

**CS FOR HOUSE BILL NO. 66(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES TUCK, Schrage, Drummond, Kreiss-Tomkins, Tarr

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to elections; relating to voters; relating to the crimes of unlawful**  
2 **interference with voting, unlawful interference with an election, election fraud, and**  
3 **election official misconduct; and providing for an effective date."**

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

5 \* **Section 1.** AS 15.05.010 is amended to read:

6 **Sec. 15.05.010. Voter qualification.** A person may vote at any election who

7 (1) is a citizen of the United States;

8 (2) is 18 years of age or older;

9 (3) has been a resident of the state and of the house district in which  
10 the person seeks to vote for at least 30 days just before the election; and

11 (4) has registered [BEFORE THE ELECTION] as required under  
12 AS 15.07 and is not registered to vote in another jurisdiction.

13 \* **Sec. 2.** AS 15.07.060(a) is amended to read:

14 (a) Each applicant who requests registration or reregistration shall supply the

1 following information:

2 (1) the applicant's name and sex;

3 (2) if issued, the applicant's State of Alaska driver's license number or  
4 State of Alaska identification card number, or the last four digits of the applicant's  
5 social security number;

6 (3) the applicant's date of birth;

7 (4) the applicant's Alaska residence address;

8 (5) a statement of whether the applicant has previously been registered  
9 to vote in another jurisdiction, and, if so, the jurisdiction and the address of the  
10 previous registration;

11 (6) a declaration that the applicant will be 18 years of age or older  
12 within 90 days after the date of registration;

13 (7) a declaration that the applicant is a citizen of the United States;

14 (8) the date of application;

15 (9) the applicant's signature or mark, or an electronic image of the  
16 applicant's signature submitted in the format and according to the process  
17 specified by the division in regulation;

18 (10) any former name under which the applicant was registered to vote  
19 in the state;

20 (11) an attestation that the information provided by the applicant in (1)  
21 - (10) of this subsection is true; [AND]

22 (12) a certification that the applicant understands that a false statement  
23 on the application may make the applicant subject to prosecution [FOR A  
24 MISDEMEANOR] under this title or AS 11;

25 **(13) if applying within 30 days before or on the day of an election,**

26 **(A) an affidavit, signed under penalty of perjury, stating**  
27 **whether the applicant established residency at least 30 days before the**  
28 **date of the election in**

29 **(i) the state; and**

30 **(ii) the house district in which the applicant seeks to**  
31 **vote at the election; and**



1 through a voter registration agency at any time throughout the year. **A qualified voter**  
2 **who registers** [, EXCEPT THAT A PERSON REGISTERING] within 30 days **before**  
3 **or on the day of an election may vote only an absentee in-person, special needs, or**  
4 **questioned ballot** [PRECEDING AN ELECTION IS NOT ELIGIBLE TO VOTE] at  
5 that election. Upon receipt and approval of the registration forms, the director or the  
6 election supervisor shall forward to the voter an acknowledgment in the form of a  
7 registration card, and the voter's name shall immediately be placed on the master  
8 register. Names of persons registering 30 or more days before an election shall be  
9 placed on the official registration list for that election.

10 \* **Sec. 5.** AS 15.07.070(h) is amended to read:

11 (h) The director shall design the form of the voter's certificate appearing on  
12 the envelope that is used for voting an absentee in-person, **special needs,** or  
13 questioned ballot so that all information required for registration by AS 15.07.060(a)  
14 may be obtained from a voter who votes an absentee in-person, **special needs,** or  
15 questioned ballot. If the voter voting an absentee in-person, **special needs,** or  
16 questioned ballot has completed all information on the voter registration portion of the  
17 absentee in-person, **special needs,** or questioned ballot voter's certificate, the director  
18 shall place the name of the voter on the official registration list.

19 \* **Sec. 6.** AS 15.07.090(b) is amended to read:

20 (b) A voter shall reregister if the voter's registration is cancelled as provided in  
21 AS 15.07.130. **A person reregistering under this subsection may vote only an**  
22 **absentee in-person, special needs, or questioned ballot until** [THE  
23 REREGISTRATION IS EFFECTIVE FOR] the next election that occurs at least 30  
24 days after the date of reregistration.

25 \* **Sec. 7.** AS 15.07.090(c) is amended to read:

26 (c) The director shall transfer the registration of a voter from one precinct to  
27 another within a house district when requested by the voter. **If a** [THE] request **is**  
28 [SHALL BE] made **within** 30 [OR MORE] days before [THE] election day **or on**  
29 **election day, a person transferring registration to a new precinct may vote only**  
30 **an absentee in-person, special needs, or questioned ballot.** The director shall  
31 transfer the registration of a voter from one house district to another when requested

1 by the voter. The voter must reside in the new house district for at least 30 days in  
2 order to vote a ballot for that district.

3 \* **Sec. 8.** AS 15.07.090(d) is amended to read:

4 (d) A person who claims to be a registered voter, but for whom no evidence of  
5 registration in the precinct can be found, may vote only an absentee in-person,  
6 special needs, or questioned ballot [SHALL BE GRANTED THE RIGHT TO  
7 VOTE IN THE SAME MANNER AS THAT OF A QUESTIONED VOTER AND  
8 THE BALLOT SHALL BE TREATED IN THE SAME MANNER. THE BALLOT  
9 SHALL BE CONSIDERED TO BE A "QUESTIONED BALLOT" AND SHALL BE  
10 SO DESIGNATED. THE DIRECTOR OR THE DIRECTOR'S REPRESENTATIVE  
11 SHALL DETERMINE WHETHER THE VOTER IS REGISTERED IN THE HOUSE  
12 DISTRICT BEFORE COUNTING THE BALLOT. A VOTER WHO HAS FAILED  
13 TO OBTAIN A TRANSFER AS PROVIDED IN (c) OF THIS SECTION SHALL  
14 VOTE A "QUESTIONED BALLOT" IN THE PRECINCT IN WHICH THE VOTER  
15 RESIDES].

