

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

March 19, 2024

3:02 p.m.

**MEMBERS PRESENT**

Representative Laddie Shaw, Chair  
Representative Stanley Wright, Vice Chair  
Representative Ben Carpenter  
Representative Craig Johnson  
Representative Jamie Allard  
Representative Ashley Carrick  
Representative Andi Story

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 306

"An Act relating to artificial intelligence; requiring disclosure of deepfakes in campaign communications; relating to cybersecurity; and relating to data privacy."

- HEARD & HELD

HOUSE BILL NO. 225

"An Act relating to the tabulation of ballots; and requiring the division of elections to provide unofficial election results before the results of an election are certified."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 306

SHORT TITLE: AI, DEEPFAKES, CYBERSECURITY, DATA XFERS

SPONSOR(S): STATE AFFAIRS BY REQUEST

02/02/24	(H)	READ THE FIRST TIME - REFERRALS
02/02/24	(H)	STA, JUD
03/19/24	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 225

SHORT TITLE: POSTING OF UNOFFICIAL ELECTION RESULTS

SPONSOR(s) : GRAY

01/16/24 (H) PREFILE RELEASED 1/8/24  
01/16/24 (H) READ THE FIRST TIME - REFERRALS  
01/16/24 (H) STA, JUD  
03/19/24 (H) STA AT 3:00 PM GRUENBERG 120

**WITNESS REGISTER**

JOSH APPLEBEE, House Majority Staff  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Co-presented HB 306 on behalf of the sponsor, House State Affairs by request.

SEAN MILLS, House Majority Staff  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Co-presented HB 306 on behalf of the sponsor, House State Affairs by request.

REPRESENTATIVE ANDREW GRAY  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 225, as prime sponsor.

DAVID SONG, Staff  
Representative Andrew Gray  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** On behalf of Representative Gray, prime sponsor, provided a PowerPoint presentation, titled "HB 225 Posting Unofficial Elections Results."

WILLIAM ADLER, Associate Director  
The Elections Project  
Bipartisan Policy Center  
Washington, D.C.

**POSITION STATEMENT:** Provided invited testimony for HB 225.

LOREN LEMAN, Former Lieutenant Governor  
Anchorage, Alaska

**POSITION STATEMENT:** Provided invited testimony for HB 225.

CAROL BEECHER, Director  
Central Office  
Division of Elections

Office of the Lieutenant Governor  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 225.

**ACTION NARRATIVE**

[3:02:42 PM](#)

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

**HB 306-AI, DEEPFAKES, CYBERSECURITY, DATA XFERS**

[3:03:55 PM](#)

CHAIR SHAW announced that the first order of business would be HOUSE BILL NO. 306, "An Act relating to artificial intelligence; requiring disclosure of deepfakes in campaign communications; relating to cybersecurity; and relating to data privacy."

[3:04:18 PM](#)

JOSH APPLEBEE, House Majority Staff, Alaska State Legislature, on behalf of the bill sponsor, House State Affairs by request, provided a sponsor statement for HB 306 [included in the committee packet], which read as follows [original punctuation provided]:

HB 306 establishes policy for Artificial Intelligence (AI) use by state agencies to ensure transparent and fair practices to protect Alaskans as well as requires disclosure on political deepfakes to inform Alaskans when campaign information is altered with the intention to mislead.

With the increasing availability of AI to streamline work processes, transparency, and guidelines for the use of AI by state agencies is paramount to ensure appropriate deployment and to protect Alaskans from potential harm. By requiring human oversight/responsibility for AI, a publicly posted inventory of AI in use by state agencies, and regular impact assessments - that include a review and public

report of benefits, liabilities, risks, accountability mechanisms in place, decision appeal processes, and effects on the liberty, finances, livelihood and privacy interest of individuals among other items - HB 306 will ensure AI is working for the people of Alaska appropriately.

HB 306 ensures the public will know when AI is employed by state agencies regarding the collection and processing of personal data and the generation of decisions. The bill provides important and necessary safeguards but also methods of recourse if the use of AI causes harm to an individual. Decisions pertaining to hiring practices, eligibility for services, license qualification, and more, are no small matters; they impact lives.

