

SENATE BILL NO. 83

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/12/21

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to elections; and providing for an effective date."**

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

3 * **Section 1.** AS 15.15.430(a) is amended to read:

4 (a) The review of ballot counting by the director shall include only

5 (1) a review of the precinct registers, tallies, and ballots cast;

6 (2) a review of absentee and questioned ballots as prescribed by law;

7 and

8 (3) unless the ballot for the house district contains nothing but
9 uncontested offices, a hand count of ballots from **at least** one randomly selected
10 precinct in each house district that accounts for at least five percent of the ballots cast
11 in that district.

12 * **Sec. 2.** AS 15.20.030 is amended to read:

13 **Sec. 15.20.030. Preparation of ballots, envelopes, and other material.** The
14 director shall provide ballots for use as absentee ballots in all districts. The director
15 shall provide a secrecy sleeve in which the voter shall initially place the marked ballot,

1 and shall provide an envelope with the prescribed voter's certificate on it, in which the
 2 secrecy sleeve with ballot enclosed shall be placed. The director shall prescribe the
 3 form of and prepare the voter's certificate, envelopes, and other material used in
 4 absentee voting. The voter's certificate shall include a declaration, for use when
 5 required, that the voter is a qualified voter in all respects, a blank for the voter's
 6 signature, **a blank for a voter identifier**, a certification that the affiant properly
 7 executed the marking of the ballot and gave the voter's identity, blanks for the
 8 attesting official or witness, and a place for recording the date the envelope was sealed
 9 and witnessed. The envelope with the voter's certificate must include a notice that
 10 false statements made by the voter or by the attesting official or witness on the
 11 certificate are punishable by law.

12 * **Sec. 3.** AS 15.20.081(a) is amended to read:

13 (a) A qualified voter may apply in person, by mail, or by facsimile, scanning,
 14 or other electronic transmission to the director for an absentee ballot under this
 15 section. Another individual may apply for an absentee ballot on behalf of a qualified
 16 voter if that individual is designated to act on behalf of the voter in a written general
 17 power of attorney or a written special power of attorney that authorizes the other
 18 individual to apply for an absentee ballot on behalf of the voter. The application must
 19 include the address or, if the application requests delivery of an absentee ballot by
 20 electronic transmission, the telephone electronic transmission number, to which the
 21 absentee ballot is to be returned, the applicant's full Alaska residence address, **two**
 22 **voter identifiers for the applicant one of which must be the applicant's date of**
 23 **birth**, and the applicant's signature. However, a person residing outside the United
 24 States and applying to vote absentee in federal elections in accordance with
 25 AS 15.05.011 need not include an Alaska residence address in the application. A
 26 person may supply to a voter an absentee ballot application form with a political party
 27 or group affiliation indicated only if the voter is already registered as affiliated with
 28 the political party or group indicated. Only the voter or the individual designated by
 29 the voter in a written power of attorney under this subsection may mark the voter's
 30 choice of primary ballot on an application. A person supplying an absentee ballot
 31 application form may not design or mark the application in a manner that suggests

choice of one ballot over another, except that ballot choices may be listed on an application as authorized by the division. The application must be made on a form prescribed or approved by the director. The voter or registration official shall submit the application directly to the division of elections. For purposes of this subsection, "directly to the division of elections" means that an application may not be submitted to any intermediary that could control or delay the submission of the application to the division or gather data on the applicant from the application form. However, nothing in this subsection is intended to prohibit a voter from giving a completed absentee ballot application to a friend, relative, or associate for transfer to the United States Postal Service or a private commercial delivery service for delivery to the division.

* **Sec. 4.** AS 15.20.081(d) is amended to read:

(d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary public, commissioned officer of the armed forces including the National Guard, district judge or magistrate, United States postal official, registration official, or other person qualified to administer oaths, may proceed to mark the ballot in secret, to place the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided, and to sign the voter's certificate **containing the information required under AS 15.20.030** on the envelope in the presence of an official listed in this subsection who shall sign as attesting official and shall date the signature. If none of the officials listed in this subsection is reasonably accessible, an absentee voter shall sign the voter's certificate in the presence of an individual who is 18 years of age or older, who shall sign as a witness and attest to the date on which the voter signed the certificate in the individual's presence, and, in addition, the voter shall certify, as prescribed in AS 09.63.020, under penalty of perjury, that the statements in the voter's certification are true.

* **Sec. 5.** AS 15.20.203(a) is amended to read:

(a) The district absentee ballot counting board shall examine each absentee ballot envelope and shall determine whether the absentee voter is qualified to vote at the election, **whether the certificate required under AS 15.20.030 has been properly executed, including the voter's signature and voter identifier,** and whether the absentee ballot has been properly cast.

1 * **Sec. 6.** AS 15.20.203(b) is amended to read:

2 (b) An absentee ballot may not be counted if

3 (1) the voter has failed to properly execute the certificate **required**
 4 **under AS 15.20.030, including failing to provide the voter's signature or voter**
 5 **identifier;**

6 (2) an official or the witnesses authorized by law to attest the voter's
 7 certificate fail to execute the certificate, except that an absentee ballot cast in person
 8 and accepted by an absentee voting official or election supervisor may be counted
 9 despite failure of the absentee voting official or election supervisor to properly sign
 10 and date the voter's certificate as attesting official as required under AS 15.20.061(c);

11 (3) the ballot is not attested on or before the date of the election;

12 (4) the ballot, if postmarked, is not postmarked on or before the date of
 13 the election;

14 (5) after the day of election, the ballot was delivered by a means other
 15 than mail; or

16 (6) the voter voted

17 (A) in person and is a

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

25 (ii) voter other than one described in (i) of this
 26 subparagraph, did not provide identification described in
 27 AS 15.15.225(a), was not personally known by the election official,
 28 and has not provided the identifiers required in AS 15.07.060(a)(2) and
 29 (3); or

30 (B) by mail or electronic transmission, is a first-time voter who
 31 initially registered by mail or by facsimile or other electronic transmission

approved by the director under AS 15.07.050 to vote, has not met the identification requirements set out in AS 15.07.060, and does not submit with 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. 7.** AS 15.20.450 is amended to read:

Sec. 15.20.450. Costs of recount; requirement of deposit. The application must include a deposit. The director shall adopt regulations that establish the amount and manner of payment of the 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 \$15,000 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.

1 * **Sec. 8.** AS 15.20.800(a) is amended to read:

2 (a) The director may conduct an election by mail if it is

3 (1) held at a time other than when the general, party primary, or
4 municipal election is held; **or**

5 (2) a community with a population of 750 or less.

6 * **Sec. 9.** AS 15.81.010 is amended by adding a new paragraph to read:

7 (46) "voter identifier" means a voter's

8 (A) registration number;

9 (B) social security number or the last four digits of the voter's
10 social security number;

11 (C) date of birth;

12 (D) Alaska driver's license number; or

13 (E) Alaska state identification number.

14 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 TRANSITION: REGULATIONS. The division of elections may adopt regulations
17 necessary to implement the changes made by this Act. The regulations take effect under
18 AS 44.62 (Administrative Procedure Act), but not before the effective date of the law
19 implemented by this regulation.

20 * **Sec. 11.** Section 10 of this Act takes effect immediately under AS 01.10.070(c).