

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

May 8, 2023

3:28 p.m.

MEMBERS PRESENT

Representative Sarah Vance, Chair
Representative Jamie Allard, Vice Chair
Representative Ben Carpenter
Representative Craig Johnson
Representative David Eastman
Representative Andrew Gray
Representative Cliff Groh

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 129

"An Act relating to voter registration; and providing for an effective date."

- HEARD & HELD

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 11

"An Act establishing the crime of assault in the presence of a child."

- MOVED SSHB 11 OUT OF COMMITTEE

HOUSE BILL NO. 181

"An Act renaming the State Commission for Human Rights the Alaska State Commission for Civil Rights; relating to removal of commissioners of the Alaska State Commission for Civil Rights; relating to reports from the Alaska State Commission for Civil Rights; relating to the definition of 'employer' for the purposes of the Alaska State Commission for Civil Rights; and relating to local civil rights commissions."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 129

SHORT TITLE: VOTER REGISTRATION

SPONSOR(s) : JUDICIARY

03/22/23	(H)	READ THE FIRST TIME - REFERRALS
03/22/23	(H)	STA, JUD
03/28/23	(H)	STA AT 3:00 PM GRUENBERG 120
03/28/23	(H)	Scheduled but Not Heard
03/30/23	(H)	STA AT 3:00 PM GRUENBERG 120
03/30/23	(H)	Heard & Held
03/30/23	(H)	MINUTE(STA)
04/27/23	(H)	STA AT 3:00 PM GRUENBERG 120
04/27/23	(H)	Moved CSHB 129(STA) Out of Committee
04/27/23	(H)	MINUTE(STA)
04/28/23	(H)	STA RPT CS(STA) 5DP 2AM
04/28/23	(H)	DP: CARPENTER, C.JOHNSON, ALLARD, WRIGHT, SHAW
04/28/23	(H)	AM: ARMSTRONG, STORY
05/01/23	(H)	JUD AT 1:00 PM GRUENBERG 120
05/01/23	(H)	Heard & Held
05/01/23	(H)	MINUTE(JUD)
05/03/23	(H)	JUD AT 1:00 PM GRUENBERG 120
05/03/23	(H)	Heard & Held
05/03/23	(H)	MINUTE(JUD)
05/05/23	(H)	JUD AT 1:00 PM GRUENBERG 120
05/05/23	(H)	Heard & Held
05/05/23	(H)	MINUTE(JUD)
05/08/23	(H)	JUD AT 1:00 PM GRUENBERG 120

BILL: HB 11

SHORT TITLE: CRIME: ASSAULT IN THE PRESENCE OF A CHILD

SPONSOR(s) : JOSEPHSON

01/19/23	(H)	PREFILE RELEASED 1/9/23
01/19/23	(H)	READ THE FIRST TIME - REFERRALS
01/19/23	(H)	JUD, FIN
01/25/23	(H)	SPONSOR SUBSTITUTE INTRODUCED
01/25/23	(H)	READ THE FIRST TIME - REFERRALS
01/25/23	(H)	JUD, FIN
01/27/23	(H)	JUD AT 1:00 PM GRUENBERG 120
01/27/23	(H)	Heard & Held
01/27/23	(H)	MINUTE(JUD)
04/21/23	(H)	JUD AT 1:00 PM GRUENBERG 120
04/21/23	(H)	<Bill Hearing Canceled>
04/24/23	(H)	JUD AT 1:00 PM GRUENBERG 120
04/24/23	(H)	<Bill Hearing Canceled>
05/05/23	(H)	JUD AT 1:00 PM GRUENBERG 120
05/05/23	(H)	Heard & Held

05/05/23 (H) MINUTE (JUD)
05/08/23 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: HB 181

SHORT TITLE: STATE COMMISSION FOR CIVIL RIGHTS

SPONSOR(s): JUDICIARY

04/26/23 (H) READ THE FIRST TIME - REFERRALS
04/26/23 (H) JUD, STA
04/26/23 (H) JUD AT 1:00 PM GRUENBERG 120
04/26/23 (H) Heard & Held
04/26/23 (H) MINUTE (JUD)
04/28/23 (H) JUD AT 1:00 PM GRUENBERG 120
04/28/23 (H) Heard & Held
04/28/23 (H) MINUTE (JUD)
05/08/23 (H) JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

CAROL BEECHER, Director
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSHB 129 (STA).

MICHAELA THOMPSON, Acting Director
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSHB 129 (STA).

JAKE ALMEIDA, Staff
Representative Sarah Vance
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Offered information on amendments to CSHB 129 (STA) on behalf of the House Judiciary Standing Committee, sponsor by request, chaired by Representative Vance

REPRESENTATIVE ANDY JOSEPHSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Offered comments on amendments to SSHB 11, as the prime sponsor.

JOHN SKIDMORE, Attorney General
Criminal Division
Department of Law
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on SSBH 11.

ROB CORBISIER, Executive Director
Alaska State Commission for Human Rights
Anchorage, Alaska

POSITION STATEMENT: Gave an overview of the proposed CS for HB 181, Version U, on behalf of the House Judiciary Standing Committee, sponsor by request, chaired by Representative Vance.

ACTION NARRATIVE

[3:28:18 PM](#)

CHAIR SARAH VANCE called the House Judiciary Standing Committee meeting to order at 3:28 p.m. Representatives Carpenter, C. Johnson, Eastman, Gray, Groh, and Vance were present at the call to order. Representative Allard arrived as the meeting was in progress.

HB 129-VOTER REGISTRATION

[3:29:55 PM](#)

CHAIR VANCE announced that the first order of business would be HOUSE BILL NO. 129, "An Act relating to voter registration; and providing for an effective date." [Before the committee was CSHB 129(STA), as amended on 5/5/23.]

