

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
THIRTY-FIRST LEGISLATURE
SECOND SESSION

Juneau, Alaska

Monday

February 10, 2020

Twenty-first Day

Pursuant to adjournment the House was called to order by Speaker Edgmon at 11:07 a.m.

Roll call showed 38 members present. Representative LeDoux had been excused from a call of the House today. Her presence was noted later. District 3 was vacant.

The invocation was offered by the Chaplain, Pastor Mike Rose of Juneau Christian Center. Representative Drummond moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Heavenly Father, thank you that your mercies are new every morning and for your loving kindness that abounds to all. Thank you that we live in a great nation that values liberty and justice for all. May we be mindful of the many who sacrificed to secure and guard the abundant freedoms we enjoy.

Lord, help us to be good stewards of the vast resources of the great land. Lord, I pray for wisdom in all deliberations of the House today and ask your blessings and protection over all the representatives and their families.

In your name I pray. Amen.

The Pledge of Allegiance was led by Representative Lincoln.

CERTIFICATION OF THE JOURNAL

Representative Thompson moved and asked unanimous consent that the journal for the 18th, 19th, and 20th legislative days be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Story introduced Karsynn Fairclough, Gracie Kohuth, and Elijah Keaton, Guest Pages, from Juneau.

MESSAGES FROM THE SENATE

A message dated February 7 was read stating the Senate accepted the invitation to meet in joint session in the House Chamber at 11:00 a.m., February 18 to hear an address by U.S. Senator Lisa Murkowski.

A message dated February 7 was read stating the Senate passed the following, and it is transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS****SB 144**

SENATE BILL NO. 144 by Senators Bishop, Revak, Costello, Coghill, Gray-Jackson, Begich, Kawasaki, Kiehl, Olson, Hoffman, Stedman, and Giessel, entitled:

"An Act establishing June 7 of each year as Walter Harper Day."

was read the first time and referred to the State Affairs Committee.

REPORTS OF STANDING COMMITTEES**HB 197**

The Resources Committee considered:

HOUSE BILL NO. 197

"An Act extending the Alaska Seismic Hazards Safety Commission; and providing for an effective date."

The report was signed by Representatives Tarr and Lincoln, Co-chairs, with the following individual recommendations:

Do pass (7): Tuck, Hannan, Talerico, Hopkins, Spohnholz, Tarr, Lincoln

No recommendation (1): Rauscher

The following fiscal note(s) apply:

1. Fiscal, Dept. of Natural Resources

HB 197 was referred to the Finance Committee.

HB 230

The Resources Committee considered:

HOUSE BILL NO. 230

"An Act repealing the termination date for the intensive management hunting license surcharge."

The report was signed by Representatives Tarr and Lincoln, Co-chairs, with the following individual recommendations:

Do pass (6): Tuck, Hannan, Talerico, Rauscher, Tarr, Lincoln

No recommendation (2): Hopkins, Spohnholz

The following fiscal note(s) apply:

1. Zero, Dept. of Fish & Game

HB 230 was referred to the Finance Committee.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 115

The following was read the second time:

HOUSE BILL NO. 115

"An Act relating to absentee voting; and providing for an effective date."

with the:	Journal Page
STA RPT 3DP 1NR	670
FN1: ZERO(GOV)	670
JUD RPT 4DP 1DNP	979
FN1: ZERO(GOV)	979

The Rules Committee submitted the following updated fiscal note:

2. Zero, Office of the Governor

Amendment No. 1 was offered by Representative Tuck:

Page 1, line 12:

Delete "2020"

Insert "2021"

Representative Tuck moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, Amendment No. 1 was adopted.

Amendment No. 2 was offered by Representative Eastman:

Page 1, line 3:

Delete "a new subsection"

Insert "new subsections"

Page 1, lines 4 - 11:

Delete all material and insert:

"(m) An absentee ballot application must include options for a qualified voter to choose to receive absentee ballots by mail for

(1) all future regularly scheduled state elections;

(2) future state

(A) special elections;

(B) primary elections; or

(C) general elections; or

(3) any combination of future elections described in (2)(A) - (C) of this subsection.

(n) The division may not require a voter who chooses to receive absentee ballots under this section to reapply to receive absentee ballots by mail unless the voter has not voted an absentee ballot for a period of four years or an absentee ballot sent to the voter under this section is returned to the division as undeliverable. A voter may change the voter's absentee ballot selection under (m) of this section by reapplying under this section."

