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Mike Shower

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Sponsor Statement

SB 39 / 32-LS0204\N

“BALLOTT CUSTODY/TAMPERING; VOTER REG; MAIL”

“An Act relating to elections and voter registration; designating as a class C felony the intentional opening or tampering with certain election materials; and providing for an effective date.”

Senate Bill 39, updates Alaska's decades-old election statutes, strengthening voter access and improving integrity so Alaskans may regain confidence in our election system. We sometimes disagree with election results, but rarely in our history have we refused to accept them. A troubling trend has emerged where entire segments of our nation not only disagree with election results, but refuse to acknowledge them as legitimate. It happened in 2016, and again in 2020. Whether these concerns are real or perceived, we must find a way to restore all people's faith in our election system as it is a cornerstone to our Constitutional Republic.

"I began working on election issues in 2018, involving the accuracy of Alaska's election data and our voter rolls. Problematic areas within our system created integrity concerns and irreconcilable errors which limited citizens from qualifying their ballots when the Division of Elections questioned or rejected them."

Alaska's current election model is built on a foundation of disqualification and rejection of ballots. A significant aspect of SB 39 is to shift toward greater voter inclusion with the qualification of ballots. "Voters should know when their ballots are questioned or rejected and be informed of it immediately. Ballot curing is a two-part process that includes immediate voter notification and then providing voters reasonable time and opportunity to correct identified technical deficiencies. Once notified, the voter should have an opportunity to correct technical issues rather than the Division disqualifying the ballot and not counting their vote. Curing of ballots is an essential component of SB 39."

Improvements to voter access required extensive additional work on existing statutes that have contributed to limiting all voters. Before the 2020 elections, only two states had clear regulations and policies for vote-by-mail procedures. A new measure of inclusion is amending the current statute to accept additional types of qualifying identification such as Tribal identification as one example. Alaska is a diverse state, and our Indigenous First Alaskans are an essential segment with unique needs not experienced in urban communities. "My goal is to include additional provisions for increased Tribal participation and for more opportunities for communities to take a greater role in their local voting systems, just as some larger communities already practice across Alaska."

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Consistency and standardization of protocols is an overarching objective, and communities that already practice vote-by-mail are enhanced by improved security and authentication. Additionally, absentee voting improvements expand the option to voters where they may request an automatic absentee ballot. Alaskans should be able to vote in the manner which suits them and feel confident that their vote is secure and counted. If we shift to one type of voting or another we risk alienating a significant portion of the population and inadvertently suppressing votes. This is not a bill to suggest one method of voting over another. SB 39 addresses the quality of the voter data, security standards, and chain of custody.

Another major area SB39 improves is voter registration roll accuracy. Alaska checks only a few databases against eligible voter lists; SB39 enables the state to clean the voter rolls more often and cross-reference a broader segment of other available databases. It requires third-party supervised bi-annual audits of our voter rolls. Municipalities such as Anchorage use state data for their vote-by-mail system. It is self-evident that when the state's data is not accurate, neither is their vote-by-mail system based upon the over mailing of ballots. There are thousands more people on our voter rolls than are eligible to vote in Alaska. For example, the Division of Elections checks our voter data with 31 other states in ERIC. Those other 19 states equal over 135 million people. Data is also not checked with many local and national sources which would certainly improve the accuracy of our voter rolls. Do we want a 60% solution or a 100% solution? Alaska voters deserve better.

A cornerstone to how SB 39 mitigates chain of custody concerns, and vulnerable or compromised voter data, is through a well-established methodology, Multi-Factor Authentication (MFA), and best practice data security protocols, which many of the most secure institutions utilize. 21st century solutions have been around for a long time and are used worldwide in many ways. A recent Biden Administration report and an independent Harvard Journal of Law and Technology study recommend states implement Multi-Factor Authentication and chain of custody protocols to strengthen election integrity and ensure one voter equals one vote.

In addition to Multi-Factor Authentication, this bill requires the Division of Elections to adhere to the US Postal Service's best practice recommendation for a vote by mail ballot chain of custody system. By utilizing the USPS's existing ballot envelope barcode procedure, voters can account for their ballot anywhere it is in transit. Citizens should be able to track their ballot from the time it is shipped from the Division until received by the voter and until it is returned to the Division. These systems also notify a voter if their ballot has been questioned, rejected and may even include ballot curing procedures. Nearly everyone orders products online today. Most things can be tracked, down to the minute, and a precise location; we can also do so with ballots using election-specific software readily available and already in use in many states for ballot tracking.

The platform for elections security requires 3 critical pieces; data security, accurate voter rolls, and a qualitative, secure chain of custody. In October of 2020, a data breach resulted in 113,000 Alaskans having their personal data exposed. The Division confirmed on the record that the stolen data could be used to apply for and submit ill-cast ballots and identity theft. SB 39 addresses these, and many other concerns, by bringing Alaska into the 21st century.