[3:30:07 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 3 to CSHB 129(STA), as amended, labeled 33-LS0668\B.4, Klein, 5/4/23, which read:

Page 1, line 1, following "**Act**":
Insert "**relating to the master register;**"

Page 1, following line 2:
Insert a new bill section to read:
"*** Section 1.** AS 15.07.127 is amended to read:
Sec. 15.07.127. Preparation of master register.
The director shall prepare both a statewide list and a

list by precinct of the names and addresses of all persons whose names appear on the master register and their political party affiliation. The director shall create a daily backup of the master register at 5:00 p.m. each day. Subject to the limitations of AS 15.07.195, any person may obtain a copy of the list, a daily backup of the list, or a part of the list, or an electronic format containing both residence and mailing addresses of voters, by applying to the director and paying to the state treasury a fee as determined by the director."

Page 1, line 3:

Delete "**Section 1**"

Insert "**Sec. 2**"

Renumber the following bill sections accordingly.

REPRESENTATIVE C. JOHNSON objected.

[3:30:10 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 3 would implement a daily backup of the master voter registration list making the daily backup available to any person upon request.

REPRESENTATIVE C. JOHNSON asked the Division of Elections (DOE) whether a daily backup at 5:00 p.m. each day was a reasonable request.

[3:31:56 PM](#)

CAROL BEECHER, Director, Division of Elections, Office of the Lieutenant Governor, explained that currently, DOE backs up its database each night at 12:00 a.m. Should Amendment 3 be adopted, the division would need to reconfigure the current system so as not to impede the 5:00 p.m. backup. She indicated that the proposal would be costly and time consuming.

REPRESENTATIVE C. JOHNSON inquired about the division's staff load at 5:00 p.m. on any given day.

MS. BEECHER said staff didn't work beyond 5:00 p.m. on a regular basis. She noted that the database backup process was automated.

[3:33:56 PM](#)

REPRESENTATIVE CARPENTER asked whether the previous day's data was saved in its entirety in a separate file or whether there was only one file for the entire database.

MS. BEECHER said the information was backed up every day, from which point old data was not saved. She emphasized the size of the database, indicating that it would expand at a rate of 2-6 gigabytes each day if daily lists were retained.

REPRESENTATIVE CARPENTER asked whether a snapshot of the database from any specific day could be provided.

MS. BEECHER remarked, "When it is backed up, then each time we go from the most current backup forward." She highlighted the distinction between the backup of the database and the voter registration list, which was compiled by DOE staff using information from the database.

[3:36:53 PM](#)

REPRESENTATIVE EASTMAN shared his understanding that there were two separate backups: one at midnight and one at 5:00 p.m. He asked Ms. Beecher to distinguish between the two.

MS. BEECHER clarified that the database was currently backed up at around midnight each day, not at 5:00 p.m.

REPRESENTATIVE EASTMAN questioned the file size of the voter registration list.

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

REPRESENTATIVE EASTMAN asked whether a backup at midnight would conflict with the division's current processes.

MS. BEECHER said a specific time would be problematic for the division to adhere to.

[3:39:21 PM](#)

REPRESENTATIVE EASTMAN asked whether the division would object to language requiring a daily backup [without a specific time].

MS. BEECHER clarified that the division already backed up its database every day.

CHAIR de asked whether Amendment 3 would instigate fiscal note if it required the director to create a daily backup with no specified time.

MS. BEECHER reiterated that that the division already ran a backup of the database every day. She highlighted the language on line 12 of the proposed amendment, which DOE interpreted as requiring a daily backup of the voter registration list. She explained that the voter registration list was created by request, as opposed to every day, adding that it took time to respond to each request.

[3:40:57 PM](#)

REPRESENTATIVE GRAY asked whether it was a fair characterization to say that the first half of the proposed amendment was already in practice and the second half might be prohibitively difficult.

MS. BEECHER explained that requiring the division to retain a daily backup of the voter registration list would require a large amount of data, as every daily backup would need to be stored somewhere in the database.

REPRESENTATIVE GRAY suggested tracking the changes made to the list on each particular day, rather than saving every daily backup of the list.

MS. BEECHER reiterated that it would be costly to make and retain a list every day and a lot of work to track the changes. She stressed that the list was a living document, meaning that each day, staff added and removed people from the voter registration list.

REPRESENTATIVE GRAY pointed out that in the healthcare industry, any changes or additions made to an electronic medical record were timestamped. He suggested upgrading the technology to simple software that was not time-consuming or expensive.

[3:44:26 PM](#)

REPRESENTATIVE EASTMAN offered closing remarks on Amendment 3. He characterized the division's choice to "destroy and override" the list as an "obvious violation [the] public record retention laws." He opined that there was no justification for deleting the record.

[The committee considered the objection to Amendment 3 to be maintained.]

[3:45:51 PM](#)

A roll call vote was taken. Representatives Eastman voted in favor of Amendment 3. Representatives Carpenter, C. Johnson, Grey, Groh, Allard, and Vance voted against it. Therefore, Amendment 3 failed to be adopted by a vote of 1-6.

REPRESENTATIVE EASTMAN moved to adopt Amendment 4 to CSHB 129(STA), as amended, labeled 33-LS0668\B.5, Klein, 5/4/23, which read:

Page 1, line 1, following "**registration;**":
Insert "**relating to voter identification;**"

Page 1, following line 2:
Insert new bill sections to read:
"*** Section 1.** AS 15.07.060 is amended by adding a new subsection to read:

(g) In addition to the information required under (a) of this section, an applicant may elect to provide the division a unique security identifier selected by the applicant. Upon an applicant's request, the division shall, for all elections purposes, require and accept a unique identifier selected by the applicant instead of the identifiers provided under (a)(2) and (3) of this section.

*** Sec. 2.** AS 15.07.125 is amended by adding a new subsection to read:

(b) The official registration list for an election and the list of persons eligible to vote in each precinct must include the unique security identifier for each person on the list who has provided a unique security identifier under AS 15.07.060(g)."