Representative Eastman moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative Tuck objected.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

HB 115(efd am)
Second Reading
Amendment No. 2

YEAS: 3 NAYS: 35 EXCUSED: 1 ABSENT: 0 VACANT: 1

Yeas: Eastman, Jackson, Vance

Nays: Carpenter, Claman, Drummond, Edgmon, Fields, Foster, Gillis, Hannan, Hopkins, Johnson, Johnston, Josephson, Knopp, Kopp, Kreiss-Tomkins, LeBon, Lincoln, Merrick, Neuman, Ortiz, Pruitt, Rasmussen, Rauscher, Shaw, Spohnholz, Story, Stutes, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Wool, Zulkosky

Excused: LeDoux

Vacant: District 3

And so, Amendment No. 2 was not adopted.

Amendment No. 3 was offered by Representative Eastman:

Page 1, lines 4 - 11:

Delete all material and insert:

"(m) An absentee ballot application must include an option for a qualified voter to choose to receive absentee ballots by mail for future regularly scheduled state elections. The division shall stop mailing absentee ballots to a voter and require the voter to reapply to receive absentee ballots by mail if

(1) the voter does not vote an absentee ballot sent to the voter; or

(2) an absentee ballot sent to the voter under this section is returned to the division as undeliverable."

Representative Eastman moved and asked unanimous consent that Amendment No. 3 be adopted.

Representative Tuck objected.

The question being: "Shall Amendment No. 3 be adopted?" The roll was taken with the following result:

HB 115(efd am)

Second Reading

Amendment No. 3

YEAS: 15 NAYS: 23 EXCUSED: 1 ABSENT: 0 VACANT: 1

Yeas: Carpenter, Eastman, Gillis, Jackson, Johnson, Merrick, Neuman, Pruitt, Rasmussen, Rauscher, Shaw, Sullivan-Leonard, Talerico, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Johnston, Josephson, Knopp, Kopp, Kreiss-Tomkins, LeBon, Lincoln, Ortiz, Spohnholz, Story, Stutes, Tarr, Thompson, Tuck, Wool, Zulkosky

Excused: LeDoux

Vacant: District 3

And so, Amendment No. 3 was not adopted.

Amendment No. 4 was offered by Representative Eastman:

Page 1, line 9:

Delete "or"

Page 1, line 11:

Delete "."

Insert "; or

(3) a person at an address to which an absentee ballot is sent under this section provides evidence satisfactory to the division that the voter to whom the absentee ballot was sent no longer lives or receives mail at the address."

Representative Eastman moved and asked unanimous consent that Amendment No. 4 be adopted.

Representative Tuck objected.

The question being: "Shall Amendment No. 4 be adopted?" The roll was taken with the following result:

HB 115(efd am)

Second Reading

Amendment No. 4

YEAS: 15 NAYS: 22 EXCUSED: 1 ABSENT: 1 VACANT: 1

Yeas: Carpenter, Eastman, Gillis, Jackson, Johnson, Merrick, Neuman, Pruitt, Rasmussen, Rauscher, Shaw, Sullivan-Leonard, Talerico, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Johnston, Josephson, Knopp, Kopp, Kreiss-Tomkins, LeBon, Lincoln, Ortiz, Spohnholz, Story, Stutes, Tarr, Thompson, Tuck, Wool

Excused: LeDoux

Absent: Zulkosky

Vacant: District 3

And so, Amendment No. 4 was not adopted.

Amendment No. 5 was not offered.

Amendment No. 6 was not offered.

Amendment No. 7 was offered by Representative Eastman:

Page 1, lines 3 - 11:

Delete all material and insert:

**** Section 1.** AS 15.20.081 is amended by adding new subsections to read:

(m) The division shall provide an absentee ballot application for a qualified voter that allows the voter to choose to receive absentee ballots by mail for future regularly scheduled state elections. Notwithstanding (a) of this section, a person may not apply for another person to receive absentee ballots by mail for future elections under this subsection.

(n) The division may not require a voter who applies to receive absentee ballots by mail for future elections under (m) of this section to reapply for an absentee ballot by mail unless

(1) the voter has not voted an absentee ballot for a period of four years; or

(2) the voter's previous absentee ballot sent under this section was returned to the division as undeliverable."

