

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

April 22, 2021

6:04 p.m.

MEMBERS PRESENT

Senator Mike Shower, Chair
Senator Lora Reinbold, Vice Chair (via teleconference)
Senator Mia Costello
Senator Roger Holland
Senator Scott Kawasaki

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Senator Peter Micciche

COMMITTEE CALENDAR

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 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
04/22/21	(S)	Heard & Held
04/22/21	(S)	STA AT 6:00 PM BUTROVICH 205

WITNESS REGISTER

MORGAN LIM
Planned Parenthood Alliance Advocate
Juneau, Alaska

POSITION STATEMENT: Stated that PPAA opposes SB 39.

CHANDRA CAFFROY
Alaskans for Constitutional Rights
Homer, Alaska

POSITION STATEMENT: Stated wholehearted support for SB 39.

EMILY KANE, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

LAURA BONNER, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified that she opposes SB 39 because she trusts the integrity of Alaska's elections.

CHARLIE FRANZ, representing self
Homer, Alaska

POSITION STATEMENT: Testified in support of SB 39.

PATRICIA FISHER, representing self
Meadow Lakes, Alaska

POSITION STATEMENT: Testified that SB 39 is very complex and unclear, and she would urge the committee to hear more public testimony.

MELANIE GLATT, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 39 and offered suggestions for improvement.

LEON JAIMES, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

PATRICIA CHESBRO, representing self
Wasilla, Alaska

POSITION STATEMENT: During the hearing on SB 39, urged the committee to pay attention to the testimony from the cyber security expert and not pass a bill that implies Alaska is filled with frauds.

MIKE COONS, representing self
Palmer, Alaska

POSITION STATEMENT: Stated that he fully supports the current version of SB 39, but with some reservations that he outlined in writing and sent to the committee.

MICHAEL SALZMANN, representing self
Anchor Point, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

MARY ANN HIGGINS, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

NANCY BIRD, representing self
Cordova, Alaska

POSITION STATEMENT: Stated that she opposes SB 39, version O.

JOELLE HALL, President
Alaska AFL CIO
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

DAVID BOYEL, representing self
Anchorage, Alaska

POSITION STATEMENT: Stated support for SB 39 and offered two specific comments.

JOHN CREED, representing self
Sutton, Alaska

POSITION STATEMENT: Testified that overall, he opposes SB 39.

MICHAEL GARVEY
American Civil Liberties Union of Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

RICHARD GUSTAFSON, representing self
Homer, Alaska

POSITION STATEMENT: Testified that SB 39 is one of voter suppression and should not pass.

WILL MULDOON, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

EVAN ANDERSON, Civic Engagement Director
Alaska Center for Education Fund (ACEF)
Anchorage, Alaska

POSITION STATEMENT: Stated that he applauds the committee for working together to tackle election security and modernization, but he opposes SB 39.

MARC JOHNSON, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

CARLY WIER, representing self
Homer, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

PAMELA SAMASH, representing self
Nenana, Alaska

POSITION STATEMENT: Stated support for moving SB 39 from committee

GARY WALTENBAUGH, representing self
Fritz Creek, Alaska

POSITION STATEMENT: During the hearing on SB 39, testified that he did not think anything was wrong with the state's voter rolls.

ROBERT WELTON, representing self
Douglas, Alaska

POSITION STATEMENT: Stated that he was calling to oppose SB 39.

DOUG ROBBINS, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified that he opposes SB 39 until the public has had time to understand what it says.

JULIE SMYTH, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified that she opposes SB 39 at this point.

KAREN LACKEY, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified in strong support of SB 39.

ELLA COTTER
Republican District 3
North Pole, Alaska

POSITION STATEMENT: Testified that SB 39 will make elections more transparent, alleviate most voter fraud, and restore confidence in the voting process.

NAURI TOLER, representing self
Eagle River, Alaska

POSITION STATEMENT: Stated that she opposes SB 39.

DIANNE MACRAE, representing self
Kasilof, Alaska

POSITION STATEMENT: Testified in support of SB 39.

BERT HOUGHTALING, representing self
Big Lake, Alaska

POSITION STATEMENT: Testified in support of SB 39.

GARY TYNDALL, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 39.

KENRA KLOSTER, Executive Director
Native Peoples Action
Anchorage, Alaska

POSITION STATEMENT: Testified that she does not support SB 39 as currently drafted, but she looks forward to continuing to work to improve the bill and remove barriers so more Alaskans have the opportunity to vote.

CRIS EICHENLAUB, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified that he supports SB 39 and appreciates the work that has gone into the bill.

NANCY LEITH FREDRICKSON-POPE, representing self
Palmer, Alaska

POSITION STATEMENT: Stated that she is very much in favor of SB 39.

TIFFANY RAY, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 39.

REBECCA MOORE, representing self
Homer, Alaska

POSITION STATEMENT: Stated that she strongly supports SB 39.

TERESA STORCH, representing self
Kodiak, Alaska

POSITION STATEMENT: During the hearing on SB 39, pointed out problems with the previous election and stated support for transparency in the ballot counting process.

SALLY POLLEN, representing self

Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 39.

NICK BROCKETT, representing self

Big Lake, Alaska

POSITION STATEMENT: During the hearing on SB 39, testified about the importance of election integrity and fighting fraud.