16 \* **Sec. 9.** AS 15.07 is amended by adding a new section to read:

17 **Sec. 15.07.128. Voter fraud mitigation policy.** It is the policy of the state to  
18 reduce voting fraud by using reasonable and affordable tools and technology to  
19 mitigate the potential for voting fraud, including reviewing voter registration  
20 applications and the master register for the names of the deceased, felons ineligible to  
21 vote, non-citizens, and individuals voting unlawfully.

22 \* **Sec. 10.** AS 15.07.130(e) is amended to read:

23 (e) For purposes of (b) and (d) of this section, a voter "appears to vote" if

24 (1) the voter is present at a polling place or at an early [ABSENTEE]  
25 voting station designated under AS 15.20.045(b) at a time when the polling place or  
26 early [ABSENTEE] voting station is operating, for the purpose of casting a vote;

27 (2) the voter applies to the division to obtain an absentee ballot; or

28 (3) in an election conducted by mail under AS 15.20.800, a voter who  
29 has not received a ballot by mail makes a timely request to the division for a ballot.

30 \* **Sec. 11.** AS 15.07.130 is amended by adding new subsections to read:

31 (g) The division shall adopt regulations providing for regular review and

1 updates of the master register. The regulations must provide for review of the register  
2 for data breaches, the number of registered voters compared to eligible voters, and the  
3 names of deceased voters, persons convicted of a felony involving moral turpitude,  
4 persons not qualified to vote under AS 15.05, and persons registered to vote in another  
5 state. The regulations must specify records and databases for use in reviewing the  
6 master register; the records and databases may include the United States Postal  
7 Service national change of address database, an electronic registration information  
8 center dedicated to improving the integrity of voter rolls and maintained by a nonprofit  
9 membership organization of which the state is a member, state motor vehicle records,  
10 records of the state programs of corrections, property and sales tax records, municipal  
11 assessor databases, the United States Social Security Administration death index and  
12 other records of the federal social security system, an alien database maintained by the  
13 United States Department of Homeland Security, and jury duty records.

14 (h) The director shall adopt a voter registration system that applies best  
15 practices to improve identity matching when comparing voter registration lists with  
16 the records and databases used to review the master register. The director shall  
17 develop a written maintenance schedule and guideline manual for the system and  
18 provide a report on the system to the senate secretary and the chief clerk of the house  
19 of representatives on or before the first day of the first regular session of each  
20 legislature and shall notify the legislature that the report is available.

21 (i) The director shall, in a notice sent under (a) of this section, inform a voter  
22 of the criteria to qualify as a voter and the penalties for voter fraud and voter  
23 misconduct.

24 \* **Sec. 12.** AS 15.07 is amended by adding a new section to read:

25 **Sec. 15.07.133. Process to cancel registration.** The director shall develop a  
26 process to allow a voter to cancel the voter's registration in person before an election  
27 official or electronically. The director shall prominently display instructions at each  
28 polling place for a voter to cancel the voter's registration.

29 \* **Sec. 13.** AS 15.10.170(a) is amended to read:

30 (a) The precinct party committee, where an organized precinct committee  
31 exists, or the party district committee where no organized precinct committee exists,

1 or the state party chairperson where neither a precinct nor a party district committee  
2 exists, may appoint one or more [PERSONS AS] watchers in each precinct and  
3 counting center for any election. A [EACH] candidate may appoint one or more  
4 watchers for each precinct or counting center in the candidate's respective district or  
5 the state for any election. An [ANY] organization or organized group that sponsors or  
6 opposes **a ballot proposition** [AN INITIATIVE, REFERENDUM,] or recall may  
7 have one or more [PERSONS AS] watchers at the polls and counting centers after first  
8 obtaining authorization from the director. A state party chairperson, a precinct party  
9 committee, a party district committee, or a candidate may not have more than one  
10 watcher on duty at a time in any precinct or counting center. A watcher must be a  
11 United States citizen. The watcher may be present at a position inside the place of  
12 voting or counting that affords a full view of all action of the election officials taken  
13 from the time the polls are opened until the ballots are finally counted and the results  
14 certified by the election board or the data processing review board. The election board  
15 or the data processing review board may require each watcher to present written proof  
16 showing appointment by the precinct party committee, the party district committee,  
17 the organization or organized group, or the candidate the watcher represents **and that**  
18 **is signed by the respective chairperson of the precinct party committee, party**  
19 **district committee, state party chairperson, organization or organized group, or**  
20 **candidate.**

21 \* **Sec. 14.** AS 15.15.030 is amended by adding a new paragraph to read:

22 (18) The director shall adopt a regulation requiring that an official  
23 ballot, including an electronic ballot, contain a watermark, seal, or other security  
24 identifier. The division may not count a ballot that does not include the watermark,  
25 seal, or other security identifier. In this paragraph, "security identifier" includes an  
26 election official's signature.

27 \* **Sec. 15.** AS 15.15 is amended by adding new sections to read:

28 **Sec. 15.15.055. Ballot security and chain of custody.** (a) The director shall  
29 provide by regulation for a system for ballot security and chain of custody to account  
30 for the original of each used and unused ballot, absentee ballot certificate and  
31 envelope, and the paper record of an electronically generated ballot under

1 AS 15.15.032 through a redundant, secure, and sealed system that accounts for the  
2 location and entity that has custody of a ballot or record from the time the ballot is  
3 printed or paper record produced, until 22 months after the applicable election is  
4 certified under AS 15.15.450. The system must include, for each ballot that leaves the  
5 division's immediate custody, an envelope-based barcode or other mechanism  
6 sufficient to account for ballot chain of custody at all times the ballot is outside  
7 division custody. The division shall continually update the system adopted under this  
8 section to ensure that state election practices and procedures are consistent with best  
9 practices and procedures and protect the integrity of state elections held under this  
10 title. A signed ballot chain-of-custody document must accompany a ballot or group of  
11 ballots in the division's possession. An election official shall sign the document  
12 immediately upon receiving or releasing a ballot or group of ballots.

