

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

May 12, 2023

2:46 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. 4

"An Act relating to elections."

- MOVED HB 4 OUT OF COMMITTEE

CS FOR SENATE BILL NO. 53(FIN) AM

"An Act relating to competency to stand trial; relating to involuntary civil commitments; and relating to victims' rights during certain civil commitment proceedings."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 4

SHORT TITLE: ELECTIONS: REPEAL RANKED CHOICE VOTING

SPONSOR(S): REPRESENTATIVE(S) VANCE

01/19/23	(H)	PREFILE RELEASED 1/9/23
01/19/23	(H)	READ THE FIRST TIME - REFERRALS
01/19/23	(H)	STA, JUD
05/02/23	(H)	STA AT 3:00 PM GRUENBERG 120
05/02/23	(H)	Heard & Held
05/02/23	(H)	MINUTE(STA)
05/09/23	(H)	STA AT 3:00 PM GRUENBERG 120
05/09/23	(H)	Moved HB 4 Out of Committee

05/09/23 (H) MINUTE (STA)
 05/10/23 (H) STA RPT 4DP 1DNP
 05/10/23 (H) DP: ALLARD, CARPENTER, WRIGHT, SHAW
 05/10/23 (H) DNP: STORY
 05/10/23 (H) FIN REFERRAL ADDED AFTER JUD
 05/10/23 (H) BILL REPRINTED
 05/10/23 (H) JUD AT 1:00 PM GRUENBERG 120
 05/10/23 (H) Heard & Held
 05/10/23 (H) MINUTE (JUD)
 05/11/23 (H) JUD AT 1:00 PM GRUENBERG 120
 05/11/23 (H) Heard & Held
 05/11/23 (H) MINUTE (JUD)
 05/12/23 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: SB 53

SHORT TITLE: COMPETENCY; INVOLUNTARY CIVIL COMMITMENTS

SPONSOR (s): SENATOR (s) CLAMAN

02/01/23 (S) READ THE FIRST TIME - REFERRALS
 02/01/23 (S) HSS, JUD
 02/21/23 (S) HSS AT 3:30 PM BUTROVICH 205
 02/21/23 (S) Heard & Held
 02/21/23 (S) MINUTE (HSS)
 02/28/23 (S) HSS AT 3:30 PM BUTROVICH 205
 02/28/23 (S) Heard & Held
 02/28/23 (S) MINUTE (HSS)
 03/09/23 (S) HSS AT 3:30 PM BUTROVICH 205
 03/09/23 (S) Moved CSSB 53 (HSS) Out of Committee
 03/09/23 (S) MINUTE (HSS)
 03/10/23 (S) HSS RPT CS 3NR 2AM NEW TITLE
 03/10/23 (S) AM: WILSON, TOBIN
 03/10/23 (S) NR: DUNBAR, GIESSEL, KAUFMAN
 03/10/23 (S) JUD AT 1:30 PM BUTROVICH 205
 03/10/23 (S) Heard & Held
 03/10/23 (S) MINUTE (JUD)
 03/15/23 (S) JUD AT 1:30 PM BUTROVICH 205
 03/15/23 (S) <Bill Hearing Canceled>
 03/22/23 (S) JUD AT 1:30 PM BUTROVICH 205
 03/22/23 (S) <Bill Hearing Canceled>
 03/24/23 (S) JUD AT 1:30 PM BUTROVICH 205
 03/24/23 (S) <Bill Hearing Canceled>
 03/29/23 (S) JUD AT 1:30 PM BUTROVICH 205
 03/29/23 (S) Heard & Held
 03/29/23 (S) MINUTE (JUD)
 04/05/23 (S) JUD AT 1:30 PM BUTROVICH 205
 04/05/23 (S) Moved CSSB 53 (JUD) Out of Committee
 04/05/23 (S) MINUTE (JUD)

04/07/23 (S) JUD RPT CS 2DP 1NR 2AM NEW TITLE
 04/07/23 (S) DP: CLAMAN, KAUFMAN
 04/07/23 (S) NR: GIESSEL
 04/07/23 (S) AM: TOBIN, KIEHL
 04/11/23 (S) FIN REFERRAL ADDED AFTER JUD
 04/19/23 (S) FIN AT 1:30 PM SENATE FINANCE 532
 04/19/23 (S) Heard & Held
 04/19/23 (S) MINUTE(FIN)
 05/03/23 (S) FIN AT 9:00 AM SENATE FINANCE 532
 05/03/23 (S) Heard & Held
 05/03/23 (S) MINUTE(FIN)
 05/03/23 (S) FIN AT 1:30 PM SENATE FINANCE 532
 05/03/23 (S) Scheduled but Not Heard
 05/04/23 (S) FIN AT 9:00 AM SENATE FINANCE 532
 05/04/23 (S) Moved CSSB 53(FIN) Out of Committee
 05/04/23 (S) MINUTE(FIN)
 05/08/23 (S) FIN RPT CS 3DP 1NR 2AM NEW TITLE
 05/08/23 (S) DP: HOFFMAN, OLSON, BISHOP
 05/08/23 (S) NR: KIEHL
 05/08/23 (S) AM: WILSON, MERRICK
 05/08/23 (S) TRANSMITTED TO (H)
 05/08/23 (S) VERSION: CSSB 53(FIN) AM
 05/09/23 (H) READ THE FIRST TIME - REFERRALS
 05/09/23 (H) JUD, FIN
 05/09/23 (H) JUD WAIVED PUBLIC HEARING NOTICE, RULE
 23(A)
 05/10/23 (H) JUD AT 1:00 PM GRUENBERG 120
 05/10/23 (H) Heard & Held
 05/10/23 (H) MINUTE(JUD)
 05/12/23 (H) JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

THOMAS FLYNN, Assistant Attorney General
 Labor and State Affairs Section
 Department of Law
 Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 4.

