Summary of Changes

CS for HB 66 ELECTIONS, VOTING, BALLOTS

Version O (old) to Version N (new)

Page 1, Line 1: Change in the title to list a new crime: Adds "unlawful interference with voting."

--- Sections of Version N and Version O are the same ---

Page 2, Line 25: Section 2 – after "if applying within 30 days before" adds "or on the day of the election". Legal advised in a memo to the Senate Judiciary Committee (4/25/22):

> "... the committee substitute uses the phrase 'within 30 days before.' Because the committee substitute permits registration before and including election day, these phrases should be changed to 'within 30 days before and on the day of' to make clear that the additional requirements apply when a voter registers on election day as well as in the 30 days before election day."

Page 3, Lines 6-9: Section 2: Paragraph 13 (B)(ii) – rearranges "government check" and "paycheck" for better clarity, so that "government check, or other government document" are together; deletes "that is" (O:3:7) and changes "displays" (O:3:8) to "displaying" (N:3:9) for better grammar.

Page 3, Line 11: Section 2: Paragraph 14 – changes past tense to present (i.e. "had previously been" in O:3:11 to "is" at N:3:11.

Page 3, Lines 16-26: Section 3 (g) – No policy change but rewritten for clarity/grammar.

Page 3, Lines 23 and 26: Section 3 (g) – changes from "requested language" to "designated language" for consistency.

Page 4, Line 2: Section 4 (d) – deletes "preceding an election" (O:4:5) and added "before" (N:4:2) for clarity.

Page 4, Line 12: Section 5 (h) – change derived from Amendment #1 (D.34), which deletes the phrase "a voter's choice to register as nonpartisan, as undeclared, or as affiliated with a political party or political group and" from O:4:15-16. Simply stated, this change eliminates the explicit opportunity to indicate a partisan affiliation when registering at the polls.

Page 4, Line 21: Section 6 (b) – changes "who has reregistered" to "reregistering"

Page 4, Lines 28-29: Section 7 (c) – replaces "a person who has moved" (O:5:1-2) with "or on election day, a person transferring registration" (N:4:28-29), so the language now reads "*If a request is made within 30 days before election day* **or on election day, a person transferring registration** *to a new precinct* …"

Section 8 is unchanged.

--- Section numbers of Version N and Version O are no longer the same ---

Page 5, Line 16: Section 9 adds a new section to 15.07 titled, **Voter fraud mitigation policy.** This change is derived from Amendment #34 (D.44) and declares that it's the policy of the state to reduce voting

fraud by using reasonable and affordable tools and technology to mitigate the potential for voting fraud, including for the review of voter registration applications and the master register for the names of the deceased, felons ineligible to vote, non-citizens, and individuals voting unlawfully. There is also a grammatical change from "for the reviews of", which was in Amendment #34 to "reviewing", which is now in the bill (N:5:19).

Page 5, Line 22: Section 10 of Version N is unchanged from Section 9 of Version O.

Page 5, Line 30: Section 11 has new language under (g) of the **Voter registration list maintenance** which was added by Amendment #35 (D.45). This allows DOE regulations on list maintenance to also use, at their discretion, municipal assessor databases, the US Social Security Administration death index and the US Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) database on non-citizens.

Page 6, Lines 14 - 23: Section 11 (formerly Section 10 of Version O) has a new subsection (h) and (i) also modified by Amendment #35 (D.45), aimed at improving **Voter registration list maintenance**. These changes require the director to adopt a best practice voter registration system to improve identity matching when comparing registration lists with databases for list maintenance. The change says the director must develop a written maintenance schedule and guideline manual and provide a report to the senate secretary and chief clerk of the house for each legislative session. Finally, confirmation notice must include voter qualifications and penalties for voter fraud and voter misconduct. Plus grammatical changes.

Page 6, Lines 27-28: Section N rearranged the phrase, "at each polling place", for clarity.

> From (Version O), "The director shall prominently display instructions for a voter to cancel the voter's registration <u>at each polling place</u>."

> To (Version N), "The director shall prominently display instructions <u>at each polling place</u> for a voter to cancel the voter's registration."

Page 6, Line 29: Section 13 of Version N replaces Sections 12 and Section 13 of Version O by Amendment #4 (D.13). This section is related to the **Appointment and privileges of watchers** and essentially says that the same poll watcher rules apply for all elections.

<p align="center">--- Sections of Version N and Version O are the same again ---</p>

Page 7, Line 21: Section 14 is replaced by Amendment #5 (D.1). This revises the rules on ballot identifiers, saying ballot identifiers are required for electronic ballots, too (as well as "official ballots"). This deletes the option for the director to provide an exception for ballots without identifiers. It also specifies that the ballot identifier can be an election official signature. Plus, grammatical change at 7:22, to "The director shall adopt a regulation requiring …"(from "The director shall by regulation require …").

Page 8, Lines 10-12: In Section 15 at the end of (a), amendment #38 (D.52) is added re: ballot chain of custody requirements. This change asserts that a signed ballot chain of custody document must accompany groups of ballots in DOE's possession; and an election official shall sign the ballot chain of custody document immediately upon receiving or releasing a ballot or group of ballots.

Section 16 is unchanged.

Page 8, Lines 30-31: Section 17: Changes "questioned ballot procedures" to "questioned ballot declaration."

Page 9, Line 21: Section 18 is modified by Amendment #39 (D.53), which says the questioned ballot declaration must make clear that prosecution under AS 11 is for perjury.

Section 19 is unchanged.