Representative Eastman moved and asked unanimous consent that Amendment No. 7 be adopted.

Representative Tuck objected.

The question being: "Shall Amendment No. 7 be adopted?" The roll was taken with the following result:

HB 115(efd am)

Second Reading

Amendment No. 7

YEAS: 17 NAYS: 21 EXCUSED: 1 ABSENT: 0 VACANT: 1

Yeas: Carpenter, Eastman, Gillis, Jackson, Johnson, Kopp, LeBon, Merrick, Neuman, Pruitt, Rasmussen, Rauscher, Shaw, Sullivan-Leonard, Talerico, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Johnston, Josephson, Knopp, Kreiss-Tomkins, Lincoln, Ortiz, Spohnholz, Story, Stutes, Tarr, Thompson, Tuck, Wool, Zulkosky

Excused: LeDoux

Vacant: District 3

And so, Amendment No. 7 was not adopted.

Amendment No. 8 was offered by Representative Eastman:

Page 1, following line 11:

Insert a new bill section to read:

"* **Sec. 2.** AS 15.20.220 is amended by adding a new subsection to read:

(c) Before the certification of a state ballot counting review under AS 15.15.450, the director shall select random voters in each house district who submitted absentee ballots. The director shall attempt to contact the voter to confirm that the voter returned an absentee ballot. On or before the day the director certifies a state ballot counting review under AS 15.15.450, the director shall aggregate the information collected under this subsection, deliver the information to the senate secretary and the chief clerk of the house of representatives, and notify the legislature that the information is available. The director shall include in the information delivered under this subsection the number of absentee voters, by district, that

(1) the division attempted to contact;

(2) the division successfully contacted;

(3) reported voting by absentee ballot in the applicable election; and

(4) reported not voting by absentee ballot in the applicable election."

Page 1, line 12:

Delete "**Sec. 2**"

Insert "**Sec. 3**"

Representative Eastman moved and asked unanimous consent that Amendment No. 8 be adopted.

Representative Pruitt objected.

The question being: "Shall Amendment No. 8 be adopted?" The roll was taken with the following result:

HB 115(efd am)
Second Reading
Amendment No. 8

YEAS: 1 NAYS: 37 EXCUSED: 1 ABSENT: 0 VACANT: 1

Yeas: Eastman

Nays: Carpenter, Claman, Drummond, Edgmon, Fields, Foster, Gillis, Hannan, Hopkins, Jackson, Johnson, Johnston, Josephson, Knopp, Kopp, Kreiss-Tomkins, LeBon, Lincoln, Merrick, Neuman, Ortiz, Pruitt, Rasmussen, Rauscher, Shaw, Spohnholz, Story, Stutes, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Vance, Wool, Zulkosky

Excused: LeDoux

Vacant: District 3

And so, Amendment No. 8 was not adopted.

Amendment No. 9 was offered by Representative Eastman:

Page 1, lines 4 - 7:

Delete all material and insert:

"(m) An absentee ballot application must include an option for a qualified voter to choose to receive absentee ballots by mail for future regularly scheduled state elections. The division shall stop sending absentee ballots to a voter under this subsection upon the voter's written request. A voter may request that the division stop sending absentee ballots at any time. If a voter does not request that the division stop sending absentee ballots, the division may stop sending absentee ballots to the voter and require the voter to reapply only if"

Representative Eastman moved and asked unanimous consent that Amendment No. 9 be adopted.

Representative Tuck objected.

The question being: "Shall Amendment No. 9 be adopted?" The roll was taken with the following result:

HB 115(efd am)
Second Reading
Amendment No. 9

YEAS: 14 NAYS: 24 EXCUSED: 1 ABSENT: 0 VACANT: 1

Yeas: Eastman, Gillis, Jackson, Johnson, Kopp, Merrick, Pruitt, Rasmussen, Rauscher, Shaw, Sullivan-Leonard, Talerico, Tilton, Vance

Nays: Carpenter, Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Johnston, Josephson, Knopp, Kreiss-Tomkins, LeBon, Lincoln, Neuman, Ortiz, Spohnholz, Story, Stutes, Tarr, Thompson, Tuck, Wool, Zulkosky

Excused: LeDoux

Vacant: District 3

And so, Amendment No. 9 was not adopted.