BILL PRICE, representing self

Wasilla, Alaska

POSITION STATEMENT: Testified in support of SB 39.

WILLY KEPPEL, representing self

Quinhagak, Alaska

POSITION STATEMENT: Testified in support of SB 39.

ACTION NARRATIVE

[6:04:51 PM](#)

CHAIR MIKE SHOWER called the Senate State Affairs Standing Committee meeting to order at 6:04 p.m. Present at the call to order were Senators Kawasaki, Costello, Holland, and Chair Shower.

6:06:30 PM

At ease

6:07:26 PM

CHAIR SHOWER reconvened the meeting.

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

[6:07:56 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 briefly compared version A and version O and clarified that testimony should be confined to version O, which is very different from the original bill.

[6:08:36 PM](#)

CHAIR SHOWER opened public testimony on SB 39.

[6:09:01 PM](#)

MORGAN LIM, Planned Parenthood Alliance Advocate, Juneau, Alaska, stated that PPAA opposes SB 39. It is a voter suppression bill that imposes barriers to access to the polls. He said the bill claims to combat election fraud in Alaska, but that is a baseless claim that is the foundation for a bill in search of a problem. If passed, it will disenfranchise voters. He said PPAA supports policies that make it easier for all voters to register and cast a ballot. It is unfortunate that the US has not lived up to its promise of equal access to the ballot box, but Black, Indigenous, and people of color are likely to face barriers to voting. He described SB 39 as part of a nationwide voter-suppression trend. He pointed out that during the first three months of 2021, 47 states introduced 361 voter suppression bills. He maintained that despite claims to the contrary by proponents, version O has the same goal as the original bill. It imposes a cascade of barriers on voting and the limited opportunity for public testimony demonstrates that lawmakers have no interest in genuine public input on a fundamental pillar of democracy. He reiterated that the current version of SB 39 creates a web of barriers to voting. He urged the committee to hold the bill.

[6:11:44 PM](#)

CHANDRA CAFFROY, Alaskans for Constitutional Rights, Homer, Alaska, stated that this growing group of Alaskans wholeheartedly support SB 39. There is a need for Alaskans and Americans to regain confidence in elections. "In fact, we would support even more stringent measures," she said.

[6:12:47 PM](#)

EMILY KANE, representing self, Juneau, Alaska, stated that SB 39 infers that Alaska's election system is insecure and prone to mistakes, although there is very little evidence of security or verification issues due to the well thought out policies and procedures by the Division of Elections. She said she is not speaking for DOE but she did work for the division last summer and fall and the training was excellent. She said she thought about how someone might try to vote twice or cause ballots to disappear and she could not figure out any feasible scenario. She enumerated the checks and balances to catch duplicate or missing ballots. All ballots are numbered and quadruple checked before polling stations open and then they are multi-verified at the end of the day and signed off on by at least five election

workers before the ballots go back to the Division of Elections headquarters at the end of the night. From there the ballots undergo further verification and scrutiny. Duplicate or question ballots are neither tallied nor destroyed. A paper trail of all ballots remains, which would not be the case with the proposed blockchain technology. She highlighted that it takes time to certify ballots in Alaska because a good number come from military personnel overseas or remote villages. She urged the committee to let SB 39 die and instead focus on bills to bolster public health, public education, and public transportation, all of which will enhance the quality of life for Alaskans long term rather than frustrate their fundamental right to vote.

CHAIR SHOWER pointed out that the bill keeps the paper trail and matches the holding time to federal requirements.

6:15:09 PM

LAURA BONNER, representing self, Anchorage, Alaska, stated that she opposes SB 39 because she trusts the integrity of Alaska's elections. She appreciates the proposed ballot curing process, the ability to register absentee for four years, maintaining the PFD automatic voter registration, and adding tribal ID as a form of identification. With regard to the bill fixing data breaches, she said the state should work on increasing security for all state data systems. She said she is not sure what digital ledger and blockchain technology means, she just wants to vote absentee or use early voting and she should not need an oath-taker to witness her signature. Two adult signatures should be sufficient. She is not sure what two-factor authentication is but the last thing she needs is another pin or password. She also did not understand why she should be punished if she takes several ballots from friends to a drop-off box or the post office if she is going anyway. She expressed concern about the indeterminate fiscal note and pointed out that DOE has not found any fraud in the elections. Regarding the issue of the number of ballots sent to voters, she said it is the number of ballots sent in and counted that matters. She said SB 39 is unnecessary and should be rejected.

CHAIR SHOWER pointed out that the current version of the bill allows both absentee and in-person early voting. Regarding the oath, the bill has a provision that states that the signer must be 18 years of age or older.

6:17:37 PM

CHARLIE FRANZ, representing self, Homer, Alaska, stated that he was speaking in support of SB 39. He believes the bill is a

major step forward in restoring voter confidence and the integrity of the election system. He thanked the sponsor and related his only criticism is that he would have limited the acceptable identification to a government or tribal photo ID. He expressed hope that the committee would move SB 39 forward.

[6:18:36 PM](#)

PATRICIA FISHER, representing self, Meadow Lakes, Alaska, stated that she had read all 29 pages of SB 39, version 0, and while she was pleased with the changes, she found it complex. She does not understand the blockchain process and the practice of multi-factor authentication in this application is not clear. She expressed hope that the committee would not pass the bill today because the public has not had time to comment. She read the history of the bill hearings scheduled to date and urged the committee to continue public testimony beyond this evening.