13 (b) The director shall by regulation develop a process to, following the closing  
14 of the polls, void all unused ballots, spoiled ballots, and unopened packs of ballots  
15 without mutilating or destroying the forensic integrity of the unused ballots, spoiled  
16 ballots, or unopened packs of ballots.

17 **Sec. 15.15.057. Election offense hotline.** The director shall establish a toll-  
18 free election offense hotline to receive telephone calls reporting election offenses  
19 under this chapter. The director shall publicize the availability of the toll-free hotline  
20 and encourage the public to provide information to the division related to voter  
21 misconduct or other election offenses under this chapter.

22 \* **Sec. 16.** AS 15.15.060 is amended by adding a new subsection to read:

23 (f) At each polling place, the division shall provide language assistance as  
24 required under 52 U.S.C. 10503 in a manner that enables each voter to participate  
25 effectively in the electoral process. An election supervisor shall post at each polling  
26 place information regarding the availability of language assistance in English and all  
27 other languages for which language assistance is required to be provided in the  
28 jurisdiction under federal law.

29 \* **Sec. 17.** AS 15.15.210 is amended to read:

30 **Sec. 15.15.210. Questioning of voters of suspect qualification; questioned**  
31 **ballot declaration.** Every election official shall question, and every watcher and any



1 other person qualified to vote in the precinct may question, a person attempting to vote  
2 if the questioner has good reason to suspect that the questioned person is not qualified  
3 under AS 15.05. All questions regarding a person's qualifications to vote shall be  
4 made in writing setting out the reason the person has been questioned. A questioned  
5 person shall **complete the declaration required under (b) of this section** [,  
6 BEFORE VOTING, SUBSCRIBE TO A DECLARATION IN A FORM PROVIDED  
7 BY THE DIRECTOR ATTESTING TO THE FACT THAT IN EACH  
8 PARTICULAR THE PERSON MEETS ALL THE QUALIFICATIONS OF A  
9 VOTER, IS NOT DISQUALIFIED, AND HAS NOT VOTED AT THE SAME  
10 ELECTION, AND CERTIFYING THAT THE PERSON UNDERSTANDS THAT A  
11 FALSE STATEMENT ON THE DECLARATION MAY SUBJECT THE PERSON  
12 TO PROSECUTION FOR A MISDEMEANOR UNDER THIS TITLE OR AS 11.  
13 AFTER THE QUESTIONED PERSON HAS EXECUTED THE DECLARATION,  
14 THE PERSON MAY VOTE]. If the questioned person refuses to execute the  
15 declaration, the person may not vote.

16 \* **Sec. 18.** AS 15.15.210 is amended by adding a new subsection to read:

17 (b) Each person voting a questioned ballot shall complete a declaration in a  
18 form provided by the director attesting to the fact that the person is a qualified voter, is  
19 not disqualified, and has not voted at the same election and certifying that the person  
20 understands that a false statement on the declaration may subject the person to  
21 prosecution under this title or for perjury under AS 11. For state and local elections,  
22 the voter must identify the voter's place of residence for the 30 days immediately  
23 preceding the election.

24 \* **Sec. 19.** AS 15.15.215(a) is amended to read:

25 (a) A voter who casts a questioned ballot shall vote the ballot in the same  
26 manner as prescribed for other voters. The voter shall insert the ballot into a secrecy  
27 sleeve and put the secrecy sleeve into an envelope on which the **declaration required**  
28 **by AS 15.15.210** [STATEMENT THE VOTER PREVIOUSLY SIGNED] is located.  
29 The envelope shall be sealed and deposited in the ballot box. When the ballot box is  
30 opened, the envelopes shall be segregated, counted, compared to the voting list, and  
31 delivered to the official or body supervising the election. The merits of the question

1 shall be determined by this official or body in accordance with the procedure  
2 prescribed for questioned votes in AS 15.20.207.

3 \* **Sec. 20.** AS 15.15 is amended by adding a new section to read:

4 **Sec. 15.15.455. Risk-limiting audits.** (a) In addition to the ballot counting  
5 review conducted under AS 15.15.420 - 15.15.440, after each state election but before  
6 the certification of the ballot counting review under AS 15.15.450, the director shall  
7 conduct a risk-limiting audit of selected election results. The audit must be designed  
8 using statistical methods to limit the risk of certification of an election result that is  
9 inconsistent with the result that would be obtained by conducting a recount.

10 (b) The director shall adopt regulations necessary to implement and administer  
11 (a) of this section. The regulations must include a procedure for selecting which  
12 election results to audit. In adopting regulations under this subsection, the director  
13 shall consult recognized statistical experts, equipment vendors, and municipal clerks  
14 and shall consider best practices for conducting risk-limiting election audits.

15 \* **Sec. 21.** AS 15.20.020 is amended to read:

16 **Sec. 15.20.020. Provision for general administrative supervision.** The  
17 director shall provide general administrative supervision over the conduct of absentee  
18 voting. The director shall make available instructions to absentee voters regarding the  
19 procedure for absentee voting and the online system for tracking absentee ballots.

20 \* **Sec. 22.** AS 15.20.030 is amended to read:

21 **Sec. 15.20.030. Preparation of ballots, envelopes, and other material.** The  
22 director shall provide ballots for use as absentee ballots in all districts. The director  
23 shall provide a secrecy sleeve in which the voter shall initially place the marked ballot,  
24 and shall provide a postage-paid return [AN] envelope with the prescribed voter's  
25 certificate on it, in which the secrecy sleeve with ballot enclosed shall be placed. The  
26 director shall prescribe the form of and prepare the voter's certificate, envelopes, and  
27 other material used in absentee voting. The voter's certificate shall include a  
28 declaration, for use when required, that the voter is a qualified voter in all respects, a  
29 blank for the voter's signature, a certification that the affiant properly executed the  
30 marking of the ballot and gave the voter's identity, blanks for the attesting official [OR  
31 WITNESS], and a place for recording the date the envelope was sealed and witnessed.

