

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 30, 2023

3:02 p.m.

MEMBERS PRESENT

Representative Laddie Shaw, Chair
Representative Ben Carpenter
Representative Craig Johnson
Representative Jamie Allard
Representative Andi Story

MEMBERS ABSENT

Representative Stanley Wright, Vice Chair
Representative Jennie Armstrong

COMMITTEE CALENDAR

HOUSE BILL NO. 140

"An Act relating to the State Officers Compensation Commission; and relating to policies of the Alaska Legislative Council regarding allowances and reimbursement for moving expenses."

- HEARD & HELD

HOUSE BILL NO. 129

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

- HEARD & HELD

HOUSE BILL NO. 130

"An Act relating to the crimes of unlawful interference with an election, election fraud, and election official misconduct; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 131

"An Act relating to voting machines and vote tally systems; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 132

"An Act relating to election security, voting, and ballots; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 140

SHORT TITLE: LEG SALARIES; STATE OFFICERS COMP COMM

SPONSOR(s): RULES BY REQUEST

03/27/23	(H)	READ THE FIRST TIME - REFERRALS
03/27/23	(H)	STA
03/28/23	(H)	STA AT 3:00 PM GRUENBERG 120
03/28/23	(H)	<Bill Hearing Rescheduled to 03/30/23>
03/30/23	(H)	STA AT 3:00 PM GRUENBERG 120

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

BILL: HB 130

SHORT TITLE: ELECTION INTERFERENCE, FRAUD, MISCONDUCT

SPONSOR(s): JUDICIARY

03/22/23	(H)	READ THE FIRST TIME - REFERRALS
03/22/23	(H)	STA, JUD
03/30/23	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 131

SHORT TITLE: VOTING MACHINES AND VOTE TALLY SYSTEMS

SPONSOR(s): JUDICIARY

03/22/23	(H)	READ THE FIRST TIME - REFERRALS
03/22/23	(H)	STA, JUD
03/30/23	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 132

SHORT TITLE: ELECTIONS: BALLOT, VOTING, SECURITY

SPONSOR(s): JUDICIARY

03/22/23 (H) READ THE FIRST TIME - REFERRALS
03/22/23 (H) STA, JUD
03/30/23 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

HEATH HILYARD, Staff
Representative Cathy Tilton
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 140 on behalf of the House Rules Standing Committee, sponsor by request.

REPRESENTATIVE SARAH VANCE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 129 via PowerPoint presentation on behalf of the House Judiciary Standing Committee, sponsor by request; Presented HB 130 and HB 131, on behalf of the House Judiciary Standing Committee, sponsor by request; Presented HB 132 via PowerPoint presentation on behalf of the House Judiciary Standing Committee, sponsor by request.

MICHAELA THOMPSON, Administrative Operations Manager
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 129, HB 130, HB 131, and HB 132.

THOMAS FLYNN, Assistant Attorney General
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 129 and HB 131.

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

POSITION STATEMENT: Answered questions during the hearing on HB 129, HB 131, and HB 132.

MATT ROE, Head of Product
Voting Works
California

POSITION STATEMENT: Offered invited testimony during the hearing on HB 131.

KAREN LEWIS, representing self
Palmer, Alaska

POSITION STATEMENT: Testified on HB 132, HB 129, HB 130, and HB 131.

PAMELA SAMASH
Concerned Conservatives of Alaska
Nenana, Alaska

POSITION STATEMENT: Testified in support of HB 132, HB 129, HB 130, and HB 131.

JOHN MILLER, representing self
Matsu, Alaska

POSITION STATEMENT: Testified in support of HB 132, HB 129, HB 130, and HB 131.

GERALD VOSS, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 132, HB 129, HB 130, and HB 131.

JOHN LETTOW, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 132, HB 129, HB 130, and HB 131.

MIKE COONS, President
Concerned Conservatives of Alaska
Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 132, HB 129, HB 130, and HB 131.

ACTION NARRATIVE

[3:02:46 PM](#)

CHAIR LADDIE SHAW called the House State Affairs Standing Committee meeting to order at 3:02 p.m. Representatives Carpenter, C. Johnson, Allard, Story, and Shaw were present at the call to order.

HB 140-LEG SALARIES; STATE OFFICERS COMP COMM

[3:04:03 PM](#)

CHAIR SHAW announced that the first order of business would be HOUSE BILL NO. 140, "An Act relating to the State Officers Compensation Commission; and relating to policies of the Alaska Legislative Council regarding allowances and reimbursement for moving expenses."