CHAIR SHOWER advised that the bill would go through multiple committees in both the Senate and House and there will be an opportunity for public testimony in each committee. He emphasized that it is the usual practice to take public testimony just once per committee.

[6:20:31 PM](#)

MELANIE GLATT, representing self, Palmer, Alaska, thanked the sponsor for introducing SB 39 and offered suggestions. She relayed her dismay to learn about the 20-30 percent error rate between the number of registered voters and the population that is eligible to vote. She stated support for holding ballots for 22 months; offered a suggestion to add a line on ballot envelopes to signify that a voter is picking up a voted ballot for another voter; suggested adding language to the bill about audits and the use of electronic voting machines to ensure that a foreign or domestic adversary could not change the vote; and asked if ballots that go into voting machines could include a receipt so the voter could see that their ballot went through.

CHAIR SHOWER recognized that Senator Micciche was in the audience.

[6:24:12 PM](#)

LEON JAIMES, representing self, Anchorage, Alaska, advised that he has more than 20 years' experience in information technology and network security, and he owns a business in Anchorage that provides highly specialized, cyber security services. He said he has been following bitcoin since 2012, and is very familiar with applied technology. He encouraged the members to oppose SB 39

because it is not grounded in reality and is part of a national trend to implement voter suppression. He said others have pointed out multiple issues with the bill, but he would focus on cyber security and technology. The first big problem is that the state's office of information technology (IT) faces the same challenge as all other organizations in the country. As a nation, America's businesses, schools, and government lag other developed nations in the ability to detect, defend against, and respond to cyber security threats. He highlighted that in 2009, the Department of Health and Social Services settled with the federal government for \$1.7 million for a HIPAA breach and in 2020, the Division of Elections suffered an attack that resulted in the compromise of the voter registration database. He offered his belief that the bill overestimates the ability of the state to secure its electronic systems. He added that as a cyber-security expert he sympathizes with those tasked with protecting the state's information systems because the attacks are increasing in frequency and complexity, and are expected to get worse. He offered his belief that the blockchain and distributed ledgers proposed in the most recent version of the bill are fundamentally different technologies, so he wonders which one is proposed and why. He said they both rely on public nodes but there is no discussion about securing the data on those public nodes. Finally, he said the multifactor identification is problematic in that it restricts access to certain groups. He concluded that the state would not be able to handle the technology and it would be very expensive.

[6:27:11 PM](#)

PATRICIA CHESBRO, representing self, Wasilla, Alaska, stated that she has voted in Alaska for 40 years and has always felt the elections were safe and fair, but she believes the committee should pay attention to the testimony from the cyber security expert. She described ballot curing and accepting tribal IDs as important improvements and suggested additional improvements including postage paid return envelopes for absentee ballots, counting of by-mail ballots before Election Day, and increasing worker wages and training to help prevent mistakes. She reiterated her confidence in Alaska elections and urged the committee not to pass a bill that implies fraud is occurring in the elections.

[6:29:05 PM](#)

MIKE COONS, representing self, Palmer, Alaska, stated that he fully supports the current version of SB 39 with some reservations that he outlined in writing and sent to the committee. He offered support for Amendments 1 and 2, expressed

some concern with Amendment 3 and suggested keeping the 30-day residency provision in Amendment 4. [The committee adopted these amendments during the 3:30 p.m. meeting.] He refuted the testimony that talked about racism and bias in elections, and asserted his conviction that the last election was "the largest voter suppression by the socialists of all time." He concluded that SB 39 has well-thought-out provisions to ensure that Alaskans will not be disenfranchised or have their vote suppressed.

[6:31:32 PM](#)

MICHAEL SALZMANN, representing self, Anchor Point, Alaska, began his testimony by recounting the barriers to equal access to the ballot box that Native Alaskans face to this day. For example, in 2008 the state eliminated polling locations in some Native villages as part of a district realignment that resulted in voters having to travel by plane in order to vote. He commented on the claims of dead people registered to vote and people registered in multiple districts and expressed doubt that the problem was significant enough to warrant a bill like SB 39. He offered his belief that the security measures governing mail-in balloting, secure drop off locations, harsh penalties, and post-election audits make multifactor authentication unnecessary. He described hand-marked paper ballots as the most reliable record there is and said it would be a mistake to rely solely on digital data that is subject to manipulation. He concluded saying that SB 39 purports to be neutral, but it will suppress participation. He suggested the committee instead do more to ensure that Alaskans can exercise their right to vote without undue hardship.

[6:34:26 PM](#)

MARY ANN HIGGINS, representing self, Anchorage, Alaska, advised that she was at a disadvantage because she was unaware that the committee had adopted a committee substitute. That being said, she opposes any laws that make it more difficult to vote. She specifically mentioned multifactor authentication and advanced technologies, describing these as not Alaskan. She said the research shows that hand marked ballots are the answer to voter fraud; they can be held in perpetuity and are easily researched. She and her husband prefer in person voting but like the option of vote by mail and early voting. However, getting a witness for their ballots is cumbersome. She questioned whether that was in the new bill. She said she read about the big error in the Alaska voter rolls and asked the committee to resolve the conflict because she also read that Alaska has one of the best voter rolls in the country. She asked which is true. She offered

her understanding that the PFD addresses are updated every year and suggested that should take care of any problem with the voter rolls. She discounted the idea that there was widespread voter fraud and described SB 39 as a costly solution to a non-problem. She concluded her testimony asking if the Class A misdemeanor and Class C felonies were removed.