1 **An envelope may not identify a voter's party affiliation.** The envelope with the  
2 voter's certificate must include a notice that false statements made by the voter or by  
3 the attesting official [OR WITNESS] on the certificate are punishable by law.

4 \* **Sec. 23.** AS 15.20.045(b) is amended to read:

5 (b) The director may designate by regulation [ADOPTED UNDER AS 44.62  
6 (ADMINISTRATIVE PROCEDURE ACT)] locations at which **early** [ABSENTEE]  
7 voting stations will be operated **for persons to vote absentee ballots** on or after the  
8 15th day before an election up to and including the date of the election. The director  
9 shall supply **these** [ABSENTEE] voting stations with **absentee** ballots for all house  
10 districts in the state and shall designate absentee voting officials to serve at **the**  
11 [ABSENTEE] voting stations. **A designation as an early voting station under this**  
12 **subsection remains in effect unless**

13 **(1) the location is no longer available for use as an early voting**  
14 **station; or**

15 **(2) the director determines that the location is no longer**  
16 **appropriate for use as an early voting station and makes that determination**  
17 **available to the public in writing.**

18 \* **Sec. 24.** AS 15.20.045(c) is amended to read:

19 (c) In a municipality in which the division will not be operating an **early**  
20 [ABSENTEE] voting station **under this section**, the director may designate the  
21 municipal clerk as an absentee voting official for the limited purpose of distributing  
22 absentee ballots to qualified voters under AS 15.20.061(a)(1) and qualified voters'  
23 representatives under AS 15.20.072. At least 15 days before the election, the director  
24 shall supply municipal clerks designated under this subsection with absentee ballots.

25 \* **Sec. 25.** AS 15.20.045 is amended by adding a new subsection to read:

26 (d) The director shall appoint one or more registration officials to serve in  
27 each early voting station in all elections during the hours the early voting stations are  
28 open. An election official appointed under AS 15.10 may also serve as a registration  
29 official.

30 \* **Sec. 26.** AS 15.20.050 is amended to read:

31 **Sec. 15.20.050. Requirement of full public notice.** The director shall give full

1 public notice of the dates and manner of voting absentee and may select any means of  
2 communication permitted to be used in giving notice of the date and time of the  
3 general election. The director shall give notice under this section of the location of  
4 early [ABSENTEE] voting stations designated under AS 15.20.045(b) at least 45  
5 days before each election.

6 \* **Sec. 27.** AS 15.20.061(a) is amended to read:

7 (a) A qualified voter may apply in person for an absentee ballot to the  
8 following election officials at the times specified:

9 (1) to an absentee voting official on or after the 15th day before an  
10 election up to and including the date of the election;

11 (2) to an election supervisor on or after the 15th day before an election  
12 up to and including the date of the election;

13 (3) to an absentee voting official at an early [ABSENTEE] voting  
14 station designated under AS 15.20.045(b) on or after the 15th day before an election  
15 up to and including the date of the election;

16 (4) to an absentee voting official in the precinct in which no volunteers  
17 can be located to serve on the election board on or after the 15th day before an election  
18 up to and including election day.

19 \* **Sec. 28.** AS 15.20.064(b) is amended to read:

20 (b) The election supervisor or other election official shall issue a ballot to the  
21 voter upon

22 (1) exhibition of proof of identification as required in AS 15.15.225;

23 (2) verification that the voter's residence address appearing on the  
24 official registration list for that election is current; and

25 (3) the voter's signing the early voting register.

26 \* **Sec. 29.** AS 15.20.064 is amended by adding a new subsection to read:

27 (e) If a voter's eligibility to vote cannot be verified by the election supervisor  
28 or other election official under (b) of this section, the voter shall vote an absentee  
29 ballot in the manner provided in AS 15.20.061.

30 \* **Sec. 30.** AS 15.20 is amended by adding a new section to read:

31 **Sec. 15.20.068. Application for absentee ballot.** The division may not mail

1 an absentee ballot application to an eligible voter unless the voter expressly requests  
2 an application. An application may not be distributed if a part of the application is  
3 filled out for the voter, except as permitted under AS 15.20.081(a). An application  
4 must prominently display who sent the application and prominently display  
5 "Application only/Not a ballot" on the exterior address side of the envelope.

6 \* **Sec. 31.** AS 15.20.072(b) is amended to read:

7 (b) The voter may, through a representative, request a special needs ballot  
8 from the following election officials at the times specified:

9 (1) from an absentee voting official on or after the 15th day before an  
10 election, up to and including election day;

11 (2) from an election supervisor on or after the 15th day before an  
12 election up to and including election day;

13 (3) from an absentee voting official at an **early** [ABSENTEE] voting  
14 station designated under AS 15.20.045(b) on or after the 15th day before an election  
15 up to and including the date of the election; or

16 (4) from a member of the precinct election board on election day.

17 \* **Sec. 32.** AS 15.20.081(b) is amended to read:

18 (b) An application requesting delivery of an absentee ballot to the applicant by  
19 mail must be received by the division of elections not less than 10 days before the  
20 election for which the absentee ballot is sought. An application for an absentee ballot  
21 for a state election from a qualified voter requesting delivery of an absentee ballot to  
22 the applicant by electronic transmission must be received by the division of elections  
23 not later than 5:00 p.m. Alaska time on the day before the election for which the  
24 absentee ballot is sought. An absentee ballot application submitted by mail under this  
25 section must permit the person to register to vote under AS 15.07.070, **to declare an**  
26 **affiliation under AS 15.07.075, if any,** and to request an absentee ballot for each state  
27 election held within that calendar year for which the voter is eligible to vote. An  
28 absentee ballot application submitted by electronic transmission under this section  
29 **shall** [MAY NOT] include a provision that permits a person to register to vote under  
30 AS 15.07.070.