AI use will also be regulated in relation to "synthetic media" or "political deepfakes" disseminated to the public, including for election and campaign use. The generation of audio, still-imagery, or video that is designed to create a fabricated or intentionally manipulated account of an individual's appearance, speech, or conduct is a fairly new phenomenon. When these digital alterations of a person, however, are employed to spread false information with malevolent intentions to deceive the public, it is time for lawmakers to take up the matter. With easily accessible AI available to develop deepfakes, the likelihood of their creation during the 2024 election cycle is inevitable.

HB 306 requires a clear disclosure on a political deepfake that the communication has been manipulated by AI. AI is the new digital frontier, and as the rapidly emerging technology can offer efficiencies and solutions for the workplace and ease of use even for non-tech savvy individuals, we will see it play an increasing role in work activities and in political communications.

The goal of HB 306 is to set appropriate parameters for state agency use of AI and to protect Alaskans.

MR. APPLEBEE reported that artificial intelligence (AI) lobbying has increased 185 percent between 2022 and 2023 with over 450 organizations participating. He said that HB 306 was drafted to

safeguard against bad actors and gain benefits of what artificial intelligence (AI) technology has to offer. Transparency and guidelines for AI usage are needed to ensure appropriate deployment to protect Alaskans from potential harm. He said HB 306 would create human oversight of AI and create a publicly posted inventory of AI use by state agencies and manage regular impact assessments including review and public report of benefits, liabilities, risks, and AI's affects on the privacy interests of individuals.

MR. APPLEBEE explained that HB 306 would employ methods of recourse if the use of AI causes harm to an individual. He said HB 306 requires the disclosure of political "deepfakes" when campaign information is altered by AI technology. The Federal Communications Commission (FCC) recently made AI generated voices and robocalls illegal. With accessible AI tools, it has never been easier to create "deepfakes," and the likelihood of their creation during the upcoming election cycle is inevitable.

MR. APPLEBEE reported that many major technology ("tech") companies signed a pact to voluntarily adopt reasonable precautions to prevent AI tools from being used to disrupt democratic elections around the world. U.S. Senator Lisa Murkowski introduced a pact to require disclaimers on political ads with images, audio, or video, that are substantially generated by AI. Similarly, he said, HB 306 would require a clear disclosure that demonstrates that the communication has been manipulated by AI.

[3:08:45 PM](#)

SEAN MILLS, House Majority Staff, Alaska State Legislature, as co-presenter on behalf of the bill sponsor, House State Affairs by request, provided information about how AI is regulated in other states. He said 18 states enacted legislation associated with AI in 2023. He exemplified Connecticut, which requires an inventory of all AI systems that state agencies utilize. Some states enacted an AI advisory council. The Council of State Governments identified six focus areas for legislation, which include accountability, fighting discrimination, providing transparency for state operations, providing data privacy, targeting unsafe and ineffective AI systems, and providing for interagency collaboration. He said that HB 306 addresses each of those six points. He said there are many risks and benefits to AI. The proposed legislation provides a launchpad for valuable discussion.

3:12:04 PM

CHAIR SHAW asked about data "xers."

MR. MILLS answered that "xers" is shorthand for transfers.

3:12:32 PM

REPRESENTATIVE CARRICK asked if the bill would cover state agency generated deepfakes or system generated deepfakes from private entities.

MR. APPLEBEE responded that the bill would address two parts: one that handles deepfakes within the state, and another for those generated outside the state for campaign purposes.

REPRESENTATIVE CARRICK asked about the cost of the inventory for state agency's use of AI for consequential decisions.

MR. APPLEBEE said the fiscal note includes an initial cost of \$5 million, and recurring costs of \$2 million per year.

3:14:05 PM

REPRESENTATIVE STORY noted the importance and timeliness of the bill. She asked for the definition of the term "consequential decision" used in the bill.

MR. APPLEBEE referred to page 5, line 21, which states "consequential decision means a conclusion decision or judgement by a state agency that can have a legal or significant effect on an individual".

REPRESENTATIVE STORY asked for a list of state agencies that may be involved with consequential decisions.

MR. APPLEBEE stated that HB 306 would cover any agency that utilizes AI technology. The bill would require the Department of Administration (DOA) to catalog those uses. The fiscal note assigns 15 programmer positions that would cover each state agency.

REPRESENTATIVE STORY asked if all agencies would be included.

MR. APPLEBEE said if the agency decides to use AI technology to make decisions, it would be cataloged.

REPRESENTATIVE STORY asked how cyber security is tracked and AI is used currently in state departments.