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

POSITION STATEMENT: Answered questions during the hearing on HB 4.

NOAH KLEIN, Attorney
Legislative Legal Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 4.

SENATOR MATT CLAMAN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, answered questions during the hearing on CSSB 53 (FIN) AM.

STEVEN BOOKMAN, Senior Assistant Attorney General
Human Services Section
Civil Division (Anchorage)
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSSB 53 (FIN) AM.

KRISTY BECKER, PhD
Director of Clinical Services
Division of Alaska Psychiatric Institute
Department of Family and Community Services
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSSB 53 (FIN) AM.

ACTION NARRATIVE

[2:46:11 PM](#)

CHAIR SARAH VANCE called the House Judiciary Standing Committee meeting to order at 2:46 p.m. Representatives Carpenter, C. Johnson, Eastman, Gray, Groh, Allard, and Vance were present at the call to order.

HB 4-ELECTIONS: REPEAL RANKED CHOICE VOTING

[2:47:28 PM](#)

CHAIR VANCE announced that the first order of business would be HOUSE BILL NO. 4, "An Act relating to elections."

[2:47:54 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 1 to HB 4, labeled 33-LS0094\B.3, Klein, 5/11/23, which read:

Page 1, following line 2:

Insert new bill sections to read:

"* Section 1. AS 15.07.050(a) is amended to read:

(a) Registration may be made

- (1) in person before a registration official or through a voter registration agency;
- (2) by another individual on behalf of the voter if the voter has executed a written general power of attorney or a written special power of attorney authorizing that other individual to register the voter;
- (3) by mail;
- (4) by facsimile transmission, scanning, or another method of electronic transmission that the director approves; or
- (5) by requesting to be registered as a voter by checking a box that clearly indicates that the applicant is requesting to be registered on [COMPLETING] a permanent fund dividend application form under AS 43.23.015.

*** Sec. 2.** AS 15.07.060(e) is amended to read:

(e) For an applicant requesting initial registration by mail, by a form of [FACSIMILE OR OTHER] electronic transmission approved by the director under AS 15.07.050, or by requesting registration on [COMPLETING] a permanent fund dividend application form and including the information required under (a)(1) - (4) and (7) - (9) of this section, the director shall verify the information provided in compliance with (a)(2) and (3) of this section through state agency records described in AS 15.07.055(e). If the applicant cannot comply with the requirement of (a)(2) of this section because the applicant has not been issued any of the listed numbers, the applicant may instead submit a copy of one of the following forms of identification: a driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license.

*** Sec. 3.** AS 15.07.070(i) is amended to read:

(i) The division shall register voters under (j) - (m) of this section who request to be registered on a permanent fund dividend application form submitted

under AS 43.23.015 to the Department of Revenue. The director shall treat an eligible permanent fund dividend applicant who requests to be registered as a new or updated registered voter, unless the permanent fund dividend applicant does not provide the information required under AS 15.07.060(a)(1) - (4) and (7) - (9) [SUBMIT AN APPLICATION TO RECEIVE A PERMANENT FUND DIVIDEND IN ACCORDANCE WITH (j) - (m) OF THIS SECTION].

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

(k) Upon receipt of the registration information, the director shall, as soon as practicable and in accordance with a schedule established by the director by rule, process the registration information received and notify, by United States mail and any other means authorized by the director, each applicant who requested registration of the applicant's registration status [NOT ALREADY REGISTERED TO VOTE] at the address provided in the applicant's application

[(1) OF THE PROCESSES TO

(A) DECLINE TO BE REGISTERED AS A VOTER;

(B) MAINTAIN AN EXISTING VOTER REGISTRATION OR BE NEWLY REGISTERED AT A VALID PLACE OF RESIDENCE NOT PROVIDED IN THE APPLICANT'S APPLICATION; AND

(C) ADOPT A POLITICAL PARTY AFFILIATION;

AND

(2) THAT FAILURE TO RESPOND TO THE NOTIFICATION SHALL CONSTITUTE THE APPLICANT'S CONSENT TO CANCEL ANY REGISTRATION TO VOTE IN ANOTHER JURISDICTION].

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

(l) If an applicant requests [DOES NOT DECLINE] to be registered as a voter, the [WITHIN 30 CALENDAR DAYS AFTER THE DIRECTOR ISSUES THE NOTIFICATION, THE APPLICATION UNDER AS 43.23.015 WILL CONSTITUTE A COMPLETED REGISTRATION FORM. THE] name of the applicant shall be placed on the master register if the director determines that the person is qualified to vote under AS 15.05.010, and the director shall forward to the applicant a registration card. If registration is denied, the applicant shall immediately be informed in writing that registration was denied and the reason for denial."

Page 1, line 3:

Delete "**Section 1**"

Insert "**Sec. 6**"

Renumber the following bill sections accordingly.

Page 33, following line 15:

Insert new bill sections to read:

"* **Sec. 67.** AS 43.23.015(b) is amended to read:

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

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

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

(3) the means for an applicant eligible to vote under AS 15.05, or a person authorized to act on behalf of the applicant, to request that the applicant be registered as a voter, to furnish information required by AS 15.07.060(a)(1) - (4) and (7) - (9), and to attest [AN ATTESTATION] that the [SUCH] information is true.

* **Sec. 68.** AS 43.23.101 is amended to read:

Sec. 43.23.101. Voter registration. The commissioner shall establish by rule a schedule by which the commissioner [WILL PROVIDE, AND] shall provide as soon as [IS] practicable the director of elections with

(1) electronic records from the permanent fund dividend applications with [OF] the information required under [BY] AS 15.07.060(a)(1) - (4) and (7) - (9) [,] and the attestation that the [SUCH] information is true [,] for each permanent fund dividend applicant who requested to be registered to vote and is

(A) [IS] a citizen of the United States; and

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

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

Renumber the following bill section accordingly.