31 \* **Sec. 33.** AS 15.20.081(d) is amended to read:

1 (d) Upon receipt of an absentee ballot by mail, the voter [, IN THE  
2 PRESENCE OF A NOTARY PUBLIC, COMMISSIONED OFFICER OF THE  
3 ARMED FORCES INCLUDING THE NATIONAL GUARD, DISTRICT JUDGE  
4 OR MAGISTRATE, UNITED STATES POSTAL OFFICIAL, REGISTRATION  
5 OFFICIAL, OR OTHER PERSON QUALIFIED TO ADMINISTER OATHS,] may  
6 proceed to mark the ballot in secret, to place the ballot in the secrecy sleeve, to place  
7 the secrecy sleeve in the envelope provided, and to sign the voter's certificate on the  
8 envelope. The [IN THE PRESENCE OF AN OFFICIAL LISTED IN THIS  
9 SUBSECTION WHO SHALL SIGN AS ATTESTING OFFICIAL AND SHALL  
10 DATE THE SIGNATURE. IF NONE OF THE OFFICIALS LISTED IN THIS  
11 SUBSECTION IS REASONABLY ACCESSIBLE, AN ABSENTEE VOTER  
12 SHALL SIGN THE VOTER'S CERTIFICATE IN THE PRESENCE OF AN  
13 INDIVIDUAL WHO IS 18 YEARS OF AGE OR OLDER, WHO SHALL SIGN AS  
14 A WITNESS AND ATTEST TO THE DATE ON WHICH THE VOTER SIGNED  
15 THE CERTIFICATE IN THE INDIVIDUAL'S PRESENCE, AND, IN ADDITION,  
16 THE] voter shall certify, as prescribed in AS 09.63.020, under penalty of perjury, that  
17 the statements in the voter's certification are true.

18 \* **Sec. 34.** AS 15.20.081(e) is amended to read:

19 (e) An absentee ballot must be marked on or before the date of the election.  
20 Except as provided in (h) of this section, a voter who returns the absentee ballot by  
21 mail, whether provided to the voter by mail or by electronic transmission, shall use a  
22 mail service at least equal to first class and mail the ballot not later than the day of the  
23 election to the election supervisor for the house district in which the voter seeks to  
24 vote. Except as provided in AS 15.20.480, the ballot may not be counted unless it is  
25 received by the close of business on the 10th day after the election. [IF THE BALLOT  
26 IS POSTMARKED, IT MUST BE POSTMARKED ON OR BEFORE ELECTION  
27 DAY.] After the day of the election, ballots may not be accepted unless received by  
28 mail. A ballot received after the day of the election that is not postmarked or is  
29 postmarked after the day of the election may not be accepted unless the ballot  
30 envelope is marked with a United States Postal Service tracking barcode  
31 sufficient to verify that the ballot was mailed on or before the day of the election.

1 \* **Sec. 35.** AS 15.20.081 is amended by adding new subsections to read:

2 (m) An absentee ballot application must include an option for a qualified voter  
3 to choose to receive absentee ballots by mail for future regularly scheduled state  
4 elections. The division may not require a voter who chooses this option to reapply for  
5 an absentee ballot by mail unless

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

7 or

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

10 (n) If a voter requests under AS 15.07.060(g) or, at least 45 days before an  
11 election, requests in writing or by other means designated in regulations adopted by  
12 the director to receive a ballot in a language other than English in which the division is  
13 required to print election materials under 52 U.S.C. 10503, as amended, the director  
14 shall provide the voter with a ballot and election materials under this section in the  
15 language requested.

16 \* **Sec. 36.** AS 15.20.201(a) is amended to read:

17 (a) **Not** [NO] less than **10** [SEVEN] days preceding the day of election, the  
18 election supervisor, in the presence and with the assistance of the district absentee  
19 ballot counting board, shall **begin to** review all voter certificates **and envelopes** of  
20 absentee ballots received by that date. The review of absentee ballots shall continue at  
21 times designated by the election supervisor until completed. **An absentee ballot may**  
22 **not be counted until the accompanying voter certificate has been reviewed.**

23 \* **Sec. 37.** AS 15.20.203(b) is amended to read:

24 (b) **The board shall reject an** [AN] absentee ballot [MAY NOT BE  
25 COUNTED] if

26 (1) the voter has failed to properly **sign** [EXECUTE] the certificate;

27 (2) [AN OFFICIAL OR THE WITNESSES AUTHORIZED BY LAW  
28 TO ATTEST THE VOTER'S CERTIFICATE FAIL TO EXECUTE THE  
29 CERTIFICATE, EXCEPT THAT AN ABSENTEE BALLOT CAST IN PERSON  
30 AND ACCEPTED BY AN ABSENTEE VOTING OFFICIAL OR ELECTION  
31 SUPERVISOR MAY BE COUNTED DESPITE FAILURE OF THE ABSENTEE

1 VOTING OFFICIAL OR ELECTION SUPERVISOR TO PROPERLY SIGN AND  
2 DATE THE VOTER'S CERTIFICATE AS ATTESTING OFFICIAL AS REQUIRED  
3 UNDER AS 15.20.061(c);

4 (3) the certificate [BALLOT] is not signed [ATTESTED] on or  
5 before the date of the election;

6 (3) [(4)] the ballot envelope, if delivered by mail after the day of the  
7 election [POSTMARKED],

8 (A) is not postmarked on or before the date of the election; or

9 (B) does not have a United States Postal Service tracking  
10 barcode sufficient to verify that the ballot was mailed on or before the day  
11 of the election;

12 (4) [(5)] after the day of election, the ballot was delivered by a means  
13 other than mail;

14 (5) [OR (6)] the voter voted

15 (A) in person and is a

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

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

28 (B) by mail or electronic transmission, is a first-time voter who  
29 initially registered by mail or by facsimile or other electronic transmission  
30 approved by the director under AS 15.07.050 to vote, has not met the  
31 identification requirements set out in AS 15.07.060, and does not submit with



1 the ballot a copy of a

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

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

9 **(6) the signature on the certificate is not consistent with the voter's**  
10 **signature in voter registration records.**

11 \* **Sec. 38.** AS 15.20.203 is amended by adding a new subsection to read:

12 (k) The district absentee counting board shall determine whether a voter's  
13 signature on the certificate is consistent with the voter's signature in voter registration  
14 records using a signature verification process that includes signature comparison  
15 software, according to a procedure provided in regulations adopted by the director. An  
16 election official may not determine that the signature on a voter's return envelope does  
17 not match the signature stored in the voter's registration record solely based on  
18 substitution of initials or use of a common nickname. The director shall provide  
19 training in signature comparison and the use of signature comparison software to  
20 election officials who compare signatures under this section.