Amendment No. 10 was offered by Representative Rasmussen:

Page 1, line 1 following "voting;" (title amendment):

Insert "relating to municipal elections;"

Page 1, following line 11:

Insert new bill sections to read:

****Sec. 2.** AS 29.26.040 is amended to read:

Sec. 29.26.040. Date of regular election. The date of a regular election is the first Tuesday of **November** [OCTOBER] annually [, UNLESS A DIFFERENT DATE OR INTERVAL OF YEARS IS PROVIDED BY ORDINANCE]."

****Sec. 3.** AS 29.71.800(20) is amended to read:

(20) "regular election" means the municipal election held on the first Tuesday of October **or November** annually [, OR ON A DIFFERENT DATE OR INTERVAL OF YEARS PROVIDED BY ORDINANCE OR CHARTER];"

Renumber the following bill section accordingly.

Representative Rasmussen moved and asked unanimous consent that Amendment No. 10 be adopted.

Representative Tuck objected.

Amendment No. 1 to Amendment No. 10 was offered by Representative Eastman:

Following both instances of "first Tuesday":

Insert "**after the first Monday**"

Representative Eastman moved and asked unanimous consent that Amendment No. 1 to Amendment No. 10 be adopted.

Representative Tuck objected.

The question being: "Shall Amendment No. 1 to Amendment No. 10 be adopted?" The roll was taken with the following result:

HB 115(efd am)

Second Reading

Amendment No. 1 to Amendment No. 10

YEAS: 17 NAYS: 21 EXCUSED: 1 ABSENT: 0 VACANT: 1

Yeas: Carpenter, Eastman, Gillis, Hopkins, Jackson, Johnson, Johnston, Kreiss-Tomkins, Merrick, Neuman, Pruitt, Rasmussen, Rauscher, Shaw, Talerico, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Josephson, Knopp, Kopp, LeBon, Lincoln, Ortiz, Spohnholz, Story, Stutes, Sullivan-Leonard, Tarr, Thompson, Tuck, Wool, Zulkosky

Excused: LeDoux

Vacant: District 3

And so, Amendment No. 1 to Amendment No. 10 was not adopted.

The question being: "Shall Amendment No. 10 be adopted?" The roll was taken with the following result:

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HB 115(efd am)
Second Reading
Amendment No. 10

YEAS: 15 NAYS: 23 EXCUSED: 1 ABSENT: 0 VACANT: 1

Yeas: Carpenter, Eastman, Gillis, Jackson, Johnson, Merrick, Neuman, Pruitt, Rasmussen, Rauscher, Shaw, Sullivan-Leonard, Talerico, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Johnston, Josephson, Knopp, Kopp, Kreiss-Tomkins, LeBon, Lincoln, Ortiz, Spohnholz, Story, Stutes, Tarr, Thompson, Tuck, Wool, Zulkosky

Excused: LeDoux

Vacant: District 3

And so, Amendment No. 10 was not adopted.

Amendment No. 11 was offered by Representative Carpenter:

Page 1, line 8:
Delete "four"
Insert "two"

Representative Carpenter moved and asked unanimous consent that Amendment No. 11 be adopted.

Representative Tuck objected.

The question being: "Shall Amendment No. 11 be adopted?" The roll was taken with the following result:

HB 115(efd am)
Second Reading
Amendment No. 11

YEAS: 16 NAYS: 22 EXCUSED: 1 ABSENT: 0 VACANT: 1

Yeas: Carpenter, Eastman, Gillis, Jackson, Johnson, Kopp, Merrick, Neuman, Pruitt, Rasmussen, Rauscher, Shaw, Sullivan-Leonard, Talerico, Tilton, Vance

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Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Johnston, Josephson, Knopp, Kreiss-Tomkins, LeBon, Lincoln, Ortiz, Spohnholz, Story, Stutes, Tarr, Thompson, Tuck, Wool, Zulkosky

Excused: LeDoux

Vacant: District 3

And so, Amendment No. 11 was not adopted.

Representative Thompson moved and asked unanimous consent that HB 115(efd am) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

HB 115(efd am) will advance to third reading on the February 12 calendar.