Page 33, following line 19:

Insert a new bill section to read:

"* **Sec. 70.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY: PERMANENT FUND DIVIDEND APPLICATIONS. The changes made by secs. 1 - 5, 67, and 68 of this Act apply to permanent fund dividend applications filed on or after January 1, 2024."

REPRESENTATIVE CARPENTER objected for the purpose of discussion.

[2:48:05 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 1 would make the option of registering to vote on the permanent fund dividend (PFD) application form an opt-in process. Consequently, in filing the dividend application, there would be no question as to whether an individual's voter registration would be changed, he said.

[2:49:27 PM](#)

REPRESENTATIVE ALLARD said she liked Amendment 1.

[2:49:39 PM](#)

REPRESENTATIVE GRAY asked how Amendment 1 would change the current process. More specifically, he asked whether changes to a person's voter registration address were automatically updated upon filling out the PFD application.

CHAIR VANCE directed the question to Mr. Flynn.

[2:50:58 PM](#)

THOMAS FLYNN, Assistant Attorney General, Labor and State Affairs Section, Department of Law (DOL), confirmed that currently, the PFD automatic voter registration (AVR) was automatic.

[2:51:21 PM](#)

CAROL BEECHER, Director, Division of Elections (DOE), Office of the Lieutenant Governor, agreed with Mr. Flynn.

CHAIR VANCE asked whether Ms. Beecher was familiar with the complaints concerning [voter registration] addresses.

MS. BEECHER said, in speaking with her staff, the division had heard from many individuals who were unhappy with the address change that occurred with the implementation of AVR.

[2:52:41 PM](#)

REPRESENTATIVE GRAY asked why people were using different addresses for their voter registration and PFD application.

MS. BEECHER did not know the answer.

REPRESENTATIVE ALLARD surmised that snowbirds may want to provide different addresses on their PFD application and voter registration.

REPRESENTATIVE GRAY theorized that individuals who vote in Alaska would want to have their voter registration address in Alaska. In the interest of election integrity, he said he would want the [PFD application and voter registration] addresses to be the same.

[2:54:20 PM](#)

REPRESENTATIVE EASTMAN reiterated that Amendment 1 would prevent the system from automatically changing a persons' voter registration address.

REPRESENTATIVE CARPENTER removed his objection to Amendment 1.

REPRESENTATIVE GRAY objected.

[2:56:20 PM](#)

The committee took a brief at-ease.

[2:56:58 PM](#)

A roll call vote was taken. Representatives C. Johnson, Carpenter, Eastman, Allard, and Vance voted in favor of Amendment 1. Representative Gray voted against it.

[2:57:54 PM](#)

CHAIR VANCE voided the roll.

[2:58:00 PM](#)

A roll call vote was taken. Representatives C. Johnson, Carpenter, Eastman, Allard, and Vance voted in favor of

Amendment 1. Representatives Groh and Gray voted against it. Therefore, Amendment 1 was adopted by a vote of 5-2.

[2:58:42 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 2 to HB 4, as amended, labeled 33-LS0094\B.4, Klein, 5/11/23, which read:

Page 3, following line 17:

Insert new bill sections to read:

"* **Sec. 5.** AS 15.13.040(j) is amended to read:

(j) Except as provided in (l) of this section, each nongroup entity shall make a full report in accordance with AS 15.13.110 on [UPON] a form prescribed by the commission and certified by the nongroup entity's treasurer [,] listing

(1) the name and address of each officer and director of the nongroup entity;

(2) the aggregate amount of all contributions made to the nongroup entity for the purpose of influencing the outcome of an election;

(3) for all contributions described in (2) of this subsection, the name, address, date, and amount contributed by each contributor, and for all contributions described in (2) of this subsection in excess of \$250 in the aggregate during a calendar year, the principal occupation and employer of the contributor [, AND FOR ALL CONTRIBUTIONS DESCRIBED IN (2) OF THIS SUBSECTION IN EXCESS OF \$2,000 IN THE AGGREGATE DURING A CALENDAR YEAR, THE TRUE SOURCE OF SUCH CONTRIBUTIONS AND ALL INTERMEDIARIES, IF ANY, WHO TRANSFERRED SUCH FUNDS, AND A CERTIFICATION FROM THE TREASURER THAT THE REPORT DISCLOSES ALL OF THE INFORMATION REQUIRED BY THIS PARAGRAPH]; and

(4) the date and amount of all contributions made by the nongroup entity, and, except as provided for certain independent expenditures in AS 15.13.135(a), all expenditures made, incurred, or authorized by the nongroup entity, for the purpose of influencing the outcome of an election; a nongroup entity shall report contributions made to a different nongroup entity for the purpose of influencing the outcome of an election and expenditures made on behalf of a different nongroup entity for the purpose of influencing the outcome of an election as soon as the total contributions and expenditures to that nongroup entity for the purpose of influencing the outcome of

an election reach \$500 in a year and for all subsequent contributions and expenditures to that nongroup entity in a year whenever the total contributions and expenditures to that nongroup entity for the purpose of influencing the outcome of an election that have not been reported under this paragraph reach \$500.

* **Sec. 6.** AS 15.13.074(b) is amended to read:

(b) A person or group may not make a contribution anonymously, using a fictitious name, or using the name of another. [INDIVIDUALS, PERSONS, NONGROUP ENTITIES, OR GROUPS SUBJECT TO AS 15.13.040(r) MAY NOT CONTRIBUTE OR ACCEPT \$2,000 OR MORE OF DARK MONEY AS THAT TERM IS DEFINED IN AS 15.13.400(5), AND MAY NOT MAKE A CONTRIBUTION WHILE ACTING AS AN INTERMEDIARY WITHOUT DISCLOSING THE TRUE SOURCE OF THE CONTRIBUTION AS DEFINED IN AS 15.13.400(19).]"