Page 1, line 3:
Delete "**Section 1**"
Insert "**Sec. 3**"

Renumber the following bill sections accordingly.

Page 4, following line 15:
Insert new bill sections to read:
"*** Sec. 8.** AS 15.20.030 is amended to read:

Sec. 15.20.030. Preparation of ballots, envelopes, and other material. The director shall provide ballots for use as absentee ballots in all districts. The director shall provide a secrecy sleeve in which the voter shall initially place the marked ballot, and shall provide an envelope with the prescribed voter's certificate on it, in which the secrecy sleeve with ballot enclosed shall be placed. The director shall prescribe the form of and prepare the voter's certificate, envelopes, and other material used in absentee voting. The voter's certificate shall include a declaration, for use when required, that the voter is a qualified voter in all respects, a blank for the voter's signature and a blank for a unique security identifier selected under AS 15.07.060(g), a certification that the affiant properly executed the marking of the ballot and gave the voter's identity, blanks for the attesting official or witness, and a place for recording the date the envelope was sealed and witnessed. The envelope with the voter's certificate must include a notice that false statements made by the voter or by the attesting official or witness on the certificate are punishable by law.

* **Sec. 9.** AS 15.20.203(b) is amended to read:

(b) An absentee ballot may not be counted if

(1) the voter has failed to properly execute the certificate;

(2) an official or the witnesses authorized by law to attest the voter's certificate fail to execute the certificate, except that an absentee ballot cast in person and accepted by an absentee voting official or election supervisor may be counted despite failure of the absentee voting official or election supervisor to properly sign and date the voter's certificate as attesting official as required under AS 15.20.061(c);

(3) the ballot is not attested on or before the date of the election;

(4) the ballot, if postmarked, is not postmarked on or before the date of the election;

(5) after the day of election, the ballot was delivered by a means other than mail; [OR]

(6) the voter voted

(A) in person and is a

(i) first-time voter who initially registered by mail or by facsimile or other electronic

transmission approved by the director under AS 15.07.050, has not provided the identification required by AS 15.15.225(a), was not eligible for waiver of the identification requirement under AS 15.15.225(b), and has not provided the identifiers required in AS 15.07.060(a)(2) and (3) that can be verified through state agency records described in AS 15.07.055(e); or

(ii) voter other than one described in (i) of this subparagraph, did not provide identification described in AS 15.15.225(a), was not personally known by the election official, and has not provided the identifiers required in AS 15.07.060(a)(2) and (3); or

(B) by mail or electronic transmission, is a first-time voter who initially registered by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050 to vote, has not met the identification requirements set out in AS 15.07.060, and does not submit with the ballot a copy of a

(i) driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license; or

(ii) current utility bill, bank statement, paycheck, government check, or other government document; an item described in this sub-subparagraph must show the name and current address of the voter; or

(7) the voter elected to use a unique security identifier selected under AS 15.07.060(g) and the voter failed to provide the unique security identifier.

* Sec. 10. AS 15.20.207(b) is amended to read:

(b) A questioned ballot may not be counted if the voter

(1) has failed to properly execute the certificate;

(2) is a first-time voter who initially registered by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050, has not provided the identification required by AS 15.15.225(a), was not eligible for waiver of the identification requirement under AS 15.15.225(b), and has not provided the identifiers required in AS 15.07.060(a)(2) and (3) that can be

verified through state agency records described in AS 15.07.055(e); [OR]

(3) is a voter other than one described in (2) of this subsection, did not provide identification described in AS 15.15.225(a), was not personally known by the election official, and has not provided the identifiers required in AS 15.07.060(a)(2) and (3); or (4) elected to use a unique security identifier selected under AS 15.07.060(g) and the voter failed to provide the unique security identifier."

Renumber the following bill section accordingly.

REPRESENTATIVE C. JOHNSON objected.

[3:46:38 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 4 would allow applicants to select a unique security identifier to verify their identity in place of their Social Security number, which he characterized as a poor way of verifying someone's information after a data breach.

[3:48:06 PM](#)

REPRESENTATIVE GROH asked for DOE's perspective on the proposed amendment.

MS. BEECHER sought clarity on paragraph (7) of Amendment 4 and asked what the security identifier would look like, whether it be numbers or letters or a combination of both.

REPRESENTATIVE GROH asked whether the proposed amendment would require a fiscal note.

MS. BEECHER answered yes, there would be costs associated with assigning a new unique security identifier. Further, the division would need to figure out a way to apply the identifier to various documents and the voter registration list.

CHAIR VANCE said she was supportive of added security; however, her intention was to keep the bill focused on the voter rolls with no fiscal note in light of [the state's] current finances.

[3:51:01 PM](#)

REPRESENTATIVE EASTMAN opined that the state's actions caused voter information to be compromised; consequently, he believed the state had a responsibility to safeguard that information. In reference to paragraph (7), he suggested that any person who forgot the unique identifier could verify his/her identity at a DOE office with a driver's license, state identification, or voter card and create a new security identifier of his/her own choosing.

[3:52:14 PM](#)

A roll call vote was taken. Representative Eastman voted in favor of Amendment 4. Representatives Allard, Carpenter, C. Johnson, Gray, Groh, and Vance voted against it. Therefore, Amendment 4 failed to be adopted by a vote of 1-6.

[3:52:41 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 5 to CSHB 129(STA), as amended, labeled 33-LS0668\B.3, Klein, 5/4/23, which read:

Page 1, line 1, following "**registration;**":
Insert "**relating to voting by mail;**"

Page 4, following line 15:

Insert new bill sections to read:

*** Sec. 6.** AS 15.20.081(c) is amended to read:

(c) Except as provided in (m) of this section, **after** [AFTER] receipt of an application, the director shall send the absentee ballot and other absentee voting material to the applicant by the most expeditious mail service. However, if the application requests that an absentee ballot for a state election be sent by electronic transmission, the director shall send the absentee ballot and other absentee voting material to the applicant by electronic transmission. Except as provided in (k) of this section, the absentee ballot and other absentee voting material shall be sent as soon as they are ready for distribution. If the absentee ballot and other absentee voting material are mailed to the applicant, the return envelope sent with the ballot and other materials shall be addressed to the election supervisor in the district in which the voter is a resident.