CHAIR SHOWER answered no; that is current statute. The bill does not change that and several other things she contended.

6:37:50 PM

NANCY BIRD, representing self, Cordova, Alaska, stated that she opposes SB 39, version O. She has voted in every local and state election since 1977, been a voter registrar, and once worked at the polls and she is comfortable that the existing voting process is fair and accurate. She expressed concern that changing the system that is not broken will result in fewer citizens voting. Regardless of how people vote, she wants everyone eligible to vote to exercise this incredible American right. She spent the first 20 years of her life in countries where voting is not fair and in 1971 she witnessed voter suppression in Mississippi, so this is personal. She urged the committee to stop further consideration of SB 39.

6:39:15 PM

JOELLE HALL, President, Alaska AFL CIO, Anchorage, Alaska, advised that she submitted written testimony on SB 39 and her testimony this evening would focus on the witness signature. She said she does not object to a witness signature but the insinuation that somebody who has sworn an oath is more trustworthy is confusing and may keep people from submitting their ballot. This is deeply worrisome. She said the overview of version O focused on data hygiene, custody, and authentication. Data hygiene is the mandate of DOE, and she would suggest that instead of the expensive solutions discussed this evening, that the legislature provide resources to DOE to clean up the voter rolls. She questioned putting the names of the organizations with which DOE must work in statute. She observed that the custody and authentication issues largely apply to the vote by mail scenarios and therefore are an unfunded mandate to municipalities that have or will have vote-by-mail elections. The next concern is the requirement for local governments to have certain processes in place in order to use the state's rolls. She questioned how that could possibly happen by the October elections and argued that the state needs to make the choices about custody and authentication. Otherwise, every

municipality will be responsible for that on an individual basis.

[6:42:33 PM](#)

DAVID BOYEL, representing self, Anchorage, Alaska, stated support for SB 39, version O, but offered two specific comments. First, on page 5, lines 17-18 he suggested requiring DOE to publish their report for the public to see. Second is to add military IDs as a valid voter identification on pages 10, 17, and 19 because those are more valid than a utility bill. He urged the committee to move the bill from committee. He said it will increase election integrity and ensure that every legal vote counts.

CHAIR SHOWER said he would take those suggestions under advisement.

[6:44:41 PM](#)

JOHN CREED, representing self, Sutton, Alaska, thanked the sponsor for the positive changes to SB 39 including tracking and ballot curing and the use of tribal IDs as identification. He recommended increasing the population threshold for communities receiving mail-in ballots from 800 to 3,500. This would include more communities on the road system and allow hub communities in rural Alaska to be part of the mail-in system. He said he opposes blockchain technology as undemocratic and government overreach and requiring a second signature seems to be voter suppression and a solution looking for a problem. He said he believes the state should pay the return postage for mail-in ballots to encourage more people to vote. He said the process for the bill has not been as transparent as it could have been. He appreciates the work, but overall he opposes SB 39.

CHAIR SHOWER advised that the section on population and mail-in ballots is not in final form. He also pointed out that the requirement for two signatures on the ballot return envelope is in current statute. The intention in SB 39 is to codify that the witness must be at least 18 years of age and a US citizen.

[6:47:24 PM](#)

MICHAEL GARVEY, American Civil Liberties Union of Alaska, Anchorage, Alaska, stated that SB 39, version O, contains several changes that help voter engagement such as ballot curing, the use of travel identification cards, and the ability to receive by mail ballots for four years. However, he views Section 54 as an unconstitutional attempt to diminish the power and duty of the judicial branch and allow the legislature to

determine how to conduct elections in Alaska. The result could be the restriction of Alaskans' voting rights without consequence. He said the ACLU is also concerned that version O would take unnecessary and expensive steps to change Alaska's elections. For example, SB 39 would require DOE to develop and implement a multifactor authentication system as well as an additional authentication process for voters unable to use multifactor authentication. This and other changes would require the expenditure of resources that are in short supply. Finally, the ACLU is concerned about the additional rules and requirements SB 39 would impose on Alaskans voting absentee. He said everyone agrees that Alaska election security could be improved, but the bill is based on an inaccurate diagnosis of the problems. The ACLU believes that election improvements should maximize engagement and help Alaskans exercise their right to vote rather than making it unnecessarily complicated and stringent.

[6:49:47 PM](#)

RICHARD GUSTAFSON, representing self, Homer, Alaska, stated that he has voted in most elections since the early 1970s and was confident that they were safe. He described SB 39 as an overreach and an attempt to fix nonexistent problems. The bill is one of voter suppression and should not pass.

[6:50:30 PM](#)

WILL MULDOON, representing self, Juneau, Alaska, stated opposition to the current version of SB 39, and described the claim that there is corrupt data in the voter rolls as patently false. He said that specifically means "the intentioned altering of data through the writing, reading, transmission, or processing workflows." He described that as a bit like the brown M&Ms in Van Halen's dressing room. It shows there is an issue with fluency. That coupled with trying to rely on a centralized blockchain is a very large issue. He pointed out that one of the largest robberies in history was when hackers stole 600,000 bitcoin from the Mt. Gox Exchange. The blockchain ledger shows the outstanding valuation is about \$33.5 billion. He said it is not an apples-to-apples comparison with ballots but there is no recompense for individuals if that situation happens. He also wondered about the public saying that the people need to be able to understand the systems but there is not the fluency now and adding complexity will further that issue.