Renumber the following bill sections accordingly.

Page 4, following line 5:

Insert a new bill section to read:

"* **Sec. 8.** AS 15.13.090(c) is amended to read:

(c) To satisfy the requirements of (a)(1) of this section and, if applicable, (a)(2)(C) of this section, a communication that includes a print or video component must have the following statement or statements placed in the communication so as to be easily discernible [, AND, IN A BROADCAST, CABLE, SATELLITE, INTERNET OR OTHER DIGITAL COMMUNICATION, THE STATEMENT MUST REMAIN ONSCREEN THROUGHOUT THE ENTIRETY OF THE COMMUNICATION]; the second statement is not required if the person paying for the communication has no contributors or is a political party:

This communication was paid for by (person's name and city and state of principal place of business). The top contributors of (person's name) are (the name and city and state of residence or principal place of business, as applicable, of the largest contributors to the person under AS 15.13.090(a)(2)(C))."

Renumber the following bill sections accordingly.

Page 4, following line 26:

Insert a new bill section to read:

"* **Sec. 11.** AS 15.13.390(a) is amended to read:

(a) A person who

[(1)] fails to register when required by AS 15.13.050(a) or who fails to file a properly completed and certified report within the time required by AS 15.13.040, 15.13.060(b) - (d), 15.13.110(a)(1), (3), or (4), (e), or (f) is subject to a civil penalty of not more than \$50 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. A person who fails to file a properly completed and certified report within the time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not more than \$500 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. **A person who** [;

(2) WHETHER AS A CONTRIBUTOR OR INTERMEDIARY, DELAYS IN REPORTING A CONTRIBUTION AS REQUIRED BY AS 15.13.040(r) IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$1,000 A DAY FOR EACH DAY THE DELINQUENCY CONTINUES AS DETERMINED BY THE COMMISSION SUBJECT TO RIGHT OF APPEAL TO THE SUPERIOR COURT;

(3) WHETHER AS A CONTRIBUTOR OR INTERMEDIARY, MISREPORTS OR FAILS TO DISCLOSE THE TRUE SOURCE OF A CONTRIBUTION IN VIOLATION OF AS 15.13.040(r) OR 15.13.074(b) IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN THE AMOUNT OF THE CONTRIBUTION THAT IS THE SUBJECT OF THE MISREPORTING OR FAILURE TO DISCLOSE; UPON A SHOWING THAT THE VIOLATION WAS INTENTIONAL, A CIVIL PENALTY OF NOT MORE THAN THREE TIMES THE AMOUNT OF THE CONTRIBUTION IN VIOLATION MAY BE IMPOSED; THESE PENALTIES AS DETERMINED BY THE COMMISSION ARE SUBJECT TO RIGHT OF APPEAL TO THE SUPERIOR COURT;

(4)] violates a provision of this chapter, except **a provision requiring registration or filing of a report within a time required** as otherwise specified in this section, is subject to a civil penalty of not more than \$50 a day for each day the violation continues as determined by the commission, subject to right of appeal to the superior court. **An** [; AND

(5) IS ASSESSED A CIVIL PENALTY MAY SUBMIT TO THE COMMISSION AN] affidavit stating facts in mitigation; however, the imposition of the penalties prescribed in this section or in AS 15.13.380 does not

excuse that person from registering or filing reports required by this chapter."

Renumber the following bill sections accordingly.

Page 10, line 18, following first occurrence of "election":

Insert "."

Page 11, line 15, following "after":

Insert "the"

Page 12, line 8, through page 15, line 20:

Delete all material and insert:

**** Sec. 26.** AS 15.25.010 is amended to read:

Sec. 15.25.010. Provision for primary election.

Candidates for the elective state executive and state and national legislative offices shall be nominated in a primary election by direct vote of the people in the manner prescribed by this chapter. The director shall prepare and provide a primary election ballot for each political party. A voter registered as affiliated with a political party may vote that party's ballot. A voter registered as nonpartisan or undeclared rather than as affiliated with a particular political party may vote the political party ballot of the voter's choice unless prohibited from doing so under AS 15.25.015. A voter registered as affiliated with a political party may not vote the ballot of a different political party unless permitted to do so under AS 15.25.015 [THE PRIMARY ELECTION DOES NOT SERVE TO DETERMINE THE NOMINEE OF A POLITICAL PARTY OR POLITICAL GROUP BUT SERVES ONLY TO NARROW THE NUMBER OF CANDIDATES WHOSE NAMES WILL APPEAR ON THE BALLOT AT THE GENERAL ELECTION. EXCEPT AS PROVIDED IN AS 15.25.100(d), ONLY THE FOUR CANDIDATES WHO RECEIVE THE GREATEST NUMBER OF VOTES FOR ANY OFFICE SHALL ADVANCE TO THE GENERAL ELECTION].

*** Sec. 27.** AS 15.25 is amended by adding a new section to read:

Sec. 15.25.015. Participation in primary election selection of a political party's candidates. (a) Not later than 5:00 p.m., Alaska time, on September 1 of the calendar year before the calendar year in which a primary election is to be held, a political party shall submit a notice in writing to the director stating whether the party bylaws expand or limit who

may participate in the primary election for selection of the party's candidates for elective state executive and state and national legislative offices. A copy of the party's bylaws expanding or limiting who may participate in the primary election for selection of the party's candidates, documentation required under (b) of this section, and other information required by the director, must be submitted along with the notice. The notice, bylaws, documentation, and other information required by the director shall be provided by the party's chairperson or another party official designated by the party's bylaws.