MR. APPLEBEE responded that he was unsure because there has yet to be an inventory. He offered to reach out to DOA and follow up with more information.

[3:16:43 PM](#)

REPRESENTATIVE CARRICK asked how frequent state generated deepfakes are and if they are prevalent elsewhere.

MR. APPLGATE made a distinction between the use of AI technology and the creation of deepfakes or synthetic media. He explained that it is unlikely that a state agency would be creating deepfakes. State agencies may be utilizing AI technology to make systems more efficient.

[3:18:09 PM](#)

CHAIR SHAW announced that HB 306 was held over.

**HB 225-POSTING OF UNOFFICIAL ELECTION RESULTS**

[3:18:16 PM](#)

CHAIR SHAW announced that the final order of business would be HOUSE BILL NO. 225, "An Act relating to the tabulation of ballots; and requiring the division of elections to provide unofficial election results before the results of an election are certified."

[3:18:31 PM](#)

The committee took an at-ease from 3:18 p.m. to 3:21 p.m.

[3:21:07 PM](#)

REPRESENTATIVE ANDREW GRAY, Alaska State Legislature, presented HB 225, as prime sponsor. He paraphrased a sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

In 2020, Alaskan voters approved Ballot Measure 2, which implemented ranked choice voting (RCV) for general elections. This system of elections allows voters to rank candidates in order of preference,

eliminating the candidate with the lowest vote totals and reallocating their second-choice votes, and repeating this process until one candidate has over 50% of the vote.

However, in the 2022 election, voters did not receive the final results until 15 days after the election, causing some confusion. As with any electoral system, transparency and timely results must be prioritized to the voters.

HB 225 addresses this concern by requiring the Division of Elections to release the ranking data necessary to conduct RCV tabulations on the day after the general election, and also when it releases unofficial election results. Knowing the vote totals along with ranking data will allow voters and candidates to have a more up-to-date picture of the standings before the final tabulation.

HB 225 is a simple bill that will help increase transparency around our electoral process, so I ask for your support.

REPRESENTATIVE GRAY stated that his office worked with the Division of Elections to create HB 225, which [carries a zero fiscal note].

[3:24:15 PM](#)

DAVID SONG, Staff, Representative Andrew Gray, Alaska State Legislature, on behalf of Representative Gray, prime sponsor, provided a PowerPoint presentation, titled "HB 225 Posting Unofficial Elections Results" [hard copy included in the committee packet]. He began on slide 2, titled "Background Information," which read as follows [original punctuation provided]:

#### BACKGROUND INFORMATION

- Ballot Measure 2 in 2020 instituted Ranked Choice Voting (RCV).
- RCV allows voters to rank their candidates in order of preference.
  - If no candidate receives 50% + of the first-choice vote, the candidate with the lowest vote total is eliminated and second-choice votes are reallocated.

- Process is repeated until one candidate has over 50% of the vote.
- RCV takes more time than single-choice voting.

MR. SONG moved to slide 3, titled "2022 Alaska Elections," which read as follows [original punctuation provided]:

- Division of Elections took 15 days to release full tabulation results for the 2022 general election.
- Division of Elections' policy of not releasing ranking data in a timely manner created confusion
- Example: Initial results for 2022 Senate elections had:
  - Kelly Tshibaka in the lead on 11/9.
  - Lisa Murkowski won after tabulation on 11/23

[3:26:03 PM](#)

MR. SONG moved to slide 4, titled "Results Don't Have To Be Slow," which read as follows [original punctuation provided]:

- Delay in results undermines trust in elections.
- Digital scanning of ballots allows for instant release of results.
- Ranked Choice Voting Resource Center recommends several actions including:
  - Round by round tabulation tally on election night.
  - Publishing the entire ballot record so that anyone can verify the results.
  - Clear communication of expectations, timelines, and results.

MR. SONG moved to slide 5, titled "What Does HB 225 Do?," which read as follows [original punctuation provided]:

- Incorporates some of these best practices for Alaska elections.
- Releases the unofficial results with ALL of the ballot data the day after election day, not just first-choice votes.
  - No more 15-day delays for results.
  - Ongoing release of unofficial election results will include ALL ballot data.
- Allows for elections observers to conduct their own tabulations in order to see how second, third, etc. votes will be allocated.