CHAIR SHOWER said that to the point about data corruption, the dual goal is to ensure the voter rolls are accurate and to protect that data with 21st Century technology.

[6:53:07 PM](#)

EVAN ANDERSON, Civic Engagement Director, Alaska Center for Education Fund (ACEF), Anchorage, Alaska, stated that he applauds the committee for working together to tackle election security and modernization, but he opposes SB 39. He expressed appreciation for the provisions regarding ballot curing, chain of custody improvements, and preserving paper records, but rejected the notion that Alaska's election data is corrupt. He said the data does not seem to substantiate the anecdotes of people receiving multiple ballots in either the 2020 election or the Anchorage municipal election in 2018. Furthermore, removing local control over elections by mandating state requirements for all by-mail voting will make it more difficult to vote in local communities. Regarding the accuracy of the PFD data, he related that while working on the automatic voter initiative in 2015, ACEF learned that over 200,000 Alaskans update the addresses on their PFD applications every year because they moved, but the Division of Elections does not receive that data timely. He encouraged the committee to hold SB 39 and instead increase funding for the Division of Elections so they can provide accurate data for the voter rolls.

CHAIR SHOWER advised that with regard to the PFD data, the intent is to implement opt out. The PFD division and the Division of Elections both have said the data passes to the Division of Elections automatically without any crosschecks of whether or not the individuals should be on the voter rolls. That is what needs to be fixed on the PFD side, he said.

[6:56:31 PM](#)

MARC JOHNSON, representing self, Anchorage, Alaska, stated that he has voted in nearly every election since 1983 and he is calling to state his opposition to SB 39. He emphasized that Alaska does not have a problem with voter fraud, and suggested the effort was a copycat of the nationwide trend of unnecessary voter suppression bills. He said he is angry that it was proposed, and he will do all in his power to oppose the bill.

CHAIR SHOWER argued that SB 39 was not following the national trend; he has been working on this bill for three years.

[6:57:47 PM](#)

CARLY WIER, representing self, Homer, Alaska, began her testimony by commenting on the number of times she marked her calendar to give public testimony only to find last minute cancelations. The skeptic in her makes her think this has been

by design to confuse and make it more challenging for people to give public testimony on this bill that would drastically affect the ability to vote in Alaska. She said she would like to think that anybody serving in Juneau right now would do better by Alaskans than this sweeping legislation that will affect Alaskan's ability to participate in democracy.

MS. WIER stated agreement with other testimony that SB 39 seeks to solve a nonexistent problem. She said there is no widespread fraud in Alaska elections and the voter rolls are updated annually through automatic registration from PFD applications. She said she regularly participates in get-out-to-vote efforts, and she has learned that the voting system must be accessible enough for people in all circumstances to participate. This means the system needs to accommodate early voting, absentee voting, vote by mail, in-person on Election Day voting, and reasonable requirements for identification. She said she appreciates certain changes such as the ability to register for absentee voting in advance, but she does not support dual factor identification. It is an over-the-top response to a nonexistent security problem that would create unnecessary and expensive problems for the Division of Elections and be confusing and burdensome for voters. She urged the committee to hold SB 39 and make sure that people have the opportunity to comment.

[7:01:14 PM](#)

PAMELA SAMASH, representing self, Nenana, Alaska, expressed hope that the committee moves SB 39 from committee because she believes that there was nationwide fraud in the last election. Online ballot machines were the biggest concern. She said the thing that makes America free and great is that people can vote, but it is worthless if the vote is unfair. Her belief is that the last election was rigged.

[7:02:42 PM](#)

GARY WALTENBAUGH, representing self, Fritz Creek, Alaska, related that his grandfather used to say, "If it ain't broke, don't fix it." and he isn't sure anything in the election system is really "broke." He offered his belief that the value of being an Alaska is being able to be an independent, freedom-oriented person who can say what he thinks. He asked the committee to seriously consider that there is nothing wrong with Alaska's voter rolls, but make sure that everyone has the opportunity to testify.

[7:03:53 PM](#)

ROBERT WELTON, representing self, Douglas, Alaska, stated that he was calling to oppose SB 39. He listed the reasons. First, it mandates blockchain technology, which has proved to be hackable. Instead, the Division of Elections should do a thorough review of its procedures and recommend a system, if need be, through the regular budget process. Second changing the PFD automatic registration to opt in violates the spirit of the 2016 ballot initiative and ignores the vote of the people, which is morally wrong. Third, the bill imposes a misdemeanor penalty on somebody who helps to deliver ballots for elderly or disabled people. He described that misdemeanor threat as a form of voter suppression. Forth, the bill limits the ability of municipalities to mail ballots to voters or decide how to conduct special elections. He emphasized that cities should be allowed to decide how they conduct their elections. Fifth, the offense hotline that the bill proposes undermines trust and is an excuse for more suppression. He said the largest challenge facing this democracy is extreme partisanship and gridlock. If more people vote, the policies are more representative and reflect the will of the majority. When voting is restricted, as SB 39 does, partisanship increases and policies favored by the majority are blocked. This undermines faith in democracy.