HOUSE BILLS IN SECOND READING

HB 83

The following, which was returned to the Rules Committee March 29, 2019, (page 412), was before the House in second reading:

HOUSE BILL NO. 83

"An Act relating to voting by electronic transmission in a state election; and providing for an effective date."

with the:	Journal Page
STA RPT CS(STA) 7DP	320
FN1: ZERO(GOV)	321

The Rules Committee submitted the following updated fiscal note:

2. Zero, Office of the Governor

Representative Thompson moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 83(STA)
(same title)

There being no objection, it was so ordered.

The Speaker stated that, without objection, the House would recess to 7:00 p.m.; and so, the House recessed at 1:19 p.m.

AFTER RECESS

The Speaker called the House back to order at 7:00 p.m.

**The presence of Representative LeDoux, who was excused (page 1559), was noted.

Representative Thompson moved and asked unanimous consent that Representatives Neuman and Sullivan-Leonard be excused from a call of the House today. There being no objection, it was so ordered.

HOUSE BILLS IN SECOND READING

HB 83

The following was before the House in second reading:

CS FOR HOUSE BILL NO. 83(STA)

"An Act relating to voting by electronic transmission in a state election; and providing for an effective date."

Amendment No. 1 was offered by Representative Eastman:

Page 2, line 2:

Delete all material.

Renumber the following bill section accordingly.

Representative Eastman moved and asked unanimous consent that Amendment No. 1 be adopted.

There was objection.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSHB 83(STA)
Second Reading
Amendment No. 1

YEAS: 12 NAYS: 22 EXCUSED: 2 ABSENT: 3 VACANT: 1

Yeas: Carpenter, Eastman, Gillis, Jackson, Johnson, Merrick, Pruitt, Rasmussen, Shaw, Talerico, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Hannan, Hopkins, Johnston, Josephson, Knopp, Kopp, Kreiss-Tomkins, LeBon, LeDoux, Lincoln, Ortiz, Spohnholz, Story, Stutes, Thompson, Tuck, Wool, Zulkosky

Excused: Neuman, Sullivan-Leonard

Absent: Foster, Rauscher, Tarr

Vacant: District 3

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Eastman:

Page 1, lines 1 - 2 (title amendment):
Delete **"; and providing for an effective date"**

Page 2, line 3:
Delete all material.

Representative Eastman moved and asked unanimous consent that Amendment No. 2 be adopted.

Objection was heard and withdrawn. There being no further objection, Amendment No. 2 was adopted, and the new title follows:

CS FOR HOUSE BILL NO. 83(STA)(efd del)
"An Act relating to absentee voting by electronic transmission in a state election."

Amendment No. 3 was offered by Representative Eastman:

Page 1, line 1, following "election;" (title amendment):

Insert **"providing that an election official who knowingly provides more than one ballot to the same voter in a polling place without destroying all but one of the ballots as spoiled ballots has committed election official misconduct in the first degree;"**

Page 2, following line 1:

Insert a new bill section to read:

"* Sec. 2. AS 15.56.070(a) is amended to read:

(a) A person commits the crime of election official misconduct in the first degree if while an election official, the person

(1) intentionally fails to perform an election duty or knowingly does an unauthorized act with the intent to affect an election or its results;

(2) knowingly permits or makes or attempts to make a false count of election returns; [OR]

(3) intentionally conceals, withholds, destroys, or attempts to conceal, withhold, or destroy election returns; **or**

(4) knowingly provides more than one ballot to the same voter in a polling place without having all but one of the ballots destroyed under AS 15.15.250 as spoiled ballots."

Renumber the following bill sections accordingly.

Representative Eastman moved and asked unanimous consent that Amendment No. 3 be adopted.

Representative Kreiss-Tomkins objected.

The question being: "Shall Amendment No. 3 be adopted?" The roll was taken with the following result:

CSHB 83(STA)(efd del)

Second Reading

Amendment No. 3

YEAS: 12 NAYS: 24 EXCUSED: 2 ABSENT: 1 VACANT: 1

Yeas: Carpenter, Eastman, Gillis, Jackson, Johnson, Merrick, Pruitt, Rasmussen, Shaw, Talerico, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Johnston, Josephson, Knopp, Kopp, Kreiss-Tomkins, LeBon, LeDoux, Lincoln, Ortiz, Spohnholz, Story, Stutes, Tarr, Thompson, Tuck, Wool, Zulkosky

Excused: Neuman, Sullivan-Leonard

Absent: Rauscher

Vacant: District 3

And so, Amendment No. 3 was not adopted.