* **Sec. 7.** AS 15.20.081 is amended by adding a new subsection to read:

(m) If mail sent by the division to a voter at an address is returned as undeliverable, the division may not send the voter an absentee ballot at that address unless the voter appears in person before a registration official to verify the address, presents a current driver's license, state identification card, or other current and valid photo identification, and requests that the division send an absentee ballot to the address.

* **Sec. 8.** AS 15.20.800(b) is amended to read:

(b) If the director conducts an election under (a) of this section by mail, the director shall send a ballot for each election described in (a) of this section to each person whose name appears on the official registration list prepared under AS 15.07.125 for that election. The director shall send ballots by first class, nonforwardable mail. The ballot shall be sent to the address stated on the official registration list unless

(1) the voter has notified the director or an election supervisor of a different address to which the ballot should be sent; or

(2) the address on the official registration list has been identified as being an undeliverable address **and the voter has not verified the address as provided in AS 15.20.081(m).**"

Renumber the following bill section accordingly.

REPRESENTATIVE CARPENTER objected for the purpose of discussion.

[3:52:50 PM](#)

REPRESENTATIVE EASTMAN stated that Amendment 5 required the division to verify a voter's identity prior to mailing a ballot to an address from which mail had been returned.

[3:53:55 PM](#)

REPRESENTATIVE ALLARD considered a scenario in which voter mail was returned as undeliverable. Under current practices, she asked whether the division would continue to send an absentee ballot to that same address.

MS. BEECHER deferred to Ms. Thompson.

[3:54:34 PM](#)

MICHAELA THOMPSON, Acting Director, Division of Elections (DOE), Office of the Lieutenant Governor, explained that a preferred mailing address must be indicated on the absentee ballot applications. If the ballot was returned as undeliverable, the ballot would not be re-sent until the voter was contacted by the division and the mailing address was confirmed or updated.

REPRESENTATIVE ALLARD said she was under the impression that ballots could not be forwarded.

MS. THOMPSON explained that if the division mailed a ballot to a person who had set up a forwarding service on his/her address, the United States Postal Service (USPS) would return that ballot to the division. The division would then contact the voter to confirm or update his/her mailing address and resend the ballot.

REPRESENTATIVE ALLARD asked whether Section 7 of Amendment 5 outlined existing practices.

MS. THOMPSON shared her belief that the amendment required voters to appear in person before a registration official to verify the address, which was not existing practice.

REPRESENTATIVE ALLARD opined that voting by absentee ballot was the safest way to vote aside from in person.

[3:57:12 PM](#)

REPRESENTATIVE GRAY expressed concern about requiring voters in rural Alaska to appear in person before a registration official. He asked whether there were election officials in every community in Alaska.

MS. THOMPSON replied not in every community.

CHAIR VANCE expressed her opposition to Amendment 5 because it would expand the scope of the bill.

[3:58:33 PM](#)

REPRESENTATIVE EASTMAN shared a personal anecdote. He emphasized that Amendment 5 was asking DOE not to send ballots to undeliverable addresses, similar to a print shop. He argued that if this was in fact existing practice for the division, DOE

should be encouraged to continue doing so. He said there should be no allowances for continuing to mail ballots to [undeliverable] addresses.

[The committee considered the objection to Amendment 5 to be maintained.]

4:00:08 PM

A roll call vote was taken. Representatives Allard and Eastman voted in favor of Amendment 5. Representatives Groh, Carpenter, C. Johnson, Gray, and Vance voted against it. Therefore, Amendment 5 failed to be adopted by a vote of 2-5.

4:00:42 PM

REPRESENTATIVE CARPENTER moved to adopt Amendment 6 to CSHB 129(STA), as amended, labeled 33-LS0668\B.9, Klein, 5/6/23, which read:

Page 3, line 18, through page 4, line 1:

Delete all material and insert:

"(g) The division shall adopt regulations providing for regular review and updates of the master register. The regulations must provide for review of the register for data breaches, the number of registered voters compared to persons eligible to vote in the state, and the names of deceased voters, persons convicted of a felony involving moral turpitude, persons not qualified to vote under AS 15.05, and persons registered to vote in another state. The regulations must specify records and databases for use in reviewing the master register; the records and databases must include databases sourced from governmental agencies outside the division, including the United States Postal Service national change of address database, the database of permanent fund dividend recipients, Alaska Court System databases, state motor vehicle records, records of the state programs of corrections, property and sales tax records, records of the federal social security system, municipal assessor databases, the United States Social Security Administration death index, an alien database maintained by the United States Department of Homeland Security, and jury duty records from other jurisdictions. The director shall compare the master register to state welfare and

public assistance agency databases to identify information relevant to registration to vote in state elections, including address changes, deaths, and citizenship status, and shall review the number of voters registered at each registration address to identify anomalous registration totals."

Page 4, following line 15:

Insert a new bill section to read:

"* **Sec. 6.** AS 15.07.195 is amended by adding a new subsection to read:

(e) Unless disclosure of information related to a data breach of information made confidential by this section would compromise a criminal investigation, the director shall, not less than 30 days after discovering the breach, publish notice of the nature and severity of the breach on the division's Internet website and report the details of the breach to the president of the senate and the speaker of the house of representatives."

Renumber the following bill section accordingly.

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[4:00:54 PM](#)

JAKE ALMEIDA, Staff, Representative Sarah Vance, Alaska State Legislature, on behalf of the House Judiciary Standing Committee, sponsor by request, chaired by Representative Vance, explained that Amendment 6 revised subsection (g) on page 3, line 18 through page 4, line 1 of the bill. He read the new language, indicating that the proposed amendment dealt with the information used by the division to verify the master register.