[3:04:38 PM](#)

HEATH HILYARD, Staff, Representative Cathy Tilton, Alaska State Legislature, presented HB 140 on behalf of the House Rules Standing Committee, sponsor by request. He paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

The goal of HB 140 was not to institute sweeping changes to the statute, but otherwise update and refine them with an eye to protecting and maximizing public transparency, de-politicizing the actions or lack of actions taken by the Legislature in responding to specific recommendations and allowing the commission adequate time to complete their work and the Legislature adequate time to thoughtfully deliberate on those recommendations.

After conferring with several different parties who were directly involved in the recommendations or were otherwise involved in the process, it became apparent that there were several changes needed to the statutes governing the Alaska State Officers Compensation Commission (ASOCC) and the work they are tasked with.

Among other things, HB 140 expands the amount of time ASOCC has to make recommendations and the amount of time the Legislature has to respond and dictates that changes to legislative salaries go into effect only after an intervening election cycle.

MR. HILYARD summarized the sectional analysis [included in the committee packet], which read as follows [original punctuation provided]:

SECTION 1 & 2 - Sections 1 & 2 codify existing practice that the Legislative Council is responsible for establishing annual allowances, including per diem and relocation expenses.

SECTION 3 - Section 3 establishes a new section in the statute articulates the policy and purpose of the commission to "attract and retain talented, capable individuals to serve in the highest leadership roles of the state".

SECTION 4 - Section 4 stipulates that ASOCC will review and make salary recommendations ONLY once every two years.

SECTION 5 - Section 5 does two things. First it starts the process two weeks earlier than current statute (from November 15th to November 1st); and secondly it structures the two-year cycle so that there will be an intervening election between when the recommendations are made by the commission and when those recommendations go into effect for the Legislature.

SECTION 6 - Section 6 also does three things. It expands the amount of time the Commission has to submit their recommendations to the Legislature, expands the amount of time the Legislature has to act in response to the recommendations, and stipulates that salary recommendations for the Legislature can only go into effect at the start of a new Legislature.

SECTION 7 - Finally, section 7 provides greater clarity about the amendment process, by providing clean-up language, creating a specific deadline for amendments to be submitted and expressly providing that an amended report does not reset the timeline by which the legislature must act.

CHAIR SHAW invited questions from members of the committee.

[3:09:22 PM](#)

REPRESENTATIVE STORY inquired about the meaning of "reasonable public notice" in Section 5 of the bill.

MR. HILYARD said "reasonable public notice" was held over from the existing statutory language, adding that the phrase mirrored language in the Open Meetings Act. He noted that a forthcoming amendment would stipulate a 5-day public notice protocol.

[3:10:37 PM](#)

REPRESENTATIVE ALLARD asked whether the commission had violated its own 20-day public notice requirement.

MR. HILYARD answered no. He clarified that the 20-day notice referenced in the governing statutes applied to the commission members - not the public.

REPRESENTATIVE ALLARD asked whether the commission had suspended public notice.

MR. HILYARD clarified that the commission had suspended the 20-day notice to themselves.

[3:11:34 PM](#)

CHAIR SHAW opened public testimony on HB 140. After ascertaining that no one in the room or online wished to testify, he announced that public testimony would be left open. He announced that HB 140 was held over.

[3:12:45 PM](#)

The committee took a brief at-ease.

HB 129-VOTER REGISTRATION

[3:15:13 PM](#)

CHAIR SHAW announced that the next order of business would be HOUSE BILL NO. 129, "An Act relating to voter registration; and providing for an effective date."

[3:15:55 PM](#)

REPRESENTATIVE SARAH VANCE, Alaska State Legislature, presented HB 129, on behalf of the House Judiciary Standing Committee, sponsor by request. She presented the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

House Bill 129 tackles Alaska's over-inflated voter rolls that are estimated to be around 113 percent! The challenge facing the Division of Elections to maintain current and accurate voter rolls is exacerbated by a highly transit population, automatic voter registration on the Permanent Fund Dividend application, and a current law that allows people to

stay registered in the state as long as they have an "intent of returning."

HB 129 addresses these concerns by requiring the director to send letters to confirm the address of all voters not domiciled in Alaska and an easier system to cancel voter registration. Furthermore, this bill adopts the best practices for verifying valid Alaskan voter status with multiple databases. Alaska is currently part of the ERIC system and does not have a 50-state data comparison in place to assure those voting in Alaska are domiciled in-state or are qualified to vote in our elections. This bill mandates adoption of a best practice voter registration system with a written maintenance schedule.

The foundation of secure and trustworthy elections begins with accurate voter rolls. Over-registering voters makes our election system inaccurate and vulnerable to the actions of bad actors. Compromised data invites those with nefarious intent to exploit inactive voters and invites those who do not live in Alaska to influence our elections.

HB 129 provides clear direction to help clean up our voter rolls to reflect a more accurate representation of the Alaskan electorate to build trust in our election system!

