

ALASKA STATE LEGISLATURE

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Mike Shower

*State Senator
Senate District E*

Sectional Analysis

SB 39 / 32-LS0204\N

“BALLOTT CUSTODY/TAMPERING; VOTER REG; MAIL”

Election Integrity Sectional Analysis

- Section 1: Amended to include penalty of perjury for false statement about citizenship.
- Section 2: Amended to include picture photo tribal cards as a valid form of ID to register to vote. Deletes hunting and fishing licenses valid ID.
- Section 3: Amended to make electronic transmission universal.
- Section 4: Amended to require the director to adopt regulations relating to registration of voters.
- Block Chain requirement for data systems
 - Voter authentication process
 - Alternate process for digital Multi Factor Authentication
- Section 5: Amended to include new voters multi-factor authentication education process.
- Section 6: Amended to include process regulation information to existing registration process.
- Section 7: New subsections:
- Nationally recognized best practices and develop protocols to produce accurate voter rolls.
 - Utilize nationally recognized experts to biannually audit rolls, using multiple data bases for cross check confirmation.
 - Allows DOL and DOE to share data with state, municipal and tribal governments.
- Section 8: Amended to include confidentiality of multi-factor authentication security identifiers.
- Section 9: New Section: Adds notification requirement to cancel voter registration.
- Section 10: Amended to require a watermark or other identifier on official state ballots.

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- Section 11: Amended to require software for electronically generated ballots to be open-source US based servers only.
- Section 12: New subsection: Requires electronic generated ballots to utilize multi-factor authentication.
- Section 13: New Section: Requires robust ballot security and chain of custody procedures.
- Section 14: Amended to clarify guidelines for election workers who screen voters and increasing the penalty to felony.
- Section 15: Amended to require multi-factor authentication but exempts those that are unable.
- Section 16: Amended to allow tribal ID, but eliminate hunting and fishing license as valid ID.
- Section 17: Amended to end the practice of destroying a spoiled ballot, giving the director the ability to mark or punch a spoiled ballot to preserve ballot chain of custody.
- Section 19: New Subsection: the director may prescribe a mechanism to mark spoiled ballots.
- Section 20: Amended to maintain exhibited ballot chain-of custody protocols.
- Section 21: Amended to mandate how the director handles ballots and ends practice of destroying them to maintain chain of custody.
- Section 22: New Section: Voter Qualification System.
- Section 23: New Subsection: Specifies when the Lt. Governor can certify the election and what disclosures need to be made.
- Section 24: Amended to include ballot chain of custody protocols stipulating that all ballots remain in strict control of DOE for 22 months.
- Section 25: New Section: Prescribing division support for municipal support for elections as long as chain of custody and multi-factor authentication protocol are followed.
- Section 26: Amended to outline multi-factor authentication protocols to voters.
- Section 27: Amended to prescribe multi-factor authentication procedures for absentee voting.
- Section 28: New Section: prescribing disclaimers on absentee ballot applications.
- Section 29: Amended to require multi-factor authentication protocols on electronic voting procedures.
- Section 29: Amended to change the application deadlines to 14 days to allow for earlier returns of absentee ballots for accounting and ballot curing.
- Section 30: Amended to prescribe new protocols for absentee signatures only if an authorized oath taker is not available, and requires positive identification and contact information, along with a statement verifying why an oath taker was not available and creating the penalty of perjury for not being truthful.

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- Section 31: Amended to shorten time allowed for absentee ballots to be received by DOL, allowing for earlier election results. Matches Colorado, another state that has a large military constituency.
- Section 32: Amended to allow for rural voters to vote when multi-factor authentication is not possible. May need to phase to allow director to eventually require non exclusionary multi-factor protocols.
- Section 33: New Subsection: Allowing a voter to sign up for absentee voting for a four-year period.
- Section 34: Amended to review absentee ballot envelopes.
- Section 35: Amended to disallow removal of ballots from envelopes before close of election.
- Section 36: Amended to require the vote to not be counted unless postmarked or barcode tracked being mailed on or before the day of the election; allows tribal ID; prescribes new absentee ballot signature requirements; and multi-factor protocols.
- Section 37: Amended to prescribe the ballot may not be separated from the envelope until the division has determined the voter has not voted more than once.
- Section 38: Amended to include ballot cure provision.
- Section 39: New subsection: Guides the director to allow the last vote made to be counted if the voter did not intentionally vote twice.
- Section 40: Amended to prescribe the vote may not be counted if the voter was able to utilize multi-factor authentication, and voter fails to provide said authentication.
- Section 41: Amended to contact voters to cure ballot.
- Section 42: Amended to verify identifier date and single vote.
- Section 43: Amended to expand grounds for election contest to include breach of voter registration data, and ballot accounting irregularities.
- Section 44: New Subsection: Codifies that the division's failure to contact an absentee voter whose ballot is rejected, is not grounds for a contested election.

- Section 45: Amended to allow the director to conduct vote by mail elections in a community of less than 750 people. Allows larger communities to request mail out voting. Allows mail out voting in emergencies.
- Section 46: Amended to place sideboards on vote by mail rolls and provide enhanced data and chain of custody protection and management through block chain.
- Section 47: New subsections: Requiring forensic examination of precinct tabulators and bans internet connection before and after election.
- Section 48: Amended to criminalize ballot harvesting while protecting those who assist others with limited drop off ballots.
- Section 49: New subsection: Defines “collects”.
- Section 50: Amended to protect voters who are cognitively unable to express their vote.
- Section 51: Amended to add to the crime of voter misconduct, for those that attempt to corrupt the vote.
- Section 52: New Section: adds election fraud as a class B felony.
- Section 53: Amended to codify the crime of disclosing unauthorized election data before election day.
- Section 54: New Section: codifying the legislature is the constitutionally defined body with the sole authority to prescribe election law.
- Section 55: New Section: Bans electronic signatures.
- Section 56: New Section: Requiring the Lt gov to notify the legislature and the public of a data breach.
- Section 57: Amended to clarify what “mark” of a person that cannot write is acceptable.
- Section 58: Amended to prescribe election fraud training by the Alaska Police Standards Council.
- Section 59: Amended to requires a Permanent Fund Dividend applicant to identify the house district the applicant has been a resident in for the last 30 days.
- Section 60: New Section: Effective date of audit provision.
- Section 61: New Section: Effective dates and applicability.
- Section 62: New Section: Transition regulations.

Immediate effective dates for transition regulations.

Effective date of January 1, 2022.