(b) Once a political party timely submits a notice and bylaws under (a) of this section and the director finds that the party has met the requirements of this chapter and other applicable laws, the director shall permit a voter registered as affiliated with another party to vote the party's ballot if the voter is permitted by the party's bylaws to participate in the selection of the party's candidates and may not permit a voter registered as nonpartisan or undeclared to vote a party's ballot if the party's bylaws restrict participation by nonpartisan or undeclared voters in the party's primary; however, for a subsequent primary election, the party shall timely submit another notice, bylaws, documentation, and other information under (a) of this section if the party's bylaws regarding who may participate in the primary election for selection of the party's candidates change.

(c) Party bylaws required to be submitted under (a) of this section must be precleared by the United States Department of Justice under 42 U.S.C. 1973c (sec. 5, Voting Rights Act of 1965) before submission. Documentation of the preclearance must accompany the bylaws submitted under (a) of this section.

* **Sec. 28.** AS 15.25.030(a) is amended to read:

(a) A member of a political party [PERSON] who seeks to become a candidate of the party in the primary election [OR A SPECIAL PRIMARY ELECTION] shall execute and file a declaration of candidacy. The declaration shall be executed under oath before an officer authorized to take acknowledgments and must state in substance

- (1) the full name of the candidate;
- (2) the full mailing address of the candidate;

(3) if the candidacy is for the office of state senator or state representative, the house or senate district of which the candidate is a resident;

(4) the office for which the candidate seeks nomination;

(5) the name of the political party of which the person is a candidate for nomination [OR POLITICAL GROUP WITH WHICH THE CANDIDATE IS REGISTERED AS AFFILIATED, OR WHETHER THE CANDIDATE WOULD PREFER A NONPARTISAN OR UNDECLARED DESIGNATION PLACED AFTER THE CANDIDATE'S NAME ON THE BALLOT];

(6) the full residence address of the candidate, and the date on which residency at that address began;

(7) the date of the primary election [OR SPECIAL PRIMARY ELECTION] at which the candidate seeks nomination;

(8) the length of residency in the state and in the district of the candidate;

(9) that the candidate will meet the specific citizenship requirements of the office for which the person is a candidate;

(10) that the candidate is a qualified voter as required by law;

(11) that the candidate will meet the specific age requirements of the office for which the person is a candidate; if the candidacy is for the office of state representative, that the candidate will be at least 21 years of age on the first scheduled day of the first regular session of the legislature convened after the election; if the candidacy is for the office of state senator, that the candidate will be at least 25 years of age on the first scheduled day of the first regular session of the legislature convened after the election; if the candidacy is for the office of governor or lieutenant governor, that the candidate will be at least 30 years of age on the first Monday in December following election or, if the office is to be filled by special election under AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age on the date of certification of the results of the special election; or, for any other office, by the time that the candidate, if elected, is sworn into office;

(12) that the candidate requests that the candidate's name be placed on the primary [ELECTION OR SPECIAL PRIMARY] election ballot;

(13) that the required fee accompanies the declaration;

(14) that the person is not a candidate for any other office to be voted on at the primary or general election and that the person is not a candidate for this office under any other declaration of candidacy or nominating petition;

(15) the manner in which the candidate wishes the candidate's name to appear on the ballot;
and

(16) that the candidate is registered to vote as a member of the political party whose nomination is being sought [IF THE CANDIDACY IS FOR THE OFFICE OF THE GOVERNOR, THE NAME OF THE CANDIDATE FOR LIEUTENANT GOVERNOR RUNNING JOINTLY WITH THE CANDIDATE FOR GOVERNOR; AND

(17) IF THE CANDIDACY IS FOR THE OFFICE OF LIEUTENANT GOVERNOR, THE NAME OF THE CANDIDATE FOR GOVERNOR RUNNING JOINTLY WITH THE CANDIDATE FOR LIEUTENANT GOVERNOR]."

Page 16, line 14, through page 17, line 20:

Delete all material and insert:

"* **Sec. 30.** AS 15.25.060 is repealed and reenacted to read:

Sec. 15.25.060. Preparation and distribution of ballots; appropriate ballot. (a) The primary election ballots shall be prepared and distributed by the director in the manner prescribed in this section. The director shall prepare and provide a primary election ballot for each political party that contains all of the candidates of that party for elective state executive and state and national legislative offices and all of the ballot titles and propositions required to appear on the ballot at the primary election. The director shall print the ballots on white paper and place the names of all candidates who have properly filed in groups according to offices. The order of the placement of the names for each office shall be as provided for the general election ballot. Blank spaces may not be provided on the ballot for the writing or pasting in of names. The director shall also prepare and print a separate primary election ballot including only the ballot titles and propositions required to appear on the ballot.

(b) A voter may vote only one primary election ballot. A voter may vote a political party ballot only

if the voter is registered as affiliated with that party, is allowed to participate in the party primary under the party's bylaws, or is registered as nonpartisan or undeclared rather than as affiliated with a particular political party and the party's bylaws do not restrict participation by nonpartisan or undeclared voters in the party's primary. For the purpose of determining which primary election ballot a voter may use, a voter's party affiliation is considered to be the affiliation registered with the director as of the 30th day before the primary election. If a voter changes party affiliation within the 30 days before the primary election, the voter's previous party affiliation shall be used for the determination under this subsection.

(c) If a voter is not voting in person and has requested an absentee ballot or special needs ballot but has not indicated a choice of ballot, the director shall provide the voter with the ballot listing the candidates of the political party or group with which the voter is affiliated, as determined under (b) of this section."