21 \* **Sec. 39.** AS 15.20.220(b) is amended to read:

22 (b) The state review board shall review and count absentee ballots under  
23 AS 15.20.081(e) and (h), **absentee ballots properly cured under AS 15.20.222,** and  
24 questioned ballots that have been forwarded to the director and that have not been  
25 reviewed or counted by a district counting board.

26 \* **Sec. 40.** AS 15.20 is amended by adding new sections to read:

27 **Sec. 15.20.221. Ballot tracking system.** (a) The director shall establish or  
28 procure an online system through which a voter may

- 29 (1) confirm that the voter's ballot has been sent by the division;  
30 (2) track the date of the ballot's delivery to the voter;  
31 (3) confirm the division's receipt of the voter's ballot;

1 (4) determine whether the voter's certificate has been reviewed; and

2 (5) determine whether the voter's ballot has been counted.

3 (b) The online system established or procured under (a) of this section must  
4 indicate to a voter

5 (1) the process by which the voter may cure the lack of signature or  
6 verify the voter's identity, if the signature on the voter's ballot was missing or was  
7 determined to not match the signature in the voter's registration record under  
8 AS 15.20.203(k); and

9 (2) the reason the voter's ballot was not counted, if the ballot was not  
10 counted.

11 (c) The division may not charge a voter a fee to use the online system.

12 (d) In establishing or procuring the online system under (a) of this section, the  
13 director shall ensure that the design of the system allows a voter to easily access the  
14 information required by (a) and (b) of this section through a mobile electronic device.

15 **Sec. 15.20.222. Procedure for curing uncounted ballot.** (a) If a voter returns  
16 a ballot that is rejected because the voter does not have a signature stored in voter  
17 registration records, the certificate is missing a signature, the signature on the  
18 certificate is determined under AS 15.20.203 to not match the signature in voter  
19 registration records, or the voter provided insufficient voter identification, the director  
20 shall immediately make a reasonable effort to contact the voter, explain the ballot  
21 deficiency, explain how the deficiency may be cured, and inform the voter of the  
22 deadline to cure the ballot. The director shall, within 48 hours, but in no event later  
23 than five days after election day, send a notice of deficiency by first class,  
24 nonforwardable mail to the address indicated in the voter's registration record and by  
25 electronic mail to the voter's electronic mail address if the voter has provided an  
26 electronic mail address. If the voter has provided a telephone number, the director  
27 shall attempt to notify the voter of the deficiency by telephone call or text message to  
28 the voter's telephone number.

29 (b) A notice of deficiency must include an explanation of the need for a  
30 signature for verification purposes. The notice must include a form for the voter to  
31 confirm that the voter returned a ballot to the division, provide a copy of a form of

1 identification accepted by the division under AS 15.15.225(a), and provide a signature  
2 for verification. The director shall provide a printed copy of the form with the notice  
3 of deficiency mailed to the voter. The director shall also make the form available in a  
4 format that can be completed and returned electronically.

5 (c) The rejected ballot of a voter who received a notice of deficiency may be  
6 counted only if

7 (1) the voter returns the form sent with the notice of deficiency, the  
8 division receives the form within 14 days after election day, and the form confirms  
9 that the voter returned a ballot to the division;

10 (2) the voter confirms that the voter returned a ballot to the division,  
11 provides a signature for verification, and includes a copy of a form of identification  
12 accepted by the division under AS 15.15.225(a); and

13 (3) the ballot is otherwise valid.

14 (d) A voter's rejected ballot may not be counted and the director shall, if  
15 applicable, send copies of the signature on the voter's return envelope and the  
16 signature stored in voter registration records to the attorney general for investigation if  
17 the voter returns the form and the form indicates that the voter did not return a ballot  
18 to the division.

19 (e) The division shall update the signature stored in voter registration records  
20 if the voter, after providing a copy of a form of identification accepted by the division  
21 under AS 15.15.225(a), either provides a signature for the voter's missing signature or  
22 cures a nonmatching signature under this section.

23 \* **Sec. 41.** AS 15.20.800(a) is amended to read:

24 (a) The director may conduct an election by mail

25 **(1) in an unincorporated community with a population of 750 or**  
26 **less if the director determines that facilitating organized in-person voting in the**  
27 **community is unreasonable;**

28 **(2) in an area affected or threatened by a disaster while a disaster**  
29 **declaration under AS 26.23.020 is in effect if the governor declares the emergency**  
30 **because of**

31 **(A) an incident described in AS 26.23.900(2)(A);**

1 (B) an outbreak of disease or a credible threat of an  
2 imminent outbreak of disease; or

3 (C) an enemy or terrorist attack or a credible threat of an  
4 imminent enemy or terrorist attack; or

5 (3) if it is held at a time other than when the general, [PARTY]  
6 primary, or municipal election is held.

7 \* Sec. 42. AS 15.20.900 is amended by adding new subsections to read:

8 (c) The division shall conduct a routine forensic examination of each precinct  
9 tabulator before and after each election.

10 (d) A precinct tabulator may not be connected to the Internet or a cellular  
11 network from 24 hours before the polls open on election day until 14 days after the  
12 polls close. During this time, all tabulator data shall be loaded from the tabulator onto  
13 a separate storage device and transmitted from a computer that is not connected to the  
14 tabulator.

15 (e) The division shall develop and apply strict chain-of-custody protocols for  
16 precinct tabulators and the separate storage device.