Amendment No. 4 was offered by Representative Eastman:

Page 1, line 1, following "**election;**" (title amendment):

Insert "**providing that a voter who votes or attempts to vote in an election held in this state and in another state on the same date, with the intent that the person's vote be counted more than once, commits voter misconduct in the first degree;**"

Page 2, following line 1:

Insert a new bill section to read:

"* **Sec. 2.** AS 15.56.040(a) is amended to read:

(a) A person commits the crime of voter misconduct in the first degree if the person

(1) votes or attempts to vote in the name of another person or in a name other than the person's own;

(2) votes or attempts to vote more than once at the same election, **or in an election held in this state and in another state on the same date,** with the intent that the person's vote be counted more than once;

(3) intentionally makes a false affidavit, swears falsely, or falsely affirms under an oath required by this title;

(4) knowingly votes or solicits a person to vote after the polls are closed with the intent that the vote be counted."

Renumber the following bill sections accordingly.

Representative Eastman moved and asked unanimous consent that Amendment No. 4 be adopted.

Representative Kreiss-Tomkins objected.

The question being: "Shall Amendment No. 4 be adopted?" The roll was taken with the following result:

CSHB 83(STA)(efd del)

Second Reading

Amendment No. 4

YEAS: 14 NAYS: 23 EXCUSED: 2 ABSENT: 0 VACANT: 1

Yeas: Carpenter, Eastman, Gillis, Jackson, Johnson, Kopp, Merrick, Pruitt, Rasmussen, Rauscher, Shaw, Talerico, Tilton, Vance

Nays: Claman, Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Johnston, Josephson, Knopp, Kreiss-Tomkins, LeBon, LeDoux, Lincoln, Ortiz, Spohnholz, Story, Stutes, Tarr, Thompson, Tuck, Wool, Zulkosky

Excused: Neuman, Sullivan-Leonard

Vacant: District 3

And so, Amendment No. 4 was not adopted.

Amendment No. 5 was not offered.

Representative Thompson moved and asked unanimous consent that Representative LeDoux be excused from a call of the House today. There being no objection, it was so ordered.

Amendment No. 6 was offered by Representative Eastman:

Page 1, line 1, following "**election;**" (title amendment):

Insert "**relating to the duty of the director of elections to collect certain information related to absentee voters;**"

Page 2, following line 1:

Insert a new bill section to read:

"* **Sec. 2.** AS 15.20.220 is amended by adding a new subsection to read:

(c) Before the certification of a state ballot counting review under AS 15.15.450, the director shall select random voters in

each house district who submitted absentee ballots. The director shall attempt to contact the voter to confirm that the voter returned an absentee ballot. On or before the day the director certifies a state ballot counting review under AS 15.15.450, the director shall aggregate the information collected under this subsection, deliver the information to the senate secretary and the chief clerk of the house of representatives, and notify the legislature that the information is available. The director shall include in the information delivered under this subsection the number of absentee voters, by district, that

- (1) the division attempted to contact;
- (2) the division successfully contacted;
- (3) reported voting by absentee ballot in the applicable election; and
- (4) reported not voting by absentee ballot in the applicable election."

Renumber the following bill sections accordingly.

Representative Eastman moved and asked unanimous consent that Amendment No. 6 be adopted.

Representative Kreiss-Tomkins objected.

The question being: "Shall Amendment No. 6 be adopted?" The roll was taken with the following result:

CSHB 83(STA)(efd del)

Second Reading

Amendment No. 6

YEAS: 2 NAYS: 34 EXCUSED: 3 ABSENT: 0 VACANT: 1

Yeas: Eastman, Jackson

Nays: Carpenter, Claman, Drummond, Edgmon, Fields, Foster, Gillis, Hannan, Hopkins, Johnson, Johnston, Josephson, Knopp, Kopp, Kreiss-Tomkins, LeBon, Lincoln, Merrick, Ortiz, Pruitt, Rasmussen, Rauscher, Shaw, Spohnholz, Story, Stutes, Talerico, Tarr, Thompson, Tilton, Tuck, Vance, Wool, Zulkosky

Excused: LeDoux, Neuman, Sullivan-Leonard

Vacant: District 3

And so, Amendment No. 6 was not adopted.