[4:02:51 PM](#)

REPRESENTATIVE GRAY directed attention to page 1, lines 17-19 of Amendment 6, and asked whether the division currently compared the master register to state welfare and public assistance agency databases.

MS. BEECHER answered no.

REPRESENTATIVE GRAY pointed out that state welfare and public assistance agencies were generally used by "poor people;"

consequently, he shared his belief that by referencing those databases, the language singled out [low-income] individuals.

CHAIR VANCE clarified that the intent was to utilize various databases within the state to verify updated information.

[4:04:24 PM](#)

REPRESENTATIVE GROH asked whether the language would impose an additional fiscal note.

MS. BEECHER answered yes, as it would require interface between the current system and the state welfare and public assistance agency databases.

REPRESENTATIVE GRAY asked why fishing and hunting license databases weren't included.

CHAIR VANCE defined [state welfare and public assistance agency databases] as "robust" because one-third of Alaskans were on some type of assistance. She suggested that the inclusion of those lists would help the division stay up to date, as [public assistance] forms were renewed every six months.

[4:06:34 PM](#)

The committee took a brief at-ease.

[4:07:47 PM](#)

REPRESENTATIVE CARPENTER moved to adopt Conceptual Amendment 1 to Amendment 6 to delete the word "shall" on line 17 and replace it with "may".

REPRESENTATIVE ALLARD objected. She opined that "shall" was favorable to "may" and questioned the purpose of Amendment 6 without the more prescriptive language.

REPRESENTATIVE EASTMAN asserted that the division had trouble differentiating between "may" and "shall" in the past. He shared an example of the division failing to prioritize a special election after an elected official passed away [in 2022]. He expressed his hope that the division, under new leadership, would "come to grips with the idea that these are reasonable things that they should already be doing, and they should not be coming to us after we need a special election ... and saying ... 'We need more time; we need more money.'"

4:10:43 PM

REPRESENTATIVE ALLARD pointed out that at the time, DOE was in unchartered waters with rank choice voting (RCV) and a jungle primary. She asked Ms. Beecher to elaborate on the fiscal impact of Amendment 6 and asked whether it would require new people or more efficiency.

MS. BEECHER said the additional fiscal note would require programming to interface with the public assistance databases, as well as ongoing maintenance. She compared the potential costs to that of the permanent fund dividend (PFD) automatic voter registration (AVR), which cost \$250,000 to implement, in addition to ongoing costs.

REPRESENTATIVE ALLARD expressed her shock that [using various governmental databases] wasn't current practice for DOE.

CHAIR VANCE highlighted the \$7 million in the capital budget for voter maintenance and asked whether that money could be utilized for these types of updates.

MS. BEECHER clarified that the \$7 million was earmarked for a new voter registration system. If the capital funding passed, she said the division could consider using new technology to interface [with other databases] and perform batch processes in a more efficient manner when putting together the bid for the contract.

CHAIR VANCE sought to confirm that costs of interfacing with state welfare and public assistance agency databases could be covered by capital funding, rather than creating a new fiscal note for the bill.

MS. BEECHER offered to follow up with more specific details. She suspected that fulfilling these requests would need to be a separate project from the new voter registration system, which would take two years to implement if the legislature wanted them completed sooner.

4:15:33 PM

REPRESENTATIVE ALLARD asked why [the new voter registration system] would take two years to implement.

MS. BEECHER highlighted constraints of the request for proposal (RFP) and procurement processes. Once procurement was complete, the technical staff was responsible for building the actual system, which she defined as a long process that could not be undertaken during an election year.

REPRESENTATIVE ALLARD asked why the process couldn't be started in 2025 after the [presidential] election.

MS. BEECHER said it was possible; however, the division's estimates were conservative so as to avoid overpromising and underdelivering.

[4:18:32 PM](#)

REPRESENTATIVE GRAY questioned the intent of replacing "shall" with "may".

REPRESENTATIVE CARPENTER said the effect of using "may" would allow the division to follow the provision at their discretion.

[The committee considered the objection to the conceptual amendment to be maintained.]

[4:19:31 PM](#)

A roll call vote was taken. Representatives Gray, Groh, Carpenter, C. Johnson, Eastman, and Vance voted in favor of Conceptual Amendment 1 to Amendment 6. Representative Allard voted against it. Therefore, Conceptual Amendment 1 to Amendment 6 passed by a vote of 6-1.

[4:20:12 PM](#)

REPRESENTATIVE GRAY noted that his prior opposition to Amendment 6 was alleviated by the conceptual amendment.

[The committee considered the objection to be maintained.]

[4:21:20 PM](#)

A roll call vote was taken. Representatives Eastman, Gray, Groh, Allard, Carpenter, C. Johnson, and Vance voted in favor of Amendment 6, as amended. No representatives voted against it. Therefore, Amendment 6, as amended, was adopted by a vote of 6-0.

CHAIR VANCE announced that CSHB 129(STA), as amended, would be held over.

[4:22:19 PM](#)

The committee took an at-ease from 4:22 p.m. to 4:29 p.m.

HB 11-CRIME: ASSAULT IN THE PRESENCE OF A CHILD

[4:29:02 PM](#)

CHAIR VANCE announced that the next order of business would be SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 11, "An Act establishing the crime of assault in the presence of a child."

CHAIR VANCE entertained amendments, noting that Amendment 1 [included in the committee packet] would not be offered.

[4:29:28 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 2 to SSHB 11, labeled 33-LS0203\S.4, Radford, 4/20/23, which read:

Page 1, line 1, following "child":
Insert "or an unborn child"

Page 1, line 4, following "child":
Insert "or an unborn child"

Page 1, line 5, following "child":
Insert "or an unborn child"

Page 1, line 7, following "age":
Insert "or an unborn child"

Page 1, line 11, following "child":
Insert "or an unborn child"

REPRESENTATIVE GRAY objected.

