

HOUSE BILL NO. 3

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES LYNN AND KELLER, Millett

Introduced: 1/16/13

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to voter identification at the polls; and relating to the counting of**
2 **absentee and questioned ballots."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 15.15.225(a) is repealed and reenacted to read:

5 (a) Before being allowed to vote, each voter shall exhibit to an election official

6 (1) one form of personal identification that contains a photograph;

7 under this paragraph, permitted forms of photographic identification include a valid

8 (A) Alaska driver's license;

9 (B) identification card issued by a branch, department, agency,

10 or entity of the state, any other state, or the United States government;

11 (C) United States passport;

12 (D) employee identification card issued by any branch,

13 department, agency, or entity of the United States government, the state, or a

14 municipality of the state;

(E) United States military identification card;

(F) student identification card issued by a high school or an accredited institution of higher education, as that term is defined under AS 23.20.520, located in the state;

(G) tribal identification card; or

(2) two forms of personal identification that do not contain a photograph; under this paragraph, permitted forms of identification without a photograph include

(A) the original or a certified copy of the birth certificate of the voter;

(B) certified naturalization documents of the voter;

(C) a certified copy of the voter's court record of adoption, marriage, or name change;

(D) a valid identification card, license, or permit issued by any branch, department, agency, or entity of the United States government or the state;

(E) a valid tribal identification card or a valid card issued by an Indian health program, as that term is defined in 25 U.S.C. 1603.

* **Sec. 2.** AS 15.15.225(b) is amended to read:

(b) **The** [AN ELECTION OFFICIAL MAY WAIVE THE] identification **requirements of (a) of this section may be waived** [REQUIREMENT] if **two** [THE] election **officials know** [OFFICIAL KNOWS] the identity of the voter **and the voter is on the official registration list to vote in the precinct. If the identification requirements are waived under this subsection, both election officials shall sign beside the voter's name in the register kept under AS 15.15.180.** The identification requirement may not be waived for voters who are first-time voters who initially registered by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050, and did not provide identification as required in AS 15.07.060.

* **Sec. 3.** AS 15.20.203(b) is amended to read:

(b) An absentee ballot may not be counted if

- 1 (1) the voter has failed to properly execute the certificate;
- 2 (2) an official or the witnesses authorized by law to attest the voter's
- 3 certificate fail to execute the certificate, except that an absentee ballot cast in person
- 4 and accepted by an absentee voting official or election supervisor may be counted
- 5 despite failure of the absentee voting official or election supervisor to properly sign
- 6 and date the voter's certificate as attesting official as required under AS 15.20.061(c);
- 7 (3) the ballot is not attested on or before the date of the election;
- 8 (4) the ballot, if postmarked, is not postmarked on or before the date of
- 9 the election;
- 10 (5) after the day of election, the ballot was delivered by a means other
- 11 than mail; or
- 12 (6) the voter voted
 - 13 (A) in person and is a
 - 14 (i) first-time voter who initially registered by mail or by
 - 15 facsimile or other electronic transmission approved by the director
 - 16 under AS 15.07.050, has not provided the identification required by
 - 17 AS 15.15.225(a), was not eligible for waiver of the identification
 - 18 requirement under AS 15.15.225(b), and has not provided the
 - 19 identifiers required in AS 15.07.060(a)(2) and (3) that can be verified
 - 20 through state agency records described in AS 15.07.055(e); or
 - 21 (ii) voter other than one described in (i) of this
 - 22 subparagraph, did not provide identification described in
 - 23 AS 15.15.225(a), was not **eligible for waiver of the identification**
 - 24 **requirement under AS 15.15.225(b)** [PERSONALLY KNOWN BY
 - 25 THE ELECTION OFFICIAL], and has not provided the identifiers
 - 26 required in AS 15.07.060(a)(2) and (3); or
 - 27 (B) by mail or electronic transmission, is a first-time voter who
 - 28 initially registered by mail or by facsimile or other electronic transmission
 - 29 approved by the director under AS 15.07.050 to vote, has not met the
 - 30 identification requirements set out in AS 15.07.060, and does not submit with
 - 31 the ballot a copy of a

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

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

* **Sec. 4.** AS 15.20.207(b) is amended to read:

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

(1) has failed to properly execute the certificate;

(2) is a first-time voter who initially registered by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050, has not provided the identification required by AS 15.15.225(a), was not eligible for waiver of the identification requirement under AS 15.15.225(b), and has not provided the identifiers required in AS 15.07.060(a)(2) and (3) that can be verified through state agency records described in AS 15.07.055(e); or

(3) is a voter other than one described in (2) of this subsection, did not provide identification described in AS 15.15.225(a), was not **eligible for waiver of the identification requirement under AS 15.15.225(b)** [PERSONALLY KNOWN BY THE ELECTION OFFICIAL], and has not provided the identifiers required in AS 15.07.060(a)(2) and (3).