REPRESENTATIVE VANCE directed attention to a PowerPoint presentation, titled "HB 29 Voter Registration" [hard copy included in the committee packet]. On slide 2, she referenced an article from the Anchorage Daily News (ADN), which addressed Alaska's 106 percent voter registration rate. She discussed statistics related to over-registered voters in Alaska, and she pointed out how this could influence election outcomes. She emphasized the importance of cleaning up the voter rolls.

[3:23:11 PM](#)

REPRESENTATIVE VANCE continued to slide 3, which outlined the following list of inclusions in the proposed legislation: annual review, review data breaches, compare eligible voters, specify databases, maintenance schedule, registration cancelation. She detailed the annual review on slide 4, which read as follows [original punctuation provided]:

January of each year, the director shall examine the master register, and shall send a notice requesting address confirmation or correction to each voter

(4) who, ...is not domiciled in the state

REPRESENTATIVE VANCE discussed the review of data breaches on slide 5, which read as follows [original punctuation provided]:

Regulations must provide for review of the register for data breaches,...

State officials said "outside actors" accessed the data through a flaw in the online voter registration system, which has since been patched. They were able to pull registered voters' names, dates of birth, state identification numbers, last four digits of Social Security numbers, addresses and party affiliations. (Party affiliations, names and addresses are already publicly available through the state's voter information database.) ADN article Dec. 3, 2020

[3:25:00 PM](#)

REPRESENTATIVE VANCE proceeded to slide 6, which highlighted the comparison of eligible voters as follows [original punctuation provided]:

Compare persons eligible to vote in the state,

- deceased voters
- felons
- not qualified to vote under AS 15.05
- persons registered to vote in another state

[3:25:28 PM](#)

REPRESENTATIVE VANCE addressed the specification of databases on slide 7, which read as follows [original punctuation provided]:

The regulations must specify records and databases for use in reviewing the master register;

- USPS National Change of Address Database
- Electronic Registration Information Center
- DMV records
- Department of Corrections

- Property & Sales Tax Records
- Social Security Records
- Municipal Assessor Database
- Social Security Administration Death Index
- Alien Database by Homeland Security
- Jury Duty Records

[3:26:25 PM](#)

REPRESENTATIVE VANCE detailed the maintenance schedule on slide 8, which read as follows [original punctuation provided]:

provide a report on the system to the Legislature on the first day of session inform a voter of the criteria to qualify as a voter and penalties for misconduct.

- provide a report on the system to the Legislature on the first day of session
- inform a voter of the criteria to qualify as a voter and penalties for misconduct.

[3:26:49 PM](#)

REPRESENTATIVE VANCE concluded on slide 9, titled "Registration Cancellation," which read as follows [original punctuation provided]:

The director shall develop a process to allow a voter to cancel the voter' s registration...

- in person
- before an election official
- electronically " email"
- display instructions for a voter to cancel the voter ' s registration at each polling place.

[3:29:55 PM](#)

CHAIR SHAW invited questions from members of the committee.

REPRESENTATIVE ALLARD asked whether the bill would affect automatic voter registration via the Permanent Fund Dividend (PFD) application.

REPRESENTATIVE VANCE clarified that the automatic voter registration with the Permanent Fund Dividend Division, [Department of Revenue (DOR)], was unchanged in the bill. She explained that the data provided by the division was one of the most reliable and active databases for eligible Alaskan residents.

REPRESENTATIVE ALLARD expressed concern about voters being registered automatically.

REPRESENTATIVE VANCE recalled that the provision in question was passed in 2016. She shared her understanding that there have been conversations about adding an "opt-in" selection for voter registration [on the PFD application].

[3:31:48 PM](#)

REPRESENTATIVE C. JOHNSON asked whether the maintenance schedule [on slide 8] referred to voting equipment or the voter list.

REPRESENTATIVE VANCE said the bill specifically referred to the master register voter list.

[3:32:31 PM](#)

REPRESENTATIVE STORY observed that the bill intended to use "best practices" to verify voter status. She asked how those best practices were developed.

REPRESENTATIVE VANCE responded that the bill outlined the legislature's idea of best practices as a starting place. Ultimately, she said, the director of the Division of Elections (DOE) would develop best practices.

REPRESENTATIVE STORY inquired about current practices for undeliverable ballots.

[3:35:10 PM](#)

MICHAELA THOMPSON, Administrative Operations Manager, Division of Elections, responded that for by-mail elections in the City and Borough of Juneau, the division processed undeliverable ballots. She added that a note would be made on the voter's record specifying an undeliverable mail address.

[3:35:42 PM](#)

REPRESENTATIVE STORY, if a ballot were undeliverable, asked whether the voter would be removed from the voter rolls.

MS. THOMPSON explained that the voter would be flagged as "undeliverable status," whereby a notice would be sent informing the individual that the registration would be inactivated unless a response was sent within 45 days.