Section 20 is unchanged.

Section 21 is unchanged.

Page 11, Line 1: Section 22 is changed by Amendment #1 (D.34), by adding language that says, "An envelope may not identify a voter's party affiliation."

Section 23 is unchanged.

Section 24 is unchanged.

Section 25 is unchanged.

Section 26 is unchanged.

Section 27 is unchanged.

Section 28 is unchanged.

Section 29 is unchanged.

Page 12, Line 30: Section 30 is rewritten by amendment #13 (D.38) related to **Application for absentee ballot**. Legal added a reference to "except as permitted under 15.20.081(a)" (absentee voting statute), which allows party affiliation on the application only if the voter is already registered with that party or group. The other option would have been to change 15.20.081.

Section 31 is unchanged.

Section 32 is unchanged.

Section 33 is unchanged.

Section 34 is unchanged.

Section 35 is unchanged.

Section 36 is unchanged.

Section 37 of Version O was removed by Amendment #6 (D.39), which eliminates the section allowing counting of absentee ballots before election day.

<center>--- **Section numbers of Version N and Version O are no longer the same** ---</center>

Section 38 of Version O was redundant with language in Section 39 of Version N and was removed.

Section 37 (formerly O39): Clarification that "The board shall reject an absentee ballot if …" (15.20.203 **Procedure for district absentee ballot counting review**) but then may be cured and counted (see 15.20.222 **Procedure for curing uncounted ballot**).

Section 38 (formerly O40): Technical change deleting "under (a) of this section" from O:18:5 due to removal of Section O38.

Section 39 (formerly O41) is unchanged.

Page 17, Line 26: Section 40 (formerly O42) is changed by Amendment #40 (D.54) related to the ballot tracking system. This says that a ballot tracking system must be established "or procured," allowing for a third-party vendor. Also added "or procured" in (b) for consistency.

Section 40 (formerly O42) Section (c) of Version O is removed by Amendment #16 (D.22). This amendment deleted language in Section 42 of Version O providing that online ballot tracking system must allow an election official access to names and political affiliations of all people on the voter registration list.

Section 40 (formerly O42) Sec. 15.20.222 **Procedure for curing uncounted ballot** added Amendment #17 (D.23), which says cure notices can be sent via mail up to 5 days after the election, instead of up to 2 days after the election.

Page 19, Line 23: Section 41 (formerly O43) is changed by Amendments #19 (D.24) and #21 (D.11). First, Amendment #19 allowed DOE to conduct an all-mail election if the conditions in Section 43 are met, even for general, statewide, and federal elections. Second, Amendment #21, deleted provisions allowing for all-mail elections (a) in second class cities with population of 1,000 or less, upon the city's request, and (b) in second class boroughs with populations of 3,000 or less, upon borough's request. For consistency, Legal changed "unorganized community" to "unincorporated community" to be consistent with existing statutes. Also removed "party" from "party primary" on 20:5 (per Ballot Measure 2).

Section 42 (formerly O44) is unchanged.

Page 20, Line 17: Section 43 (formerly O45) is modified by Amendment #41 (D.59), which requires that a voting machine or vote tally system *must* meet the U.S. Election Assistance Commission (EAC) voluntary voting system guidelines (VVSG) and be certified by the EAC, in addition to having open-source software technology. This also changed the deadline for the use of federally certified open-source software from January 1, 2028, to January 1, 2024.

Page 20, Line 31: Section 44 is new language from Amendment #41 (D.59). The amendment also added definitions for "commercial off-the-shelf" and "open-source software technology."

Section 45 (formerly O46) is unchanged.

Page 22, Line 6: Section 46 is language from Amendment #43 (D.61), which makes it unlawful interference with voting in the second degree to "knowingly pay, offer to pay, or cause to be paid money or other valuable thing to a person who is not an election official, mail carrier, or representative under AS 15.20.072 to collect a voter's ballot."

Section 47 is a new section of definitions for "collect" and "other valuable thing," also per Amendment #43.

Section 47 of Version O was deleted by amendment #15 (D.42). This section, which has been removed from Version N, had provided that voting or attempting to vote in the name of a person who is cognitively unable to express their vote was voter misconduct in the first degree.

--- **Sections of Version N and Version O are the same again** ---

Section 48 is unchanged.

Section 49 is unchanged.

Section 50 is unchanged.

Section 51 is unchanged.

Page 25, Line 8: Section 52 is changed by Amendment #28 (D.6) + Conceptual Amendment 1 to #28. The amendment requires DOE to compile lists of registered voters whose data has been breached. The conceptual amendment asserts that the list is "nonpublic" and that "if the division identifies a cyber attack or data breach, the director shall exercise caution to protect election integrity." Clarifying language added.

Section 53 is changed by Amendment #31 (D.46). This cleans up references to "absentee" that should be "early." No substantive changes.

Section 54 is unchanged.

Section 55 is unchanged.

Section 56, the repealer section, is changed by poll watcher amendment #4 (D.13 2:6-7).

Section 57 APPLICABILITY has significant changes to conform with addition and removal of crimes.

Section 58 is unchanged.

Section 59 has changes re: open-source voting effective dates from 2028 to 2024.

Section 60 is unchanged.

Section 61 is unchanged.

Note: Amendment #35 (D.45) passed in S JUD unanimously. In addition to other changes that are incorporated in Version N, the amendment would have added a requirement for DOE to mail a notice requesting address confirmation or correction to people "who do not live in the state." This requirement is not included in Version N.