAKI highlighted that he had questions for Division of Elections Director Fenumiai.

CHAIR SHOWER advised that she was not available, but he would make sure that she received the questions.

[4:59:06 PM](#)

MR. SHANIGAN concluded the presentation with a YouTube video clip about USPS ballot chain of custody.

CHAIR SHOWER advised that this and other video clips were on BASIS under the "Documents" tab for SB 39.]

[5:02:56 PM](#)

CHAIR SHOWER turned to amendments for SB 39.

[5:03:56 PM](#)

CHAIR SHOWER moved Amendment 1, work order 32-LS0204\O.1.

32-LS0204\O.1
Klein
4/21/21

AMENDMENT 1

OFFERED IN THE SENATE BY SENATOR SHOWER
TO: CSSB 39(STA), Draft Version "O"

Page 3, line 19:

Delete "**block chain technology**"

Insert "**the most functional application of distributed ledger technology, which may include blockchain, Hashgraph, DAG, Holochain, or Tempo,**"

Page 7, line 25:

Delete "block chain technology"

Insert "the most functional application of distributed ledger technology, which may include blockchain, Hashgraph, DAG, Holochain, or Tempo,"

Page 23, lines 20 - 21:

Delete "**block chain technology**"

Insert "**the most functional application of distributed ledger technology, which may include blockchain, Hashgraph, DAG, Holochain, or Tempo,**"

SENATOR HOLLAND objected for discussion purposes.

CHAIR SHOWER explained that the amendment deletes throughout the bill, the specific reference to "block chain technology" and inserts a more general reference to distributed ledger technology (DLT).

[5:04:59 PM](#)

SENATOR KAWASAKI observed that the amendment designates types of distributed ledger technology like DAG, that he was unfamiliar with, and Tempo that was developed out of country. He asked what the Division of Elections is expected to do.

CHAIR SHOWER explained that the amendment expands the options of distributed ledger technology from just blockchain to what is determined to be the most functional application of DLT, and it lists several examples. He noted that the bill stipulates that hardware and software used for elections must be from U.S. companies. He described DLT as something for DOE explore.

SENATOR KAWASAKI pointed out that two of the four examples in the amendment have U.S. offices, but the research and development came from foreign countries.

CHAIR SHOWER replied he was aware of that and if that caused concern, he could propose an amendment to strike those names or to stipulate that the options must be U.S. companies.

[5:07:13 PM](#)

MR. OGAN confirmed that the bill specifies that U.S. companies and servers must be used, and he acknowledged that Senator Kawasaki correctly pointed out that two of the companies mentioned in the amendment were foreign. He suggested the committee reference the technology and not any specific companies.

[5:08:04 PM](#)

SENATOR HOLLAND withdrew his objection.

CHAIR SHOWER withdrew Amendment 1.

[5:08:47 PM](#)

SENATOR KAWASAKI moved Amendment 2, work order 32-LS0204\0.3.

32-LS0204\0.3
Klein
4/22/21

AMENDMENT 2

OFFERED IN THE SENATE

BY SENATOR KAWASAKI

TO: CSSB 39(STA), Draft Version "O"

Page 17, lines 24 - 31:

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 regularly scheduled state elections. The division may not require a voter who chooses this option to reapply for an absentee ballot by mail unless

(1) the voter has not voted an absentee ballot for a period of four years; or

(2) the voter's previous absentee ballot sent under this section was returned to the division as undeliverable."

CHAIR SHOWER objected for discussion purposes.

SENATOR KAWASAKI explained that the amendment removes the requirement that a voter who chooses to vote absentee reapply every four years. However, the Division of Elections would have to certify that the voter wants to continue to receive absentee ballots [if they did not vote for four years or their ballot was returned as undeliverable.]

[5:10:52 PM](#)

CHAIR SHOWER moved Conceptual Amendment 1 to Amendment 2.

CONCEPTUAL AMENDMENT 1 TO AMENDMENT 2

Insert (m)(3) "the voter requests to be removed from the list."

He explained that the bill has a provision that requires the Division of Elections to educate citizens to unregister when

they leave Alaska with no intention to return. This supports that requirement.

CHAIR SHOWER found no objection and Conceptual Amendment 1 to Amendment 2 passed.

[5:11:47 PM](#)

CHAIR SHOWER removed his objection. Finding no further objection, Amendment 2, as amended, passed.

[5:12:06 PM](#)

SENATOR KAWASAKI moved Amendment [3], work order 32-LS0204\0.4

32-LS0204\0.4
Klein
4/22/21

AMENDMENT 3

OFFERED IN THE SENATE BY SENATOR KAWASAKI
TO: CSSB 39(STA), Draft Version "O"

Page 18, lines 8 - 16:

Delete all material and insert:

"(b) Counting of absentee ballots that have been reviewed shall begin **not fewer than seven days preceding** [AT 8:00 P.M., LOCAL TIME, ON] the day of the election at places designated by each election supervisor and shall continue until all absentee ballots reviewed and eligible for counting have been counted. The counting teams shall report the **first** count of absentee ballots to the district absentee ballot counting board **not later than** [. AN ELECTION SUPERVISOR OR AN ELECTION OFFICIAL MAY NOT COUNT ABSENTEE BALLOTS BEFORE] 8:00 p.m., local time, on the day of the election. Counting of the absentee ballots shall continue at times designated by the election supervisor until all absentee ballots are counted."

CHAIR SHOWER clarified that it was Amendment 3 and then objected for discussion purposes.

SENATOR KAWASAKI explained that Amendment 3 seeks to ensure that the counting of absentee ballots by the Division of Elections will begin as soon as possible.

CHAIR SHOWER moved Conceptual Amendment 1 to Amendment 3:

CONCEPTUAL AMENDMENT 1 TO AMENDMENT 3

Page 26, line [31], following "election results"
Insert "absentee ballots"

[5:13:43 PM](#)

SENATOR HOLLAND objected for discussion purposes.

CHAIR SHOWER said he agreed with the proposed Amendment 3 and the proposed conceptual amendment is to make it crystal clear that the intention is to add "absentee ballots" to the list that version 0 adds to [AS 15.56.070(a)] relating to election official misconduct in the first degree.

[5:14:29 PM](#)

SENATOR HOLLAND removed his objection.

CHAIR SHOWER found no further objection and Conceptual Amendment 1 to Amendment 3 passed.

[5:14:49 PM](#)

CHAIR SHOWER removed his objection; finding no further comment or objection, Amendment 3 as amended, passed.

[5:15:01 PM](#)

SENATOR KAWASAKI advised that he would not offer Amendment 4.

SENATOR HOLLAND made a motion that acknowledged that the previously adopted amendments to version 0 had indeed been adopted.

CHAIR SHOWER acknowledged that the motion was superfluous but that it was in the script he was following.

CHAIR SHOWER held SB 39 in committee.

[5:17:30 PM](#)

There being no further business to come before the committee,
Chair Shower adjourned the Senate State Affairs Standing
Committee meeting at 5:17 p.m.