REPRESENTATIVE STORY asked whether there was a way to track a person's intent to return [to Alaska].

MS. THOMPSON indicated that a person's intent to return would be difficult to track.

REPRESENTATIVE STORY requested a follow-up response from the division on the line of questioning.

[3:38:15 PM](#)

REPRESENTATIVE ALLARD asked whether a person would be prohibited from voting as an Alaskan resident if he/she lived in a foreign country on a visa.

MS. THOMPSON said federal law allowed individuals who live overseas with the intent to return to maintain their registration in Alaska and still participate in elections. She noted that those without the intent to return were still allowed to vote in federal elections.

REPRESENTATIVE ALLARD considered the scenario of an ex-patriot who had retired in Thailand for the past five years with the intent to return to Alaska. She asked whether the person would be allowed to vote in municipal elections.

[3:40:15 PM](#)

MS. THOMPSON deferred the question to Thomas Flynn.

[3:40:25 PM](#)

THOMAS FLYNN, Assistant Attorney General, Department of Law, said many situations would be fact specific. He cited AS 15.05.020 [Rules for determining residence of voter], adding that declaring an intent to return would allow individuals to remain Alaskan residents.

REPRESENTATIVE ALLARD opined that the "intent to return" needed to be further defined. She requested the legal definition of "intent to return."

MR. FLYNN directed Representative Allard to AS 15.05.020.

[3:41:56 PM](#)

REPRESENTATIVE STORY pointed out that the sponsor statement for HB 129 criticizes the Electronic Registration Information Center (ERIC) system for not offering a 50-state comparison; however, she shared her understanding that a 50-state comparison was not currently offered by any database. Furthermore, the ERIC system offers a 32-state data comparison, which is the most comprehensive currently.

REPRESENTATIVE VANCE offered to follow up with the requested information on the sponsor's preferred database.

REPRESENTATIVE STORY inquired about the cost of the ERIC system.

REPRESENTATIVE VANCE deferred to DOE.

REPRESENTATIVE STORY asked whether there have been data breaches in other systems.

REPRESENTATIVE VANCE did not know the answer.

[3:44:42 PM](#)

REPRESENTATIVE CARPENTER asked whether a voter could maintain a status of "intent to return" while having an undeliverable mailing address on file.

MS. THOMPSON answered yes; a person could be in DOE's system with an undeliverable Alaska mailing address.

[3:45:51 PM](#)

CHAIR SHAW requested an overview of the fiscal note.

REPRESENTATIVE VANCE said she has not received a fiscal note at this time.

CHAIR SHAW shared his understanding that a zero fiscal note accompanied HB 129.

[3:46:36 PM](#)

The committee took a brief at-ease.

[3:48:04 PM](#)

CHAIR SHAW inquired about the zero fiscal note from DOE.

REPRESENTATIVE VANCE said the zero fiscal note, as provided by DOE, referred to the voter registration list maintenance, which would require no additional funding at this time.

[3:48:41 PM](#)

REPRESENTATIVE STORY shared her understanding that notices would be sent to out-of-state voters for address confirmation, suggesting that there should be an estimated cost for postage.

REPRESENTATIVE VANCE shared her understanding that, per the zero fiscal note, the cost could be absorbed by the division.

[3:49:35 PM](#)

REPRESENTATIVE CARPENTER asked DOE to address the cost of out-of-state communications.

[3:49:58 PM](#)

CAROL BEECHER, Director, Division of Elections, Office of the Lieutenant Governor, explained that the division is already sending out notices for voter list maintenance purposes in addition to participating in the ERIC system. She anticipated that the bill could be implemented at no cost to the division.

REPRESENTATIVE STORY asked whether registered voter addresses need to be residential, as opposed to commercial.

MS. BEECHER deferred to Ms. Thompson.

MS. THOMPSON said the division requires an Alaska address.

REPRESENTATIVE STORY asked whether the address could be a commercial address.

MS. THOMPSON deferred to Mr. Flynn.

MR. FLYNN explained that the Alaska Supreme Court has ruled post office boxes to be insufficient. Generally, he said, the address should be a residential address. He noted that if a person was without a home, a description of one's place of residence would suffice. He relayed that the division would not investigate whether an address on file was commercial or residential.

[3:52:26 PM](#)

REPRESENTATIVE ALLARD observed that "intent of returning," as addressed under AS 15.05.020, is open-ended. She asked whether an individual could leave the state for up to 20 years with the intent of returning while voting as an Alaskan resident for this time period. She asked for the legal definition of "intent of returning" or "intent."

MR. FLYNN offered to follow up with the requested information. He directed attention to the language in AS 15.05.020, which dictates that the address of a voter, as it appears on the official voter registration record, was the presumptive evidence of the person's voting residence.