[4:29:33 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 2 made violence in the present of a child "or an unborn child" a crime. He reasoned that the calculation of adverse childhood experiences (ACEs) began in the womb and therefore, the impact of violent situations on the unborn child should be considered.

[4:30:43 PM](#)

REPRESENTATIVE GRAY asked whether the fetus needed to be of a certain age to qualify. He asked whether the crime would apply to a woman who did not know she was pregnant because it was early in the pregnancy.

REPRESENTATIVE EASTMAN responded that the bill anticipated a certain level of reckless disregard for the presence of a child, which would remain unchanged by Amendment 2. He argued that the same legal liability would apply to a 5-year-old child and a child in the womb.

[4:32:10 PM](#)

REPRESENTATIVE GRAY moved to adopt Conceptual Amendment 1 to Amendment 2 to replace "or an unborn child" with "unfertilized human eggs or human sperm."

REPRESENTATIVE ALLARD objected.

[4:33:12 PM](#)

The committee took a brief at-ease.

[4:33:43 PM](#)

[A roll call vote was taken, which was voided due to an incorrect tally].

[4:34:49 PM](#)

The committee took a brief at-ease.

[4:35:37 PM](#)

A roll call vote was taken. Representative Gray voted in favor of Conceptual Amendment 1 to Amendment 2. Representatives C. Johnson, Eastman, Groh, Allard, Carpenter, and Vance voted against it. Therefore, Conceptual Amendment 1 to Amendment 2 failed by a vote of 1-6.

CHAIR VANCE invited the bill sponsor to share his position on Amendment 2.

[4:36:24 PM](#)

REPRESENTATIVE ANDY JOSEPHSON, Alaska State Legislature, prime sponsor of SSHB 11, declined to share a position on Amendment 2. He pointed out that unborn children are protected under Alaska law with class A and B felonies - depending on the severity of the injury - when a fetus is seriously physically injured.

[4:37:28 PM](#)

REPRESENTATIVE ALLARD sought clarification on whether an unborn child is protected under the law.

JOHN SKIDMORE, Attorney General, Criminal Division, Department of Law (DOL), confirmed that the assault on a fetus is criminalized. He noted, however, that SSHB 11 would criminalize violence in the presence of a child, or in the case of Amendment 2, in the presence of an unborn child. He confirmed that ACEs expressly referred to the ages of 0 to 17; however, he was not aware of the information referenced by Representative Eastman suggesting that ACEs applied to unborn children.

[4:40:05 PM](#)

REPRESENTATIVE GRAY posited that Amendment 2 was about "not committing an assault in front of a woman" because a woman's uterus was not transparent and therefore, the fetus could not visually witness the assault crime. He argued that should Amendment 2 pass, all witnesses to an assault would need to submit a pregnancy test to ensure that [assault in the presence of a child] could be prosecuted. He asked whether that would require an additional fiscal note.

[4:41:12 PM](#)

MR. SKIDMORE clarified that no fiscal note would be required because there was no legal obligation to file every single charge possible. Nonetheless, he agreed that should Amendment 2 pass, there would be significant proof problems for prosecutors to establish who was pregnant at the time. He explained that the crime would require the offender to be reckless as to the fact that a woman in the vicinity was pregnant, which would be difficult to prove.

CHAIR VANCE shared a personal anecdote and a hypothetical scenario. She questioned the burden of proof required of assault in the presence of a child.

MR. SKIDMORE clarified that the law did not require the prosecutor to prove harm to the child [or unborn child]. He explained that the negative impact of the ACEs score was the rationale for passing the law; however, it wasn't material to the prosecution. Instead, the prosecutor would be required to demonstrate that the offender was reckless to the fact that a child was present at the time of the assault. He added that should Amendment 2 pass, the offender would have to be reckless to the presence of a pregnant woman at the time of the assault.

[4:47:29 PM](#)

REPRESENTATIVE ALLARD asked whether there was any proof that arguments impacted an unborn child in the womb. She stressed that she did not want the public to perceive her as not being pro-life.

REPRESENTATIVE EASTMAN suggested that the same question should be asked of the bill itself, as to whether an assault in the presence of the child harms the child. Either way, he pointed out that the level of harm to the child was not material to the prosecution of the crime. He shared his understanding that evidence presented to the committee suggested that children, both born and unborn, were sensitive to environmental stimulus. Further, that assaults in the home were statistical predictors of "what's going to happen to that child" later in life. He argued that the standard should be the same for both children and unborn children.

REPRESENTATIVE ALLARD asked for the definition of "assault in the presence of the child" and asked whether it could be either verbal or physical.

MR. SKIDMORE confirmed that assaults resulting in physical injury as well as threats of imminent physical injury were included in the bill.

REPRESENTATIVE ALLARD asked whether it was hard to prove whether a woman was induced into early labor by the threat of violence.

MR. SKIDMORE said he was not sure what evidence would be needed to prove that a woman was induced into labor at a particular time.

[4:54:20 PM](#)

REPRESENTATIVE GRAY clarified that the bill was focused on those witnessing an assault, as opposed to being assaulted themselves. He emphasized that assaulting a pregnant woman would be its own separate crime.

MR. SKIDMORE confirmed that the crime of pushing a pregnant woman down the stairs, for example, was separate.

[4:55:15 PM](#)

A roll call vote was taken. Representative Eastman voted in favor of Amendment 2. Representatives Carpenter, C. Johnson, Gray, Groh, Allard, and Vance voted against it. Therefore, Amendment 2 failed by a vote of 1-6.