Page 33, lines 16 - 19:

Delete all material and insert:

"* **Sec. 66.** AS 15.13.040(r), 15.13.070(g),
15.13.090(g), 15.13.110(k), 15.13.400(5),
15.13.400(15), 15.13.400(19); AS 15.15.025,
15.15.030(14), 15.15.030(15), 15.15.030(16),
15.15.030(17), 15.15.060(e), 15.15.350(c),
15.15.350(d), 15.15.350(e), 15.15.350(f),
15.15.350(g); AS 15.58.020(a)(13), 15.58.020(c); and
AS 15.80.010(34) are repealed."

REPRESENTATIVE C. JOHNSON objected for the purpose of discussion.

REPRESENTATIVE EASTMAN stated that Amendment 2 would repeal Ballot Measure 2 [Top-Four Ranked-Choice Voting and Campaign Finance Laws Initiative (2020)].

[2:59:58 PM](#)

REPRESENTATIVE CARPENTER shared his understanding that the underlying bill was repealing Ballot Measure 2. He questioned the necessity of the proposed amendment.

[3:00:19 PM](#)

The committee took a brief at-ease.

[3:01:42 PM](#)

CHAIR VANCE asked Representative Eastman to walk the committee through Amendment 2.

REPRESENTATIVE EASTMAN stated that HB 4 was a partial repeal of Ballot Measure 2, describing it more specifically as a repeal of ranked choice voting (RCV). Amendment 2, he said, would make the bill a complete repeal of Ballot Measure 2 with the only exception being the slight change to the definition of "political party," which was changed in state law after the passage of Ballot Measure 2.

[3:03:28 PM](#)

CHAIR VANCE asked whether Amendment 2 included the updates of the court cases specifically outlined in HB 4.

REPRESENTATIVE EASTMAN said for clarity, Amendment 2 proposed a straight repeal of Ballot Measure 2. However, he believed that [the court cases] were a valid concern that were worth addressing.

CHAIR VANCE explained that she had received complaints from constituents who had received letters in the mail regarding fees imposed by the Alaska Public Offices Commission (APOC) for making a contribution to a ballot measure. She asked whether that was a result of Ballot Measure 2, which Amendment 2 sought to repeal.

MR. FLYNN offered to follow up with the requested information after referring with an APOC attorney.

CHAIR VANCE asked Mr. Klein whether the action faced by her constituent was a result of Ballot Measure 2, which Amendment 2 sought to repeal.

[3:05:53 PM](#)

NOAH KLEIN, Attorney, Legislative Legal Services, Legislative Affairs Agency (LAA), deferred to APOC on questions related to the campaign finance statutes.

[3:06:11 PM](#)

REPRESENTATIVE EASTMAN said he had received similar complaints from Alaskans. He explained that Ballot Measure 2 implemented a double reporting requirement, making it so the donor must also submit a report [to APOC]. He explained that because Amendment 2 sought to repeal all of Ballot Measure 2, that requirement would be eliminated as well.

REPRESENTATIVE CARPENTER pointed out that some people liked seeing the top contributors listed on [political] advertisements, which would be eliminated from broadcast, cable, and other digital communications, [should Amendment 2 pass].

CHAIR VANCE shared her belief that some provisions need to be cleaned up, including the [double reporting requirement] and other unintended consequences of Ballot Measure 2. However, she recognized that many provisions in Ballot Measure 2 were [intentionally] voted for. She stated that she would not be supporting Amendment 2 today.

[3:10:17 PM](#)

REPRESENTATIVE GRAY expressed confusion as to when Ballot Measure 2 was passed.

CHAIR VANCE clarified that Ballot Measure 2 was passed in 2020.

REPRESENTATIVE GRAY inquired about the undisclosed donations that were fined by APOC.

CHAIR VANCE said that was implemented in the 2022 election.

REPRESENTATIVE GRAY asked which state ballot measures were on the ballot in 2022.

REPRESENTATIVE CARPENTER stated that he did not know what the committee was discussing because there were no supporting documents or statutes being referenced. He said he felt unprepared to speculate on this line of questioning.

CHAIR VANCE shared her understanding that Section 11 on page 3 of Amendment 2 could be the provision in question.

REPRESENTATIVE CARPENTER said "could be" caused him concern. He added that he wanted to know for certain.

[3:13:43 PM](#)

REPRESENTATIVE GROH asked whether it was accurate to say that some of Representative Vance's constituents made contributions in the 2021/2022 cycle regarding the question on the 2022 ballot concerning a constitutional convention, which later triggered fines from APOC, per Ballot Measure 2, as adopted in 2020.

CHAIR VANCE answered, "Correct."

[3:14:49 PM](#)

REPRESENTATIVE EASTMAN, in wrap up, clarified that Amendment 2 would remove the language, passed in Ballot Measure 2, which triggered the double reporting requirement for the state constitutional convention question. He explained that the new law implemented by Ballot Measure 2, which passed in 2020 and applied in the 2022 election, required campaign donors to file a separate report to APOC as a contributor. He noted that his office received complaints about the new requirement, which resulted in potential fines of over \$8,000 [for failure to report]. Amendment 2 would resolve these concerns, he said. In response to Chair Vance, he acknowledged that there were "some good things" in Ballot Measure 2 that were worth keeping; nonetheless, he posited that repealing the measure in its entirety and starting anew would allow the legislature to vet the bill and bring back portions that were appropriate to keep.

[3:17:31 PM](#)

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

CHAIR VANCE sought comments from committee members on HB 4, as amended.

[3:19:17 PM](#)

REPRESENTATIVE C. JOHNSON expressed his strong support for HB 4, as amended, due to the public testimony given in the past few weeks in favor of repealing RCV. He added that he was confused by RCV.

REPRESENTATIVE GRAY pointed out that the majority of public testimony was in opposition to HB 4, as amended.