REPRESENTATIVE ALLARD said, "That's not an answer."

[3:54:09 PM](#)

The committee took a brief at-ease.

[3:54:29 PM](#)

CHAIR SHAW invited Representative Vance to offer closing remarks.

REPRESENTATIVE VANCE, in response to Representative Story's inquiry into the alternate voter data system, named the Interstate Voter Registration [Crosscheck] (IVRC), which claims to have more than 30 state members. She said that the database is used similarly to the ERIC system for the purpose of synchronizing voter lists.

[3:55:36 PM](#)

REPRESENTATIVE STORY asked what kind of information the [IVRC] database uses.

REPRESENTATIVE VANCE referenced the supporting document titled, "Best Practices for Achieving Integrity in Voter Registration," by the Public Interest Legal Foundation [included in the committee packet]. She shared her understanding that the IRVC utilized the Division of Motor Vehicles (DMV) registration, voter registration address, last four digits of the social security number, birth date, and voter history; further, she indicated that the IRVC would be less costly than the ERIC system. She noted that the bill would not prohibit the use of the ERIC system; furthermore, it encouraged the use of additional data systems to provide further accuracy.

[3:57:13 PM](#)

CHAIR SHAW announced that that HB 129 was held over.

HB 130-ELECTION INTERFERENCE, FRAUD, MISCONDUCT

[3:57:16 PM](#)

CHAIR SHAW announced that the next order of business would be HOUSE BILL NO. 130, "An Act relating to the crimes of unlawful interference with an election, election fraud, and election official misconduct; and providing for an effective date."

[3:58:04 PM](#)

REPRESENTATIVE SARAH VANCE, Alaska State Legislature, presented HB 130, on behalf of the House Judiciary Standing Committee, sponsor by request. She provided the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

HB 130 enhances election security by codifying the crime of unlawful interference of an election for anyone who intentionally tampers with ballots or machinery, creates the crime of election fraud, and adds to the crime of election official misconduct for sharing confidential election information.

This bill intends to restore public confidence in our elections by providing accountability of bad actors who seek to jeopardize the integrity of our elections from ballot to the tabulator.

CHAIR SHAW inquired about the fiscal note for HB 130.

[4:01:37 PM](#)

REPRESENTATIVE VANCE stated that a zero fiscal note from the Department of Public Safety (DPS) accompanied the bill.

[4:02:13 PM](#)

REPRESENTATIVE CARPENTER asked whether poll watchers were considered election officials.

REPRESENTATIVE VANCE shared her understanding that a voluntary poll watcher would not be considered an election official. She deferred to DOE for confirmation.

[4:02:51 PM](#)

MICHAELA THOMPSON, Administrative Operations Manager, Division of Elections, Office of the Lieutenant Governor, confirmed that poll watchers are not election officials.

REPRESENTATIVE CARPENTER sought to confirm that poll watchers would not fall under the statute, as they are not official election workers.

REPRESENTATIVE VANCE referred to Section 1 of HB 130, speculating that a poll watcher may fall under AS 15.56.060 [Unlawful interference with an election].

[4:05:30 PM](#)

REPRESENTATIVE STORY referred to Section 3, paragraph (4) of the proposed bill and asked whether campaign workers would still be allowed to request updated vote counts throughout the day.

REPRESENTATIVE VANCE answered yes, as the provision would be explicitly speaking to election results, returns, and confidential election data.

REPRESENTATIVE STORY requested the definition of "confidential election data".

REPRESENTATIVE VANCE deferred to DOE.

[4:06:48 PM](#)

MS. THOMPSON shared her understanding that confidential election data would include election results. In the context of HB 130,

she expressed uncertainty what would be encompassed by "confidential election data".

REPRESENTATIVE STORY asked whether HB 130 would prevent DOE from sharing voter data with databases used to maintain the voter registration list.

MS. THOMPSON expressed uncertainty.

REPRESENTATIVE STORY emphasized the importance of finding out the answer.

MR. FLYNN indicated that "confidential election data" has not been defined by statute, expressing uncertainty what it would entail. He observed that the language "before the polls close on election day" in paragraph (4) would not be time bound on the close end and could be interpreted expansively.

[4:09:31 PM](#)

REPRESENTATIVE STORY asked why the bill would increase the penalty for election fraud from a class C felony to a class B felony.

REPRESENTATIVE VANCE conveyed that committing election fraud with the intent to change the outcome of the election could impact the entire state; therefore, she expressed the belief that the penalty should be heightened.

CHAIR SHAW announced that HB 30 was held over.

HB 131-VOTING MACHINES AND VOTE TALLY SYSTEMS

[4:11:07 PM](#)

CHAIR SHAW announced that the next order of business would be HOUSE BILL NO. 131, "An Act relating to voting machines and vote tally systems; and providing for an effective date."