[4:55:44 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 3 to SSHB 11, labeled 33-LS0203\S.7, Radford, 4/20/23, which read:

Page 1, line 5, following the second occurrence of "assault":

Insert "or attempts to commit an assault"

Page 1, line 6, following "assault":

Insert "or attempted assault"

Page 1, line 8, following "assault":

Insert "or attempted assault"

Page 1, line 10, following "assault":

Insert "or attempted assault"

REPRESENTATIVE CARPENTER objected.

[4:55:49 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 3 would add "or attempts to commit an assault" on page 1, line 5 of the bill.

REPRESENTATIVE ALLARD said she didn't understand the relevance of Amendment 3.

[4:57:38 PM](#)

REPRESENTATIVE GRAY asked for the legal definition of "attempted assault."

MR. SKIDMORE defined "attempt" as someone taking a substantial step towards committing the target crime. Furthermore, "attempt" changes the mental state from reckless to intentional, or in other words, a conscious objective to cause the assault.

REPRESENTATIVE GRAY asked whether swinging on another person and missing would be an attempted assault.

MR. SKIDMORE answered yes.

[4:58:56 PM](#)

REPRESENTATIVE CARPENTER opined that a finite resource was being wasted. He listed the subjects of the forthcoming amendments from Representative Eastman as follows: promoting suicide, conspiracy, human trafficking, promoting sex trafficking, and promoting self-harm, which he characterized as "missing the point of the bill." He opined that the amendments were a waste of the committee's time.

[4:59:34 PM](#)

REPRESENTATIVE ALLARD moved to table Amendment 3.

REPRESENTATIVE EASTMAN objected.

[4:59:57 PM](#)

A roll call vote was taken. Representatives Allard, Carpenter, Gray, Groh, and Vance voted in favor of tabling Amendment 3. Representative Eastman voted against it. Therefore, Amendment 3 was tabled by a vote of 5-1.

[5:00:29 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 4 to SSHB 11, labeled 33-LS0203\S.6, Radford, 4/24/23, which read:

Page 1, line 8, following "occurs":

Insert ", regardless of whether the child is the target of the assault"

REPRESENTATIVE CARPENTER objected.

REPRESENTATIVE EASTMAN explained that Amendment 4 would insert "regardless of whether the child is the target of the assault" on page 1, line 8 of the bill.

[5:01:40 PM](#)

REPRESENTATIVE ALLARD moved to table Amendment 4.

REPRESENTATIVE EASTMAN objected.

[5:02:00 PM](#)

A roll call vote was taken. Representatives Groh, Allard, Carpenter, Gray, and Vance voted in favor of tabling Amendment 4. Representative Eastman voted against it. Therefore, Amendment 4 was tabled by a vote of 5-1.

[5:02:27 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 5 to SSHB 11, labeled 33-LS0203\S.9, Radford, 4/23/23, which read:

Page 1, line 1, following "child":

Insert "; and establishing the crime of encouraging or promoting suicide in the presence of a child"

Page 1, line 3:

Delete "a new section"

Insert "new sections"

Page 1, following line 11:

Insert a new section to read:

"Sec. 11.41.245. Encouraging or promoting suicide in the presence of a child. (a) A person commits the crime of encouraging or promoting suicide in the presence of a child if the person encourages another person to commit suicide or promotes the concept of suicide to another person with reckless disregard that, at the time of the encouraging or promoting, a child under 16 years of age is present in the dwelling, vehicle, or location where the encouraging or promoting occurs.

(b) In this section, "present" means physically present or within hearing of the encouragement or promotion of suicide.

(c) Encouraging or promoting suicide in the presence of a child is a class A misdemeanor."

REPRESENTATIVE CARPENTER objected. He moved to table Amendment 5.

REPRESENTATIVE EASTMAN objected.

[5:02:38 PM](#)

A roll call vote was taken. Representatives Gray, Groh, Allard, Carpenter, and Vance voted in favor of tabling Amendment 5. Representative Eastman voted against it. Therefore, Amendment 5 was tabled by a vote of 5-1.

REPRESENTATIVE EASTMAN informed Chair Vance that he would not be offering Amendment 6 [included in the committee packet].

[5:03:10 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 7 to SSHB 11, labeled 33-LS0203\S.12, Radford, 4/24/23, which read:

Page 1, line 1, following "child":

Insert "; and establishing the crime of encouraging or promoting human trafficking in the presence of a child"

Page 1, following line 11:

Insert a new bill section to read:

"* **Sec. 2.** AS 11.41 is amended by adding a new section to read:

Sec. 11.41.367. Encouraging or promoting human trafficking in the presence of a child. (a) A person commits the crime of encouraging or promoting human trafficking in the presence of a child if the person encourages another person to commit a crime constituting human trafficking under AS 11.41.360 or 11.41.365 or promotes a crime constituting human trafficking under AS 11.41.360 or 11.41.365 to another person with reckless disregard that, at the time of the encouraging or promoting, a child under 16 years of age is present in the dwelling, vehicle, or location where the encouraging or promoting occurs.

(b) In this section, "present" means physically present or within hearing of the encouragement or promotion of human trafficking.

(c) Encouraging or promoting human trafficking in the presence of a child is a class A misdemeanor."

REPRESENTATIVE CARPENTER objected. He moved to table Amendment 7.

REPRESENTATIVE EASTMAN objected.

[5:03:31 PM](#)

A roll call vote was taken. Representatives Gray, Groh, Allard, Carpenter, and Vance voted in favor of tabling Amendment 7. Representative Eastman voted against it. Therefore, Amendment 7 was tabled by a vote of 5-1.

[5:03:59 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 8 to SSHB 11, labeled 33-LS0203\S.11, Radford, 4/24/23, which read:

Page 1, line 1, following "**child**":

Insert "; and establishing the crime of **encouraging or promoting sex trafficking in the presence of a child**"

Page 1, following line 11:

Insert a new bill section to read:

"* Sec. 2. AS 11.66 is amended by adding a new section to read:

Sec. 11.66.137. Encouraging or promoting sex trafficking in the presence of a child. (a) A person commits the crime of encouraging or promoting sex trafficking in the presence of a child if the person encourages another person to commit a crime constituting sex trafficking under AS 11.66.110 - 11.66.135 or promotes a crime constituting sex trafficking under AS 11.66.110 - 11.66.135 to another person with reckless disregard that, at the time of the encouraging or promoting, a child under 16 years of age is present in the dwelling, vehicle, or location where the encouraging or promoting occurs.