CHAIR SHOWER advised him to look at BASIS to see the new version of the bill; his testimony was to the original bill. The ballot harvesting language was changed significantly and the PFD opt-in and local control over elections were both eliminated.

[7:07:23 PM](#)

DOUG ROBBINS, representing self, Anchorage, Alaska, stated that he signed on to testify only to learn that he had prepared his remarks to the wrong version. He expressed frustration about the moving target and inadequate time to understand the changes. He said he sees some provisions in version 0 that may be good policy whereas the original bill had seriously objectionable provisions. He described SB 39 as complex with broad sweeping impacts. Given the history of the bill, he said he opposes the current version until the public has had time to understand what it says. He specifically pointed out that Section 22 creates an unreasonable standard for certifying elections with no provision to cure the problem. He said the version he studied contains many criminal penalties for voting activity when there is already a robust system in place to protect election integrity. He did not know which penalties were new and which were already in statute. He pointed out that citizens are not lawyers and should not be expected to risk criminal penalties if they are unsure about their voter status or the requirements to witness a

ballot. He said this is a type of voter intimidation that will discourage legitimate voters. He urged the committee to hold SB 39 and focus on the budget instead.

CHAIR SHOWER pointed out that most of the penalties already exist in statute; the new language is bolded. Also, there will be more opportunity for public testimony as the bill moves through the committee process.

[7:10:06 PM](#)

JULIE SMYTH, representing self, Fairbanks, Alaska, stated that she could only find the original, version A posted to BASIS and she would suggest the committee hold the bill until the website is updated and the public has had time to read and prepare comments on the new version. She pointed out that the 2020 election was held during a pandemic and reportedly was the most secure ever, yet SB 39 undoes some of the work that made that election so secure. She said she trusts the Division of Elections but it needs more funding to make the current process of sorting the automatic voter registration data from the PFD Division run smoother and faster. She emphasized that there is insufficient evidence of voter fraud in the state to support making it more difficult on any voter to cast their vote. She concluded her testimony saying, "At this point, I opposed the bill."

[7:12:08 PM](#)

KAREN LACKEY, representing self, Wasilla, Alaska, disagreed with previous testimony that the last election was honest. She knows of people who have been out of the state for more than three years who have not received a PFD but have received ballots. She also related her knowledge of a hired solicitor who went door-to-door pressuring people to sign ballots and turn them over to the solicitor for safekeeping. She said it is time to restore integrity in the voting system; people have stopped voting because they believe the elections are not fair and their vote would not make a difference.

[7:13:18 PM](#)

ELLA COTTER, Republican District 3, North Pole, Alaska, stated that SB 39 will make elections more transparent, alleviate most voter fraud, and restore confidence in the voting process. The bill does this by establishing an election offense hotline, making ballot harvesting a misdemeanor and ballot tampering a felony, establishing an effective date for voting, creating a reasonable registration process, requiring proper identification, regulating ballot security and chain of custody,

providing a process for spoiled ballots, regulating absentee ballots and how people obtain assistance in casting their ballot. She could see no reason anybody who wished to eliminate voter fraud and promote voter integrity would vote against this bill.

7:15:10 PM

NAURI TOLER, representing self, Eagle River, Alaska, stated that she opposes SB 39. The state should make it easier to vote rather than more difficult. She suggested the committee listen to the testimony from people who worked the elections and expressed confidence in the existing system. She described SB 39 as a complicated and expensive solution to a problem that has no factual basis. She agreed with previous testimony that the bill is one of voter suppression. She concluded saying she opposes SB 39 and hopes the committee will oppose it too.

7:17:13 PM

DIANNE MACRAE, representing self, Kasilof, Alaska, reported that she uses the voter rolls to inform people of what is going on in the area and she was surprised at the number of people who are still on the voter rolls but reside in other states. She voiced support for better data, discounted the idea that there is no problem, and asserted that there is ballot harvesting. She said the bill is a good way to get the voter rolls straightened out properly and with accountability. She expressed appreciation and support for SB 39.

7:19:41 PM

BERT HOUGHTALING, representing self, Big Lake, Alaska, emphasized that SB 39 is not a voter fraud bill and the election system is not broken, but the bill would give the system more integrity. He maintained that the number of registered voters in Alaska is 130 percent higher than the number of Alaskans eligible to vote. He said SB 39 will accomplish a needed cleanup. He described the use of blockchain as an accountable way for Alaskans to track their ballots. He disputed the claims that the use of blockchain is voter suppression. He referred to the discussion during the afternoon hearing and stated 100 percent opposition to ballot harvesting but support for representatives from all parties helping seniors to vote. He also stated support for ensuring that someone who witnesses a ballot must be at least 18 years of age and a US citizen.

CHAIR SHOWER advised that blockchain was changed to something much broader to give the Division of Elections flexibility. He

also announced that the committee would stay until everyone who signed up had an opportunity to testify.

[7:23:39 PM](#)

GARY TYNDALL, representing self, Fairbanks, Alaska stated that he considers voting a fundamental right and he believes that the peoples' confidence needs to be restored after the last election. Whether or not anything occurred is not the issue; it is that a lot of loopholes and potential problems were exposed. SB 39 goes a long way toward fixing those potential issues and restoring confidence in the basic right to vote. He stated full support for SB 39 and asked the members to move it from committee.