REPRESENTATIVE ALLARD expressed support for HB 4, as amended, because of her constituents and surveys from the Alaska Chamber, indicating that many people felt "duped" [by Ballot Measure 2]. She characterized the jungle primaries as a "hot mess" and reiterated her support for the bill.

[3:20:52 PM](#)

REPRESENTATIVE GROH shared his belief that Ballot Measure 2 was good public policy. He said he would be a "no" vote on HB 4, as amended.

[3:21:10 PM](#)

REPRESENTATIVE EASTMAN opined that the public comments regarding Ballot Measure 2 were "candidate driven," which distracted from the merits of the law itself. He appreciated support for the system and the messaging; however, he claimed that some people who were in favor of RCV didn't understand what it does, which he characterized as concerning. He shared his belief that if the bill had gone through the legislature, there would have been more time and consideration given to help the public understand what was actually in the bill.

[3:23:48 PM](#)

REPRESENTATIVE CARPENTER said he heard a lot of criticism and disdain for political parties during public testimony on HB 4 from Alaska's independent registered voters. He pointed out that "one or more organizations" were supporting Ballot Measure 2 and opposing the repeal of RCV. Those organizations, he said, were acting similar to political parties by engaging in political discourse. He believed that voters had "buyer's remorse" [in regard to Ballot Measure 2] and shared his experience conducting numerous training sessions for people who did not understand RCV. He said it was "disingenuous and political" for people to say that people understood RCV. He added that he would be supporting the repeal of RCV and challenged the organizations [backing RCV] to register as a political party.

[3:27:28 PM](#)

CHAIR VANCE shared her experience participating in training sessions for RCV, indicating that people left feeling more confused by the new system. She shared her belief that RCV was

detrimental to seniors, minorities, and those for whom English was a second language. She said her constituents wanted RCV "gone" and challenged the notion that she wanted to repeal RCV to gain a certain political outcome.

[3:29:55 PM](#)

REPRESENTATIVE CARPENTER moved to report HB 4, as amended, out of committee with individual recommendations and the accompanying fiscal notes and to give Legislative Legal Services permission to make all technical and conforming changes as necessary.

REPRESENTATIVE GRAY objected.

[3:30:12 PM](#)

A roll call vote was taken. Representatives Allard, Carpenter, C. Johnson, Eastman, and Vance voted in favor of reporting HB 4, as amended, out of committee. Representatives Groh and Gray voted against it. Therefore, CSHB 4(JUD) was reported out of the House Judiciary Standing Committee by a vote of 5-2.

[3:30:56 PM](#)

The committee took an at-ease from 3:30 p.m. to 3:33 p.m.

SB 53-COMPETENCY; INVOLUNTARY CIVIL COMMITMENTS

[3:33:31 PM](#)

CHAIR VANCE announced that the final order of business would be CS FOR SENATE BILL NO. 53(FIN) am, "An Act relating to competency to stand trial; relating to involuntary civil commitments; and relating to victims' rights during certain civil commitment proceedings."

CHAIR VANCE invited the bill sponsor to explain "where the Criminal Division meets Civil Division."

[3:34:36 PM](#)

SENATOR MATT CLAMAN, Alaska State Legislature, prime sponsor of CSSB 53(FIN) AM, highlighted Section 6 as the key part of the legislation. Section 6 would require the prosecutor for certain individuals who meet the statutory definition of "dangerous" to

file an involuntary commitment [petition] under Title 47, which would start the civil proceedings.

[3:35:21 PM](#)

REPRESENTATIVE CARPENTER shared his belief that the additional two-year commitment in Section 11 would be a significant portion of the bill. He asked why two years was selected.

[3:35:38 PM](#)

SENATOR CLAMAN acknowledged that the additional commitment in Section 11 was a key part of the bill; however, it wouldn't impact the power to hold someone, which under current law, was achieved by repeating six-month involuntary commitments. In terms of closing "the gap" illustrated by Ms. Harris's case, he said, Section 6 was the most important part of the legislation. He noted that the bill was introduced with a five-year commitment, which was amended from five years to two in the Senate Finance Committee.

[3:36:40 PM](#)

REPRESENTATIVE CARPENTER questioned the reason for moving from a six-month to two-year commitment.

SENATOR CLAMAN explained that there were two reasons for lengthening the commitment term. Firstly, it would give greater assurance to victims for healing. Secondly, he believed that two years would be a reasonable balance between civil liberties and protecting the public.

REPRESENTATIVE CARPENTER asked how often someone who had been committed could petition for release, should the bill pass.

[3:38:34 PM](#)

STEVEN BOOKMAN, Senior Assistant Attorney General, Human Services Section, Civil Division (Anchorage), Department of Law (DOL), directed attention to page 10, line 4, of the bill, which states that a respondent committed under the new provision may petition the court for early discharge at any time after the first six months if the respondent can present evidence demonstrating that he/she is no longer likely to cause serious harm to self or others.

REPRESENTATIVE CARPENTER asked how a respondent would be in the position to provide such evidence if he/she was not of sound mind due to medication.

[3:39:58 PM](#)

KRISTY BECKER, PhD, Director of Clinical Services, Division of Alaska Psychiatric Institute, Department of Family and Community Services (DFCS), informed the committee that as a psychologist, she did not prescribe medication; nonetheless, she theorized that an individual who stabilized on medication might be able to announce his/her desire to leave to the clinical team. The legal representative would then bring forward the patient's wishes to be reevaluated. Alternatively, she said the clinical team could reach a determination that the individual no longer met the criteria for dangerousness and subsequently contact the patient's counsel. She acknowledged that putting the onus on the patient could "muddy the waters."

CHAIR VANCE, citing Section 5, subsection (h), asked for the definition of "mental health professional."

DR. BECKER indicated that the mental health professional would be the licensed practitioner who was medicating the patient and served as the signatory on the patient's commitment paperwork.