Amendment No. 7 was offered by Representative Eastman:

Page 1, line 1, following "**election;**" (title amendment):

Insert "**requiring the division of elections to make available to certain persons the electronic database that contains the results of an election;**"

Page 2, following line 1:

Insert a new bill section to read:

"* **Sec. 2.** AS 15.20 is amended by adding a new section to read:

Sec. 15.20.223. Provision of electronic database containing the results of a state election. Regardless of whether an election recount is requested under AS 15.20.430 or an election is contested under AS 15.20.540, upon the request of a candidate, a political party, or an organization or organized group that sponsors or opposes an initiative, referendum, or recall at an election, the director shall provide without charge access to the unencrypted electronic database containing the ballot tabulations and vote totals for the election."

Renumber the following bill sections accordingly.

Representative Eastman moved and asked unanimous consent that Amendment No. 7 be adopted.

Representative Kreiss-Tomkins objected.

The question being: "Shall Amendment No. 7 be adopted?" The roll was taken with the following result:

CSHB 83(STA)(efd del)

Second Reading

Amendment No. 7

YEAS: 3 NAYS: 32 EXCUSED: 3 ABSENT: 1 VACANT: 1

Yeas: Eastman, Rauscher, Tilton

Nays: Carpenter, Claman, Drummond, Edgmon, Fields, Foster, Gillis, Hannan, Hopkins, Johnson, Johnston, Josephson, Knopp, Kopp, Kreiss-Tomkins, LeBon, Lincoln, Merrick, Ortiz, Pruitt, Rasmussen, Shaw, Spohnholz, Story, Stutes, Talerico, Tarr, Thompson, Tuck, Vance, Wool, Zulkosky

Excused: LeDoux, Neuman, Sullivan-Leonard

Absent: Jackson

Vacant: District 3

And so, Amendment No. 7 was not adopted.

Amendment No. 8 was offered by Representative Eastman:

Page 2, line 1, following "facsimile":

Insert "**, unless the voter is an absent uniformed services voter**"

Page 2, following line 1:

Insert a new bill section to read:

"* **Sec. 2.** AS 15.80.010(1) is amended to read:

(1) "absent uniformed services voter" has the meaning given in **52 U.S.C. 20310** [42 U.S.C. 1973ff-6];"

Renumber the following bill sections accordingly.

Representative Eastman moved and asked unanimous consent that Amendment No. 8 be adopted.

Objection was heard and withdrawn. There being no further objection, Amendment No. 8 was adopted.

Amendment No. 9 was offered by Representative Eastman:

Page 1, line 1, following "**election;**" (title amendment):

Insert "**relating to the procedures and deposit amount required for recounting ballots;**"

Page 2, following line 1:

Insert new bill sections to read:

"* **Sec. 2.** AS 15.20.430(a) is amended to read:

(a) A defeated candidate or 10 qualified voters who believe there has been a mistake made by an election official or by the counting board in counting the votes in an election, may file an application within five days after the completion of the state review to the director for a recount of the votes from any particular precinct or any house district and for any particular office, proposition, or question. However, the application may be filed only within three days after the completion of the state review after the general election for a recount of votes cast for the offices of governor and lieutenant governor. **An applicant may request that the division conduct the recount without using optical scanning equipment.** If there is a tie vote as provided in AS 15.15.460, the director shall initiate the recount and give notice to the interested parties as provided in AS 15.20.470.

* **Sec. 3.** AS 15.20.450 is amended to read:

Sec. 15.20.450. Costs of recount; requirement of deposit.

The application must include a deposit in cash, by certified check, or by bond with a surety approved by the director. The amount of the deposit is \$1,000 for each precinct, \$2,000 for each house district, and **\$25,000** [\$15,000] for the entire state. **If an applicant requests under AS 15.20.430(a) that the division conduct the recount without using optical scanning equipment, the amount of the deposit is \$1,000 for each precinct, \$2,000 for each house district, or \$65,000 for the entire state.** If the recount includes an office for which candidates received a tie vote, or the difference between the number of votes cast was 20 or less or was less than .5 percent of the total number of votes cast for the two candidates for the contested office, or a question or proposition for which there was a tie vote on the issue, or the difference between the number of votes cast in favor of or opposed to the issue was 20 or less or was less than .5 percent of the total votes cast in favor of or opposed to the issue, the application need not include a deposit, and the state shall bear the cost of the recount. If, on the recount, a candidate other than the candidate who received the original election certificate is declared elected, or if the vote on recount is determined to be four percent or more in excess of the vote reported by the state review for the candidate applying for the recount or in favor of or opposed to the question or proposition as stated in the application, the entire deposit shall be refunded. If the entire deposit is not refunded, the director shall refund any money

remaining after the cost of the recount has been paid from the deposit.