[7:25:23 PM](#)

KENRA KLOSTER, Executive Director, Native Peoples Action, Anchorage, Alaska, stated that this statewide organization works hard in a nonpartisan way to ensure that every eligible voter in Alaska has the opportunity to vote. She said she appreciates the provisions such as tribal identification as a valid ID, ballot curing, and four years for absentee voting, although she believes that should be permanent. However, she does not agree with two-factor authentication. It can be confusing which is burdensome and will deter people from voting. Furthermore, it does nothing to help clean up the voter rolls, which she understood was the intention. She said she wants to ensure that every Alaska has the opportunity and finds it easy to vote. She said she does not support SB 39 as currently drafted but she looks forward to continuing to work to improve the bill and remove the barriers, so more Alaskans have the opportunity to vote.

CHAIR SHOWER pointed out that there is still no limit on absentee voting and multi-factor identification is not a requirement. The intent is to make things more secure. He also highlighted that ballot curing will put a large burden on the state so the burdens go both ways.

[7:28:14 PM](#)

CRIS EICHENLAUB, representing self, Wasilla, Alaska, stated that he supports SB 39 and appreciates the work that has gone into the bill. "I can see the blood, sweat, and tears dripping off this bill." He drew an analogy between enacting a bill to ensure safe and secure elections and putting locks on a new house even when it is in a nice neighborhood. He described SB 39 as Alaska's opportunity to be number one and perhaps be best practice in secure elections. He suggested the public think

about the fact that it is easier to vote in Alaska than to buy a pack of cigarettes. He reiterated his appreciation to the sponsor for his hard work.

7:29:58 PM

NANCY LEITH FREDRICKSON-POPE, representing self, Palmer, Alaska, stated that she is very much in favor of SB 39. It is incredibly important because there is definitely a problem with Alaska's elections. She shared that her bother, who is out of the country and has not voted in 12-15 years, received two mail-in ballots at her address. She also received a ballot for somebody who lived in her home three years ago. She noted testimony in support of election workers and the election system and said she does not feel that way. She relayed her experience taking her father to vote at the MatSu Borough building. They were told they could use the "I Voted" sticker to seal the ballot envelope if they choose not to lick the envelope to seal it shut. Pandemic aside, she described that as ridiculous. She concluded that there is most definitely voter fraud and she is pleading for secure elections. It is incredibly important.

7:33:11 PM

TIFFANY RAY, representing self, Fairbanks, Alaska, stated that she has been an election worker for the past five years. She supports SB 39 because she sees the need for more transparency in the election system. She described her personal circumstances and said she takes issue with the notion that somebody could not stay informed because they did not have money or had a disability. She is proof that is not the case. She reiterated support for SB 39.

7:35:05 PM

REBECCA MOORE, representing self, Homer, Alaska, stated that she strongly supports SB 39 and strongly encourages the committee to move it from committee. This bill will ensure integrity and confidence in Alaska elections. She shared that she is a former financial officer who audited financial statements for the sole purpose of determining integrity and accuracy in those statements. She understands that integrity in elections is just as important. SB 39 is about ensuring integrity and confidence in the voting system and making sure that every valid vote counts. False information is everywhere and there is fraud in Alaska's election system. She claimed that eight of the previous testifiers who opposed the bill gave false information to support their opposition. She thanked the chair for correcting the record in those circumstances because integrity matters. She said this is not about voter suppression as is being conveyed;

it is about confidence and a broken voting system. She questioned when making it easy to vote became more important than ensuring the integrity of elections. She reiterated her support for SB 39 and moving it from committee.

CHAIR SHOWER announced that the committee would stay late to hear from everybody who wanted to testify.

[7:38:31 PM](#)

TERESA STORCH, representing self, Kodiak, Alaska, reported that in the November 2020 election she noticed major changes in the way the election was conducted. "I just frankly smelled something fishy," she said. Voters used Sharpies to mark their ballots and she subsequently saw warnings on the internet about using them in Dominion voting machines. Sharpie use aside, she is skeptical about Dominion voting machines because they were used in the election fraud in Venezuela. She questioned whether they connected to the internet and suggested that many other voters wonder that too. She also questioned the role social media played in election interference and censorship. She quoted an unnamed founding father who talked about government secrecy being tyranny and Joseph Stalin who said counting the ballots is the most important part of the election. She concluded her testimony urging transparency in the ballot counting process.

[7:42:08 PM](#)

SALLY POLLEN, representing self, Palmer, Alaska, stated that she appreciates the three years of work that has gone into SB 39 and she expects more changes to come. She disputed the claims that the bill was one of voter suppression. She offered her belief that everybody wants all eligible voters to vote but eligibility is the key and a picture ID is important in that determination. She said she supports SB 39 and cannot imagine opposition to election reform. "You don't wait for the roof to leak in order to repair the roof, so I think now is a good time to secure good voter regulations." She said she does not understand blockchain completely but believes it is the wave of the future to eliminate possibilities for hacking. She expressed skepticism about mail in voting, reiterated her support for SB 39, and noted that she waited about an hour to testify because it was important to do so.

CHAIR SHOWER advised the public to submit written testimony at ssta@akleg.gov.