SENATOR CLAMAN clarified that the provisions in Section 5 were specific to situations in which a person had been detained for evaluation. Subsection (h) addressed a scenario wherein the clinic determined that the individual no longer met the criteria to hold for evaluation.

[3:44:01 PM](#)

CHAIR VANCE asked why the language "psychiatrist or psychologist," which was used in other sections of the bill, wasn't used in Section 5.

SENATOR CLAMAN explained that the language in Section 5, subsection (h), was suggested by DOL in an amendment adopted on the Senate floor.

[3:44:52 PM](#)

REPRESENTATIVE GROH sought to understand the rationale behind the language in Section 5, which was added on the Senate floor, and how it might affect a settlement in a particular case.

SENATOR CLAMAN explained that the language was added at the request of the Civil Division in response to the Alaska Supreme Court Decision on the Abigail and Jethro case, which were civil proceedings. The Civil Division believed that the standards applied by the court in regard to the decision on whether to hold somebody in a civil commitment environment should be better clarified.

[3:46:45 PM](#)

REPRESENTATIVE GROH asked whether Section 5 would affect a settlement entered into by the state in relation to [The Disability Law Center of Alaska, Inc. v. State of Alaska].

SENATOR CLAMAN said he had spoken to a lawyer from the Disability Law Center (DLC) of Alaska, indicating that the proposed legislation would not change the state's obligation to comply with the terms of the lawsuit.

[3:47:55 PM](#)

REPRESENTATIVE EASTMAN recalled that Senator Claman had stated that the length of commitment would play a significant role in the healing of a victim. He asked Senator Claman to expound on that statement.

SENATOR CLAMAN replied that by putting [offenders] in an involuntary commitment environment for a longer period of time, victims were reassured that [the state] was taking care of somebody who was a danger to the community.

REPRESENTATIVE EASTMAN asked whether the healing of victims was one of the criteria for deciding whether to keep someone in a civil commitment setting.

SENATOR CLAMAN answered no.

REPRESENTATIVE EASTMAN asked whether the legislature should consider adding that to the criteria as a factor to consider.

SENATOR CLAMAN directed the question to Mr. Bookman.

[3:49:48 PM](#)

MR. BOOKMAN stated that, per the U.S. Supreme Court, civil commitment needed to be based on two ideas: harm to others, and

danger to self. The perspective of the victim would not fall under the grounds for commitment; however, it might fall under other areas, such as length of commitment, he said.

REPRESENTATIVE EASTMAN asked whether [the victim's perspective] should be part of the criteria when making a decision on the length of commitment.

MR. BOOKMAN said that would be a policy decision.

REPRESENTATIVE EASTMAN inquired about prosecutorial ethics. He asked Mr. Booker to speak to the ethics of charging someone with a crime if he/she would not be competent to stand trial.

MR. BOOKE noted that he did not deal with charging decisions and deferred the question to Mr. Skidmore.

[3:52:27 PM](#)

REPRESENTATIVE CARPENTER referred to Section 13, subsection (d), and asked who decides whether evidence demonstrates that the respondent is not likely to cause harm.

DR. BECKER said the decision on clinical dangerousness, as it relates to a mental health concern, is determined by the practitioner through an evaluative process and risk assessment. She asked Mr. Bookman to "chime in" on the question.

REPRESENTATIVE CARPENTER asked what legal evidence was necessary for a petition to go to court.

MR. BOOKMAN referred to [page 10], line 6, indicating that the respondent must provide some reason to suggest that there should be a hearing.

REPRESENTATIVE CARPENTER asked how the respondent would be able to present evidence if it was up to the medical team to decide what evidence exists.

MR. BOOKMAN conveyed that there could be two ways. Firstly, the respondent could hire an expert to examine the respondent and testify on his/her behalf. Secondly, API team's decision could be analyzed.

REPRESENTATIVE CARPENTER shared, for the record, that his line of questioning was aimed at preventing abuse, not an attempt to "let loose" mentally ill people.

3:59:20 PM

REPRESENTATIVE GRAY asked when the process of establishing competency to stand trial began and how the bill would have impacted Ms. Harris's assailant [Mr. Ahkivgak].

SENATOR CLAMAN explained under the proposed legislation, a petition for involuntary commitment would have been filed for Mr. Ahkivgak due to his prior criminal and psychiatric history instead of him being released back into the community.

REPRESENTATIVE GRAY sought to understand the process of establishing competency to stand trial and when that process was initiated after someone had assaulted another person. He asked Senator Claman to help him understand how someone could be charged with a violent crime and then released back to the public without charges. Additionally, he sought further clarification on the dates and timeframes in the bill.

CHAIR VANCE noted that there was not enough time left for Senator Claman to provide a full picture. She invited the bill sponsor to provide a brief response.

4:04:51 PM

The committee took a brief at-ease.

4:06:24 PM

SENATOR CLAMAN explained the two processes at play and the different lengths of commitment. On the criminal side, there was a six month to one year period of restoration hold, during which, if the court concluded that the individual cannot be restored, the case would be dismissed. Alternatively, if the individual became competent, the criminal case would continue. In regard to the involuntary commitment proceedings, which involve dangerous offenders, as addressed by the bill, the prosecutor would initiate the civil commitment just prior to dismissal for criminal charges dismissed due to competency. The Civil Division would then take over the involuntary commitment, resulting in options of a 30-day commitment after the 72-hour assessment, which could be extended to 90 days, and again to 180 days. At the conclusion of the 180 days, another petition could be filed for these dangerous individuals for a commitment of up to 2 years. He noted that for anyone without a dangerous criminal history, the maximum commitment would be 180 days.

4:10:53 PM

CHAIR VANCE announced that CSSB 53(FIN) AM would be held over.

4:11:14 PM

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 4:11 p.m.