[4:11:48 PM](#)

REPRESENTATIVE SARAH VANCE, Alaska State Legislature, presented HB 131 on behalf of House Judiciary Standing Committee, sponsor by request. She provided the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

HB 131 sets a standard for voting machines and vote tally systems to be certified by the United States Election Assistance Commission and use only open-source software technology.

Open-source tabulators utilize software available to the public that is used, modified, or distributed freely, and is fully transparent. These tabulators use commercial off-the-shelf hardware that is mass produced with commercially available hardware devices, making it less appealing to hackers. Coupled with hard copy paper ballots, open-source tabulators create the most secure voting system to reconcile the numbers of ballots cast when counting votes.

Currently, Alaska utilizes proprietary voting tabulators that are not air-gapped. These tabulators can connect to a modem and are suspected of remote manipulation. Because of the proprietary and secret nature of the voting tabulator, public confidence in the accuracy of the count is at an all-time low. Real or perceived, the current system has a reputation that undermines confidence in our elections.

HB 132 seeks to build confidence in our elections with open and transparent vote tally systems that can be easily verified.

[4:16:47 PM](#)

The committee took a brief at-ease.

[4:17:15 PM](#)

MATT ROE, Head of Product, Voting Works, explained that Voting Works is a non-partisan non-profit organization that built election software. He expressed the goal to describe open-source software in an election administration application. He stated he would be speaking from his experience implementing open-source software but would not be speaking to the specifics of Voting Works products. He explained that the "source" in "open source" refers to source code, which is the set of instructions a computer follows to achieve the desired software's behavior. He used an example of source code, which he described as "a complicated recipe for baking a cake." He added that for most software the source code would be kept secret and available only to the original programmers. By

contrast, he explained that open-source software has source code that would be available to anyone.

MR. ROE asserted that much of the software used today (including all major web browsers and much of software that powers the internet) is open source. He emphasized that the key benefit of open-source technology is transparency. He cited that almost every industry uses open-source software, including scientific research, financial services, and cybersecurity. He asserted that in the world of election administration, especially when the country is particularly polarized, open-source transparency provides a common ground of facts that could be trusted and verified. As an example of a problem, he stated that malicious code could change votes, but a technical review of the open-source code could counteract this. He emphasized the importance of proper security procedures, which should be transparent. He mentioned the public accountability of election officials.

MR. ROE discussed how open-source voting systems were used in practice. He asserted that open-source voting systems are used like any other voting system, with well-established practices for certifying, testing, and operating voting equipment. He stated that the only change introduced to the election process by open-source software would be increased transparency and public confidence in the election outcome. He opined that SB 131 represents a commitment to increasing the transparency and security of Alaskan elections through requiring open-source software.

[4:23:05 PM](#)

REPRESENTATIVE CARPENTER asked whether the bill would require the state to replace its [Dominion Voting Systems] machines with open-source technology; alternatively, he questioned whether the bill would require [Dominion Voting Systems] to make its software open source.

[4:24:07 PM](#)

THOMAS FLYNN, Assistant Attorney General, Department of Law, surmised that transitioning to open-source technology would be at the discretion of Dominion Voting Systems, adding that the state could not demand the implementation.

REPRESENTATIVE CARPENTER asked whether the state would be required to replace its Dominion Voting Systems machines with open-source software.

[4:25:08 PM](#)

CAROL BEECHER, Director, Division of Elections (DOE), Office of the Lieutenant Governor, answered yes and explained that with the proposed legislation DOE would replace its voting tally system and voting machines.

[4:25:54 PM](#)

REPRESENTATIVE STORY inquired about the projected cost of implementation.

CHAIR SHAW shared his understanding that a zero fiscal note from DOE accompanied the bill.

REPRESENTATIVE STORY asked how replacing the voting machines and tally system would affect the zero fiscal note.

MS. BEECHER clarified that the fiscal note reported an expense of \$4.6 million to implement the bill, which reflected four bids from 2019.

REPRESENTATIVE STORY asked how Voting Works ensured system security.

[4:27:49 PM](#)

MR. ROE explained that Voting Works technology has a variety of checks in place to ensure that the system only runs the software approved by both the vendor and the state; additionally, the software implements "secure boot" technology. He reported that open-source software has been shown to increase security, as increased transparency encouraged secure software development. He provided an analogy.

[4:30:19 PM](#)

REPRESENTATIVE STORY asked whether logic and accuracy testing could be performed on an open-source system.

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

MR. ROE answered yes, the state could continue to perform the same logic and accuracy testing on open-source software. He reiterated that open-source software would not change any of the processes or experiences associated with voting equipment;

rather, it would increase the security and transparency of the system.