* **Sec. 4.** AS 15.20.450 is amended by adding a new subsection to read:

(b) The division shall conduct a recount paid for by the state under (a) of this section because of a tie vote, a difference of 20 votes or less, or a difference of less than .5 percent of the total number of votes cast, using optical scanning equipment. A candidate or 10 qualified voters may, within three days after the director provides notice of a recount to interested parties under AS 15.20.430(a), request that the recount be conducted without the use of optical scanning equipment, and, if the request relates to a statewide recount, the requester shall pay a \$40,000 deposit.

* **Sec. 5.** AS 15.20.480 is amended to read:

Sec. 15.20.480. Procedure for recount. In conducting the recount, the director shall review all ballots, whether the ballots were counted at the precinct or by computer or by the district absentee counting board or the questioned ballot counting board, to determine which ballots, or part of ballots, were properly marked and which ballots are to be counted in the recount, and shall check the accuracy of the original count, the precinct certificate, and the review. The director shall count absentee ballots received before the completion of the recount. For administrative purposes, the director may join and include two or more applications in a single review and count of votes. The rules in AS 15.15.360 governing the counting of ballots shall be followed in the recount when a ballot is challenged on the basis of a question regarding the voter's intent to vote for the candidate, proposition, or question. The ballots and other election material must remain in the custody of the director during the recount, and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within 10 days. **If the applicant requesting the recount also requests under AS 15.20.430(a) that the division conduct the recount without using optical scanning equipment, the division may not recount ballots using optical scanning equipment.** The director may employ additional personnel necessary to assist in the recount."

Renumber the following bill sections accordingly.

Representative Eastman moved and asked unanimous consent that Amendment No. 9 be adopted.

Representative Kreiss-Tomkins objected.

The question being: "Shall Amendment No. 9 be adopted?" The roll was taken with the following result:

CSHB 83(STA) am(efd del)

Second Reading

Amendment No. 9

YEAS: 2 NAYS: 34 EXCUSED: 3 ABSENT: 0 VACANT: 1

Yeas: Carpenter, Eastman

Nays: Claman, Drummond, Edgmon, Fields, Foster, Gillis, Hannan, Hopkins, Jackson, Johnson, Johnston, Josephson, Knopp, Kopp, Kreiss-Tomkins, LeBon, Lincoln, Merrick, Ortiz, Pruitt, Rasmussen, Rauscher, Shaw, Spohnholz, Story, Stutes, Talerico, Tarr, Thompson, Tilton, Tuck, Vance, Wool, Zulkosky

Excused: LeDoux, Neuman, Sullivan-Leonard

Vacant: District 3

And so, Amendment No. 9 was not adopted.

Representative Thompson moved and asked unanimous consent that CSHB 83(STA) am(efd del) be considered engrossed, advanced to third reading, and placed on final passage.

There was objection.

CSHB 83(STA) am(efd del) will advance to third reading on the February 12 calendar.

LEGISLATIVE CITATIONS

Representative Thompson moved and asked unanimous consent that the House approve the citation on the calendar. There being no objection, the following citation was approved and sent to enrolling:

In Memoriam - Terrance J Quinn, II, Ph.D.
By Representatives Hopkins, Story; Senator Kiehl

UNFINISHED BUSINESS

HB 115

Representatives Spohnholz and Josephson added as cosponsors to:

HOUSE BILL NO. 115(efd am)

"An Act relating to absentee voting; and providing for an effective date."

SB 80

Representatives Knopp and Kopp added as cross sponsors to:

SENATE BILL NO. 80 am

"An Act relating to proposing and enacting laws by initiative; and prohibiting the state and its agencies and corporations from spending funds to influence the outcome of certain ballot propositions and questions."

ANNOUNCEMENTS

House committee schedules are published under separate cover.

ADJOURNMENT

Representative Thompson moved and asked unanimous consent that the House adjourn until 10:30 a.m., February 12. There being no objection, the House adjourned at 7:49 p.m.

Crystaline Jones
Chief Clerk