17 \* Sec. 43. AS 15.20.910 is amended to read:

18 **Sec. 15.20.910. Standards for voting machines and vote tally systems.** The  
19 director may approve a voting machine or vote tally system for use in an election in  
20 the state upon consideration of factors relevant to the administration of state elections,  
21 A [, INCLUDING WHETHER THE FEDERAL ELECTION COMMISSION HAS  
22 CERTIFIED THE VOTING MACHINE OR VOTE TALLY SYSTEM TO BE IN  
23 COMPLIANCE WITH THE VOTING SYSTEM STANDARDS APPROVED BY  
24 THE FEDERAL ELECTION COMMISSION AS REQUIRED BY 42 U.S.C.  
25 15481(a)(5) (HELP AMERICA VOTE ACT OF 2002). THE DIRECTOR MAY  
26 ONLY APPROVE A] voting machine or vote tally system must meet the United  
27 States Election Assistance Commission's voluntary voting system guidelines and  
28 be certified by the commission, use only open-source software technology or  
29 commercial off-the-shelf software and firmware, and satisfy [IF THE MACHINE  
30 OR SYSTEM SATISFIES] the requirements of AS 15.15.032(c).

31 \* Sec. 44. AS 15.20.910 is amended by adding a new subsection to read:

1 (b) In this section,

2 (1) "commercial off-the-shelf" means mass-produced, commercially  
3 available hardware devices, including card readers, printers, scanners, or personal  
4 computers, and the firmware or software products of the hardware devices, including  
5 operating systems or database management systems;

6 (2) "open-source software technology" means the complete source  
7 code for the software is available to the public, under the terms of a license, to use,  
8 modify, or distribute freely without payment of royalties or other consideration.

9 \* **Sec. 45.** AS 15.56.030(d) is amended to read:

10 (d) For purposes of (a)(2) and (3) of this section, "other valuable thing"

11 (1) includes

12 (A) an entry in a game of chance in which a prize of money or  
13 other present or future pecuniary gain or advantage may be awarded to a  
14 participant wherein the total of the prizes offered is greater than \$2 per  
15 participant with a maximum of \$100; and

16 (B) government employment or benefits;

17 (2) does not include

18 (A) materials having a nominal value bearing the name,  
19 likeness, or other identification of a candidate, political party, political group,  
20 party district committee, or organization, or stating a position on a ballot  
21 proposition or question;

22 (B) food and refreshments provided incidental to an activity  
23 that is nonpartisan in nature and directed at encouraging persons to vote, or  
24 incidental to a gathering in support of or in opposition to a candidate, political  
25 party, political group, party district committee, organization, or ballot question  
26 or proposition;

27 (C) care of the voter's dependents provided in connection with  
28 the absence of a voter from home for the purpose of voting;

29 (D) services provided by a person acting as a representative  
30 under AS 15.20.072;

31 (E) services provided by an election official as defined in

1 AS 15.80.010; [AND]

2 (F) transportation of a voter to or from the polls without  
3 charge; **and**

4 **(G) postage-paid return envelopes required in**  
5 **AS 15.20.030.**

6 \* **Sec. 46.** AS 15.56.035(a) is amended to read:

7 (a) A person commits the crime of unlawful interference with voting in the  
8 second degree if the person

9 (1) has an official ballot in possession outside of the voting room  
10 unless the person is an election official or other person authorized by law or local  
11 ordinance, or by the director or chief municipal elections official in a local election;

12 (2) makes, or knowingly has in possession, a counterfeit of an official  
13 election ballot;

14 (3) knowingly solicits or encourages, directly or indirectly, a registered  
15 voter who is no longer qualified to vote under AS 15.05.010, to vote in an election;

16 (4) as a registration official

17 (A) knowingly refuses to register a person who is entitled to  
18 register under AS 15.07.030; or

19 (B) accepts a fee from an applicant applying for registration;

20 (5) violates AS 15.20.081(a) by knowingly supplying or encouraging  
21 or assisting another person to supply to a voter an absentee ballot application form  
22 with a political party or group affiliation indicated if the voter is not already registered  
23 as affiliated with that political party or group;

24 (6) knowingly designs, marks, or encourages or assists another person  
25 to design or mark an absentee ballot application in a manner that suggests choice of  
26 one ballot over another as prohibited by AS 15.20.081(a); [OR]

27 (7) knowingly submits or encourages or assists another person to  
28 submit an absentee ballot application to an intermediary who could control or delay  
29 the submission of the application to the division of elections or who could gather data  
30 from the application form as prohibited by AS 15.20.081(a); **or**

31 **(8) knowingly pays, offers to pay, or causes to be paid money or**

1 **other valuable thing to a person who is not an election official, mail carrier, or**  
 2 **person acting as a representative under AS 15.20.072 to collect a voter's ballot; it**  
 3 **is not a violation of this paragraph to provide a person who collects a voter's**  
 4 **ballot with**

5 **(A) materials having a nominal value bearing the name,**  
 6 **likeness, or other identification of a candidate, political party, political**  
 7 **group, party district committee, or organization, or stating a position on a**  
 8 **ballot proposition or question;**

9 **(B) food and refreshments provided incidental to an**  
 10 **activity that is nonpartisan in nature and directed at encouraging persons**  
 11 **to vote, or incidental to a gathering in support of or in opposition to a**  
 12 **candidate, political party, political group, party district committee,**  
 13 **organization, or ballot question or proposition; or**

14 **(C) care of the person's dependents in connection with the**  
 15 **absence of the person from home for the purpose of collecting a ballot.**

16 \* **Sec. 47.** AS 15.56.035 is amended by adding a new subsection to read:

17 (d) In this section,

18 (1) "collect" means to gain possession or control of a ballot;

19 (2) "other valuable thing"

20 (A) includes

21 (i) an entry in a game of chance in which a prize of  
 22 money or other present or future pecuniary gain or advantage may be  
 23 awarded to a participant wherein the total of the prizes offered is  
 24 greater than \$2 for a participant with a maximum of \$100; and

25 (ii) government employment or benefits.