REPRESENTATIVE STORY inquired about the cost to municipalities.

MS. BEECHER expressed the belief that there would be no cost to municipalities. She deferred to Ms. Thompson for confirmation.

[4:32:49 PM](#)

MICHAELA THOMPSON, Administrative Operations Manager, Division of Elections, responded, "We no longer loan out our equipment to municipalities, so this would not impact them."

[4:33:12 PM](#)

REPRESENTATIVE C. JOHNSON asked when the current contract [with Dominion Voting Systems] would expire.

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

REPRESENTATIVE C. JOHNSON asked whether there was an annual maintenance agreement in the contract.

MS. BEECHER answered yes, stating that the original contract awarded in 2019 specified five years of maintenance.

[4:34:08 PM](#)

REPRESENTATIVE C. JOHNSON asked whether the contract would include the clause "subject to appropriations."

MR. FLYNN offered to follow up with the requested information.

[4:35:25 PM](#)

CHAIR SHAW announced that HB 131 was held over.

HB 132-ELECTIONS: BALLOT, VOTING, SECURITY
HB 129-VOTER REGISTRATION
HB 130-ELECTION INTERFERENCE, FRAUD, MISCONDUCT
HB 131-VOTING MACHINES AND VOTE TALLY SYSTEMS

[4:37:44 PM](#)

CHAIR SHAW announced that the final order of business would be HOUSE BILL NO. 132, "An Act relating to election security,

voting, and ballots; and providing for an effective date" and HOUSE BILL NO. 129, "An Act relating to voter registration; and providing for an effective date" and HOUSE BILL NO. 130, "An Act relating to the crimes of unlawful interference with an election, election fraud, and election official misconduct; and providing for an effective date" and HOUSE BILL NO. 131 "An Act relating to voting machines and vote tally systems; and providing for an effective date."

[4:38:23 PM](#)

REPRESENTATIVE SARAH VANCE, Alaska State Legislature, presented HB 132 on behalf of the House Judiciary Standing Committee, sponsor by request. She provided the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

HB 132 has a voter focused approach that seeks to increase public confidence in our elections with a means to cure a ballot, enhance cybersecurity, and implement an online multifactor authentication for each voter to protect Alaskan's individual information.

Protecting the foundation of our representative form of government begins with protecting each ballot. This bill establishes a strict chain of custody protocol for ballots and tabulators from the printer to voter, to disposal, complete with a unique security identifier such as a barcode.

To help alleviate concerns of misconduct, this bill enhances administrative procedure that brings integrity to the process of handling ballots and allows recruitment of a technical subject matter expert to conduct a full forensic audit of voting machines, tabulators, storage devices, and vote tally systems.

HB 132 prioritizes Alaskan voters and the integrity of their vote so every eligible vote counts!

[4:39:47 PM](#)

REPRESENTATIVE VANCE directed attention to a PowerPoint presentation, titled "HB 132 Elections; Ballot, Voting, Security" [hard copy included in the committee packet]. She

emphasized the voter-focused aspects of the bill on slide 2, including: ballot security, ballot chain of custody, ballot tracking system, ballot curing, increased cybersecurity, and election offense hotline.

[4:40:08 PM](#)

REPRESENTATIVE VANCE addressed ballot security on slide 3, which read as follows [original punctuation provided]:

- Security Identifier
- Paper Record
- Envelope-based Barcode
- Signed Ballot Chain-of-Custody Document
- Maintain Forensic Integrity of Ballots

[4:40:42 PM](#)

REPRESENTATIVE VANCE continued to slide 4, titled "Ballot Tracking System," which read as follows [original punctuation provided]:

Online multi-factor authentication system like used with your MyAlaska account.

- confirm the ballot was sent
- track ballot date of delivery
- confirm receipt of ballot
- determine review of voter's certificate
- determine if vote has been counted
- **provide information to cure the ballot**
- verify voter's identity
- indicate the process to cure a ballot or reason
- the vote was not counted

[4:42:12 PM](#)

REPRESENTATIVE VANCE turned to slide 5, titled "Increased Cybersecurity," which read as follows [original punctuation provided]:

Develop a cybersecurity program to defend voter registration records and provide cybersecurity training for election officials.

[4:42:24 PM](#)

REPRESENTATIVE VANCE detailed the election offense hotline on slide 6, which read as follows [original punctuation provided]:

The director shall establish a toll free election offense hotline to receive calls reporting election offenses.

- Continuously staffed during absentee voting hours, early voting, and 24 hours after polls open.
- Election official available to respond to calls
- Offense hotline number placed in conspicuous places.