- No blindsiding

[3:27:18 PM](#)

MR. SONG moved to slide 6, titled "What Does HB 225 NOT Do?," which read as follows [original punctuation provided]:

- Data will not include hand-count precincts in preliminary release of results.
- Does not affect municipal election procedures. Municipalities that have adopted handcount elections will not be affected.
- Does not require the Division of Elections to conduct a round-by-round tabulation, adding additional staffing.
  - Just releases the ballot data so observers, media, etc. can conduct their own tabulations.

MR. SONG moved to slide 7, titled "Concluding Remarks," which read as follows [original punctuation provided]:

- If RCV is overturned, HB 225 no longer applies.
- HB 225 brings transparency and efficiency to Alaska elections - we will be like the rest of the country: we will know who is really in the lead in our closest races the day after the elections.

[3:28:32 PM](#)

WILLIAM ADLER, Associate Director, The Elections Project, Bipartisan Policy Center, explained that the Bipartisan Policy Center's Elections Project advocates for pragmatic solutions to improve American elections, does not take a formal position on ranked choice voting but does support best-practices for any voting method. He applauded the goal of HB 225 to ensure voters are aware of who is leading in a ranked choice election as results are reported. He stated that this is a manageable task for Alaska's election workers and would increase public transparency of elections. Under the current model, it takes more than two weeks for voters to get a clear picture of which candidate is leading. Expediting more comprehensive results aligns with the best practices for ranked choice voting.

MR. ADLER noted several close elections in 2022. Best practices for ranked choice voting involve releasing preliminary round-by-round tallies on election night and updating the votes as more are counted. This would make the election more transparent and

provide voters with an earlier and more meaningful picture of election results. He said HB 225 mitigates some administrative concerns associated with delayed unofficial tabulation. Alaska has a history of competitive elections. Delayed election results can result in inadequate time for the transfer of power. He exemplified the heightened difficulties for the governorship because the governor's term begins just four weeks after the election. The proposed legislation would mitigate that concern.

[3:32:55 PM](#)

MR. ADLER mentioned some minor revisions that could be made to the bill to eliminate some ambiguities and ensure that the data released by the division is usable by the public without proprietary software. In addition to releasing the data necessary for observers to conduct the tabulation, the division could conduct the tabulation and release it as unofficial results. He emphasized that voters need transparency, candidates need time to transition into office, and election administrators need clear guidelines from the legislature.

[3:33:58 PM](#)

LOREN LEMAN, Former Lieutenant Governor, mentioned that he has been an Alaska voter for 51 years. He told a story of a tied result in a legislative race. He mentioned his involvement in the citizen-led initiative to repeal ranked choice voting. He discussed three criticisms of ranked choice voting and said that the process is confusing, it takes too long to get results, and can produce results that are different from a "regular" election. He mentioned that HB 225 would address one of his criticisms of ranked choice voting by creating faster preliminary results. He mentioned that he spoke with Division of Elections director, Carol Beecher and affirmed that the division can support the intention of the bill; however, she warned that in a close election, the results could swing from one candidate to the other. He advised that to make changes to improve voter participation, the bill could be amended to repeal ranked choice voting. Passing HB 225 as is could make a small improvement to elections regarding reporting.

[3:37:57 PM](#)

REPRESENTATIVE STORY asked if the Division of Elections is available to discuss the bill. She requested information about current statute that limits the release of results for over two weeks.

[3:39:07 PM](#)

CAROL BEECHER, Director, Central Office, Division of Elections, Office of the Lieutenant Governor, based on her interpretation of current statute, noted a regulation that the ranking would occur after the fifteenth day. The division must wait for all the ballots to be submitted. She noted that for the general election, ballots can come in up to the fifteenth day after the election if they are postmarked on election day. Ranked choice voting requires that if no candidate receives 50 percent of the vote, then the ranking process begins. She clarified that the division must wait until all the votes are in before determining which races need to be ranked.

REPRESENTATIVE STORY asked if the timeline in HB 225 would work from the perspective of the Division of Elections.

MS. BEECHER affirmed that the division could provide the data to run the results.

REPRESENTATIVE STORY asked if there are any downsides to releasing results as they become available.

MS. BEECHER stated her belief that voter confusion is still a possibility. She said that results can go up and down as the results are submitted, which may be confusing for people who lack understanding of how ranked choice votes are calculated.

CHAIR SHAW announced that amendments would be due by March 26, 2024, and HB 225 was held over.

[3:42:47 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [3:43] p.m.