(b) In this section, "present" means physically present or within hearing of the encouragement or promotion of sex trafficking.

(c) Encouraging or promoting sex trafficking in the presence of a child is a class A misdemeanor."

REPRESENTATIVE CARPENTER objected. He moved to table Amendment 8.

REPRESENTATIVE EASTMAN objected.

[5:04:09 PM](#)

A roll call vote was taken. Representatives Gray, Groh, Allard, Carpenter, and Vance voted in favor of tabling Amendment 8. Representative Eastman voted against it. Therefore, Amendment 8 was tabled by a vote of 5-1.

[5:04:35 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 9 to SSHB 11, labeled 33-LS0203\S.10, Radford, 4/24/23, which read:

Page 1, line 1, following "**child**":

Insert "; **and establishing the crime of encouraging or promoting self-harm in the presence of a child**"

Page 1, line 3:

Delete "a new section"

Insert "new sections"

Page 1, following line 11:

Insert a new section to read:

"Sec. 11.41.245. Encouraging or promoting self-harm in the presence of a child. (a) A person commits the crime of encouraging or promoting self-harm in the presence of a child if the person encourages another person to commit self-harm or promotes the concept of self-harm to another person with reckless disregard that, at the time of the encouraging or promoting, a child under 16 years of age is present in the dwelling, vehicle, or location where the encouraging or promoting occurs.

(b) In this section, "present" means physically present or within hearing of the encouragement or promotion of self-harm.

(c) Encouraging or promoting self-harm in the presence of a child is a class A misdemeanor."

REPRESENTATIVE CARPENTER objected. He moved to table Amendment 9.

REPRESENTATIVE EASTMAN objected.

[5:04:45 PM](#)

A roll call vote was taken. Representatives Carpenter, Gray, Groh, Allard, and Vance voted in favor of tabling Amendment 9. Representative Eastman voted against it. Therefore, Amendment 9 was tabled by a vote of 5-1.

CHAIR VANCE sought final comment from the bill sponsor on SSHB 11.

[5:05:34 PM](#)

REPRESENTATIVE JOSEPHSON opined that the bill was a good public policy call because it would provide the state with a greater ability to protect children and send an important message. He urged passage of SSHB 11.

REPRESENTATIVE ALLARD thanked the bill sponsor for bringing the bill forward.

[5:06:35 PM](#)

REPRESENTATIVE EASTMAN, in final comment, questioned how to articulate whether a child was harmed [by witnessing an assault] if the bill did not require that the child was aware of the assault when it occurred. He argued that the bill would add a new punishment, ostensibly based on harm to a child; however, in some instances, a person could be convicted [of assault in the presence of a child] wherein child wasn't harmed in any demonstrable way. He asserted that there were ways to target harm to a child, but instead, the bill was focused on the reckless disregard standard. He characterized the bill as "very broad" and critiqued the committee for choosing not to "flesh out" some of aspects on the record.

[5:09:11 PM](#)

REPRESENTATIVE ALLARD moved to report SSHB 11 out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE EASTMAN objected.

[5:09:30 PM](#)

A roll call vote was taken. Representatives Allard, Carpenter, Gray, Groh, and Vance voted in favor of reporting SSHB 11 out of committee. Representative Eastman voted against it. Therefore, SSHB 11 was reported out of the House Judiciary Standing Committee by a vote of 5-1.

[5:10:01 PM](#)

The committee took an at-ease from 5:10 p.m. to 5:13 p.m.

HB 181-STATE COMMISSION FOR CIVIL RIGHTS

[5:13:43 PM](#)

CHAIR VANCE announced that the final order of business would be HOUSE BILL NO. 181, "An Act renaming the State Commission for Human Rights the Alaska State Commission for Civil Rights; relating to removal of commissioners of the Alaska State Commission for Civil Rights; relating to reports from the Alaska State Commission for Civil Rights; relating to the definition of 'employer' for the purposes of the Alaska State Commission for Civil Rights; and relating to local civil rights commissions."

[5:14:12 PM](#)

REPRESENTATIVE CARPENTER moved to adopt proposed committee substitute (CS) for HB 181, Version 33-LS0651\U, Bergerud, 5/8/23, as the work draft.

REPRESENTATIVE ALLARD objected.

CHAIR VANCE invited Mr. Corbisier to give an overview of Version U, as recommended by the Alaska State Commission for Human Rights (ASCHR).

[5:14:42 PM](#)

ROB CORBISIER, Executive Director, Alaska State Commission for Human Rights, gave an overview of the changes in the proposed CS for HB 181, Version U, on behalf of the House Judiciary Standing Committee, sponsor by request, chaired by Representative Vance. In Section 3, a provision designating the statewide assessment as a separate report was removed. Additionally, Representative Allard's request for electronic delivery was included. He explained that Section 4 created an affirmative defense for an employment claim of discrimination for religious corporations, associations, educational institutions, or societies, as well as

employees hired to engage in activities that are ecclesiastical, spiritual, or religious. Section 7 changed the definition of employer, per the commission's resolution. All remaining sections aligned with the previous version of the bill.

[5:17:42 PM](#)

A roll call vote was taken. Representatives Groh, Carpenter, Eastman, and Vance voted in favor of adopting CSHB 181, Version 33-LS0651\U, Bergerud, 5/8/23, as the work draft. No representatives voted against it. Therefore, Version U was adopted by a vote of 4-0.

CHAIR VANCE announced that HB 181, Version U would be held over.

[5:19:01 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 5:19 p.m.