[4:43:11 PM](#)

REPRESENTATIVE VANCE concluded on slide 7, titled "Forensic Audits," which read as follows [original punctuation provided]:

Grants the Legislative Council the power to contract with and appoint technical subject matter experts to conduct **full forensic audits** of election data, algorithms, software, and equipment, including precinct tabulators, storage devices, voting machines, and vote tally systems.

[4:44:13 PM](#)

CHAIR SHAW requested a brief explanation of the fiscal note from the Division of Elections (DOE).

[4:44:24 PM](#)

CAROL BEECHER, Director, Division of Elections, Office of the Lieutenant Governor, stated that the fiscal note reflects the estimated costs incurred, such as non-permanent election clerks; ballot printing; professional services for IT consulting; software maintenance; forensic auditing; and ballot tracking software.

[4:45:22 PM](#)

REPRESENTATIVE STORY requested the definition of a "full forensic audit."

REPRESENTATIVE VANCE clarified that that the bill would grant Legislative Council with the authority to find someone to conduct the forensic audits pending further definition from the legislature. She defined a forensic audit as "looking more at any potential fraud and activity that would deal with a criminal nature."

REPRESENTATIVE STORY asked whether DOE could define "forensic audit."

MS. BEECHER deferred to Mr. Flynn.

[4:46:52 PM](#)

THOMAS FLYNN, Assistant Attorney General, Department of Law, said he was not aware of a statutory definition of "forensic audit."

REPRESENTATIVE STORY inquired about the credentials or qualifications for those conducting a "forensic audit."

REPRESENTATIVE VANCE indicated that the legislature could determine the subject matter expert for any activity deemed as deserving of more insight.

[4:47:52 PM](#)

REPRESENTATIVE CARPENTER shared his understanding that the institutional knowledge of a "full forensic audit" was lacking because the state had never conducted on before. He recommended defining the parameters of a full "forensic audit" in statute.

[4:49:31 PM](#)

REPRESENTATIVE C. JOHNSON inquired about the cost of ballot printing.

MS. BEECHER deferred to Michaela Thompson.

MICHAELA THOMPSON, Administrative Operations Manager, Division of Elections, expressed the understanding that adding a watermark would require additional types of ballot printing paper.

REPRESENTATIVE C. JOHNSON asked whether the fiscal note reflected an estimate of costs or whether a request for information (RFI) or request for proposal (RFP) had been issued.

MS. THOMPSON expressed the belief that the election program manager would receive an estimate from the current ballot printer.

REPRESENTATIVE C. JOHNSON expressed his interest in looking into the accuracy of fiscal notes.

[4:51:09 PM](#)

REPRESENTATIVE STORY asked how the chain of custody proposed in HB 132 would differ from existing chain of custody protocols.

MS. BEECHER deferred to Ms. Thompson.

MS. THOMPSON acknowledged that the division follows chain of custody procedures in all aspects of the election process. She further noted that the division has an existing portal that allows voters to track the receipt of their ballot, in addition to processes for sending unused ballots back to the division and tracking spoiled ballots.

REPRESENTATIVE STORY asked how the chain of [custody] works with the United States Postal Service (USPS).

MS. THOMPSON described the chain of custody.

[4:54:32 PM](#)

REPRESENTATIVE CARPENTER requested an assessment from DOE comparing existing chain of custody procedures to the ones proposed in Section 2 HB 132. He suggested that existing chain of custody procedures should be updated.

[4:55:23 PM](#)

CHAIR SHAW opened public testimony on HB 132, HB 129, HB 130, and HB 131.

[4:55:38 PM](#)

KAREN LEWIS, representing self, urged the legislature to return to a hand count system, opining that all machines could be manipulated. She read from a prepared statement.

[4:59:10 PM](#)

PAMELA SAMASH, Concerned Conservatives of Alaska, opined that fair and honest elections are critical for a free society. She opined that these bills would be an important step towards making this possible. She urged the committee's support for HB 129, HB 130, HB 131, and HB 132.

[5:00:26 PM](#)

JOHN MILLER, representing self, expressed his support for the bills presented during the hearing "except for the machines." He offered several suggestions for election security. He opined that the bills would be fundamental to ensuring that the people's voice is heard.

[5:02:20 PM](#)

GERALD VOSS, representing self, expressed his support for HB 129, HB 130, HB 131, and HB 132 and offered several suggestions for election security.

[5:04:13 PM](#)

JOHN LETTOW, representing self, expressed his support for the election bills presented during the hearing, stating his support for transitioning to a hand count.

[5:05:43 PM](#)

MIKE COONS, President, Concerned Conservatives of Alaska, expressed support for HB 129, HB 130, HB 131, and HB 132 with "one caveat."

[5:07:27 PM](#)

CHAIR SHAW stated that public testimony would be left open. He announced that HB 132, [HB 129, HB 130, and HB 131] were held over.

[5:08:06 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [5:08] p.m.