26 \* **Sec. 48.** AS 15.56.060(a) is amended to read:

27 (a) A person commits the crime of unlawful interference with an election if  
 28 the person

29 (1) induces or attempts to induce an election official to fail in the  
 30 official's duty by force, threat, intimidation, or offers of reward;

31 (2) intentionally changes, attempts to change, or causes to be changed

1 an official election document including ballots, tallies, and returns;

2 (3) intentionally delays, attempts to delay, or causes to be delayed the  
3 sending of the certificate, register, ballots, or other materials whether original or  
4 duplicate, required to be sent by AS 15.15.370; [OR]

5 (4) is contracted or employed by the state to print or reproduce in any  
6 manner an official ballot, and the person knowingly

7 (A) personally appropriates, or gives or delivers to, or permits  
8 to be taken by anyone other than a person authorized by the director, official  
9 ballots; or

10 (B) prints or reproduces or has printed or reproduced official  
11 ballots in a form or with a content other than that prescribed by law or as  
12 directed by the director;

13 **(5) intentionally opens or tampers with a signed absentee ballot**  
14 **certificate, sealed absentee ballot envelope, or package of ballots without express**  
15 **authorization from the director; or**

16 **(6) intentionally breaches, hacks, alters, or tampers with election**  
17 **machinery, including a tabulator, a program, a system, a server, or software used**  
18 **to verify identity, count or tabulate, or manage or control an election function.**

19 \* **Sec. 49.** AS 15.56 is amended by adding a new section to read:

20 **Sec. 15.56.065. Election fraud.** (a) A person commits the crime of election  
21 fraud if the person violates AS 15.56.060 and that violation changes the outcome of an  
22 election.

23 (b) Election fraud is a class B felony.

24 \* **Sec. 50.** AS 15.56.070(a) is amended to read:

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

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

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

31 (3) intentionally conceals, withholds, destroys, or attempts to conceal,



1 withhold, or destroy election returns; or

2 (4) knowingly discloses, shares, or reports to a person who is not  
3 an election official election results, returns, or any confidential election data  
4 before the polls close on election day.

5 \* **Sec. 51.** AS 15.56.199(1) is amended to read:

6 (1) "election" includes a local election as defined in AS 15.80.010 in  
7 addition to an [A STATE] election conducted by the division;

8 \* **Sec. 52.** AS 15.80 is amended by adding a new section to read:

9 **Sec. 15.80.006. Cybersecurity.** (a) The director shall, by regulation, provide  
10 for a cybersecurity program to defend the voter registration records kept by the  
11 division against cyber attacks and data breaches and enable the division to detect and  
12 recover from cyber attacks. The program must include cybersecurity training for  
13 election officials.

14 (b) The director shall develop a nonpublic list of registered voters whose  
15 numerical identifiers have been released in a breach of data maintained by the division  
16 and shall exercise caution to protect the list from disclosure.

17 (c) If the division identifies a cyber attack or data breach, the director shall  
18 exercise caution to protect election integrity.

19 \* **Sec. 53.** AS 15.80 is amended by adding a new section to read:

20 **Sec. 15.80.009. Election worker minimum compensation.** The division shall  
21 pay not less than

22 (1) \$15.00 an hour to election board workers for time spent performing  
23 their election duties;

24 (2) \$15.50 an hour to election board chairs for time spent performing  
25 their election duties;

26 (3) \$15.00 an hour to district absentee ballot review board members,  
27 questioned ballot review board members, and absentee voting officials for time spent  
28 performing their election duties;

29 (4) \$15.50 an hour to officials at early voting stations for time spent  
30 performing their election duties;

31 (5) \$15.00 an hour to ballot tabulation coordinators, polling place field

1 workers, individuals appointed as personal representatives, and absentee and  
2 questioned ballot processors for time spent performing their election duties;

3 (6) \$12.50 an hour to extra election day and election night workers and  
4 write-in counting team members for time spent performing their election duties.

5 \* **Sec. 54.** AS 29.20.380(c) is amended to read:

6 (c) The municipal clerk may act as an absentee voting official under  
7 AS 15.20.045(c) for the limited purpose of distributing absentee ballots to qualified  
8 voters or qualified voters' representatives under AS 15.20.072 in a municipality in  
9 which the division of elections will not be operating an **early** [ABSENTEE] voting  
10 station **under AS 15.20.045(b)**.

11 \* **Sec. 55.** AS 29.26.050 is amended by adding a new subsection to read:

12 (d) Except as a municipality may require for elections held only in specific  
13 local election districts or service areas under (b) of this section, a person who has lived  
14 within the municipality for at least 30 days, but who has not registered to vote in state  
15 elections at a residence address within the municipality at least 30 days before a  
16 municipal election, may vote only an absentee, special needs, or questioned ballot in  
17 that election.

18 \* **Sec. 56.** AS 15.10.170(b); AS 15.20.203(i), 15.20.203(j); and AS 29.26.050(a)(3) are  
19 repealed.

20 \* **Sec. 57.** The uncodified law of the State of Alaska is amended by adding a new section to  
21 read:

22 APPLICABILITY. AS 15.56.030(d), as amended by sec. 45 of this Act,  
23 AS 15.56.035(a), as amended by sec. 46 of this Act, AS 15.56.060(a), as amended by sec. 48  
24 of this Act, AS 15.56.065, enacted by sec. 49 of this Act, and AS 15.56.070(a), as amended  
25 by sec. 50 of this Act, apply to offenses committed on or after the effective date of secs. 45,  
26 46, and 48 - 50 of this Act.

27 \* **Sec. 58.** The uncodified law of the State of Alaska is amended by adding a new section to  
28 read:

29 TRANSITION: REGULATIONS. The Department of Revenue and the division of  
30 elections may adopt regulations necessary to implement the changes made by this Act. The  
31 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the

1 effective date of the law implemented by the regulation.

2 \* **Sec. 59.** Sections 43 and 44 of this Act take effect January 1, 2024.

3 \* **Sec. 60.** Section 58 of this Act takes effect immediately under AS 01.10.070(c).

4 \* **Sec. 61.** Except as provided in secs. 59 and 60 of this Act, this Act takes effect January 1,  
5 2023.