[7:45:41 PM](#)

NICK BROCKETT, representing self, Big Lake, Alaska, advised previous testifiers who talked about living in a democracy that this is a republic and that honest and open elections are the bedrock of liberty. He said there is a lot of voter suppression, but he believes it comes from fraudulent voting. "Every eligible voter loses a vote every time an illegitimate vote is cast." He emphasized the importance of integrity in elections and warned against selling out "to those people who would like to take it away from us."

CHAIR SHOWER asked if he supported or opposed SB 39.

MR. BROCKETT replied, "I know there's some voter fraud going on because when I found out both of my parents voted for Biden, I stopped taking flowers to their graves."

[7:48:45 PM](#)

BILL PRICE, representing self, Wasilla, Alaska, discounted previous testimony claiming that the 2020 election was the most secure ever because nobody provided any evidence. On the other side of the argument, people claimed fraud in the election but that too is unsubstantiated. There is no proof because the election system has issues, he said. He recapped previous testimony and wondered how many rural residents who oppose SB 39 are happy that Anchorage is flooding the city in ballots and engaging in ballot harvesting thereby invalidating the vote of rural residents by sheer numbers. He further wondered whether those who find that okay would also be okay if the result showed Anchorage voting the same way as Wasilla. He said he votes out of a sense of duty but for years, he has had zero faith that the outcome was fair or free. He thanked the committee for its work to ensure election integrity going forward. "I want to believe that my vote will count, and I want to be able to prove that the result is true and accurate."

CHAIR SHOWER restated that his intent in introducing SB 39 was to restore faith in the election system.

[7:53:35 PM](#)

WILLY KEPPEL, representing self, Quinhagak, Alaska, stated that he was calling in total support of SB 39. He reported that despite severe weather conditions and coronavirus restrictions, his village had the highest voter turnout of all time. He described an election in a village to illustrate that having a valid ID is not important because everybody knows everybody. He encouraged the committee to pass SB 39 because he saw multiple ballots in the trash at the post office and that is not right.

He also asked legislators to support SJR 1 because the PFD has been so successful at putting money into the economy of Alaska.

CHAIR SHOWER noted the individuals who had waited to testify but were no longer available and suggested that they submit their testimony in writing.

[7:58:26 PM](#)

CHAIR SHOWER closed public testimony on SB 39 and solicited the will of the committee.

[7:58:41 PM](#)

SENATOR HOLLAND moved to report SB 39, work order 32-LS0204\0 as amended, from committee with individual recommendations and attached fiscal note(s).

[7:58:55 PM](#)

SENATOR KAWASAKI objected. Speaking to his objection, he said the first scheduled hearing on SB 39 was 1/26/21 and to date he had not seen a fiscal note despite the requirement under AS 24.08.035 Fiscal notes on bills. He paraphrased from the following excerpt of the statute:

(a) Before a bill or resolution, except an appropriation bill, is reported from the committee of first referral, there shall be attached to the bill a fiscal note containing an estimate of the amount of the appropriation increase or decrease that would result from enactment of the bill for the current fiscal year and five succeeding fiscal years or, if the bill has no fiscal impact, a statement to that effect shall be attached.

[8:00:19 PM](#)

At ease

[8:02:58 PM](#)

CHAIR SHOWER reconvened the meeting and asked Senator Kawasaki to continue speaking to his objection.

SENATOR KAWASAKI continued to say that he is not a fan of SB 39 but that aside, a fiscal note must accompany the bill before it moves from the first committee of referral or the action is illegal. He said that is just one of the many reasons he did not like the bill.

CHAIR SHOWER stated that the discussion during the "at ease" was about Senator Kawasaki's catch on the rules of legislative procedure. He thought the indeterminate fiscal notes were attached but they were not physically attached right now. He said he would shoulder the blame for not dotting all the "I"s and crossing all the "T"s because it is his committee. He expressed appreciation to Senator Kawasaki for "keeping us inside out lane" and announced that he would hold the bill in committee and get the paperwork in order for next Tuesday's meeting.

CHAIR SHOWER asked Senator Holland to withdraw the motion.

[8:04:58 PM](#)

SENATOR HOLLAND withdrew the motion to move SB 39 from committee.

CHAIR SHOWER asked if there were additional comments or questions.

[8:05:11 PM](#)

SENATOR KAWASAKI pointed out that someone waited for an hour and 20 minutes to give public testimony today, another person was unaware of the committee substitute, and David Boyle suggested including military IDs as valid identification for elections. He said legislators get ideas from the public and this is the first time the public has had the opportunity to testify. He mentioned that 350 messages on the bill came to his office and said he did not believe the bill was ready to move. He said three of the five members of this committee will see the bill in the next committee of referral, but this was his only chance to improve it and he would like the opportunity to do that. The public provided some good suggestions this evening and while he cannot support provisions such as blockchain and two-factor authentication, he does like some parts of the bill. He reiterated that he would like to change the bill and he will bring it up again on Tuesday when he objects to moving the bill.

CHAIR SHOWER highlighted that the committee held a number of hearings on the bill over nearly three months, public testimony generally is heard just once, and he would have an opportunity to offer amendments on the floor.

[8:07:05 PM](#)

SENATOR SHOWER held SB 39 in committee for future consideration.

[8:07:09 PM](#)

There being no further business to come before the committee,
Chair Shower adjourned the Senate State Affairs Standing
Committee meeting at 8:07 p.m.