

Senate Rules Committee
Senator Bill Wielechowski, Chair

SB 64

Election Reform



SB 64 is a Comprehensive Election Reform Package

Cleans up Alaska's voter rolls

Removes barriers to voting

Faster and more transparent results reporting

Ballot tracking barcodes for absentee ballots

Bans the use of undisclosed deepfakes to influence elections

Additional provisions to modernize Alaska's election laws

SB 64 Includes Provisions from Bills Proposed by Republican, Democratic, and Independent Legislators in Recent Legislatures

32nd Legislature

- SB 39 (Sen. Shower)
- HB 66 (Rep. Tuck)
- HB 157 (Rep. Rasmussen)
- HB 267 (Rep. Schrage)
- HB 286/ SB 167 (Governor)

33rd Legislature

- SB 1 (Sen. Shower)
- SB 5 (Sen. Shower)
- SB 19 (Sen. Kawasaki)
- HB 37 (Rep. Schrage)
- HB 129 (House Judiciary)
- SB 138 (Senate State Affairs)
- HB 246/ SB 232 (Rep. Story/ Sen. Kawasaki)
- HB 358 (Rep. Cronk)

Voter registration list clean-up

In 2022 it was estimated that Alaska's voter registration list was equal to 106% of the adult population. Sb 64 streamlines the process of removing voters who have left the state.

Adds several indications of residency in another state to the list of factors that trigger notice and clarifies the definition of residency for voting.

Voters who do not verify their registration are moved to inactive status. Inactive voters will not appear on precinct registers although their votes will be counted, and their registration reactivated if they vote or request an absentee ballot.

Current Voter List Maintenance Process

- Every January DOE mails nonforwardable notices to voters who have not voted, updated their registration, or signed a petition within two general elections or who have had mail from DOE returned to sender
- If the voter does not respond confirming their address, DOE mails a second nonforwardable notice informing the voter that if they do not confirm their address within 45 days their registration will be inactivated.
- Inactive voters registrations are canceled completely if the voter does not vote or contact DOE within two general elections.

Expedited process under SB 64

- DOE will mail a single forwardable notice requesting voters confirm their address with 45 days
- SB 64 expands the number of voters who will be sent notices to include voters who there is evidence have claimed residency in another state
- This process remains in compliance with the requirements of the National Voter Registration Act

SB 64 requires notices be sent when DOE learns a voter....

- Registers to vote in another state
- Receives a driver's license in another state
- Registers a vehicle in another state
- Receives public assistance from another state
- Serves on a jury in another state
- Obtains a resident hunting or fishing license from in another state
- Pays resident tuition for a public university in another state
- Receives a residential property tax exemption in another state
- Receives a benefit only available to residents of another state



Clarifies the definition of residency and process to challenge a voter's residency

This bill clarifies that a voter's residence is a place where they have a definite, articulable, and reasonable plan to return to whenever they are absent.

It also establishes that the presumption a voter's registered address is accurate can be rebutted by evidence that they reside at another location.

Codifies a procedure for voters to cancel their registration

Currently the Division of Elections will cancel a voter's registration if they request, but it is not required by statute.

Voters would be allowed to cancel their registration in person or electronically.

The process for cancelling a registration would be posted at polling places.

SB 64 removes barriers to voting

Repeals the witness signature requirement for absentee by mail ballots

Stops special needs ballots from being rejected because of mistakes by poll workers or representatives

Creates a ballot curing process

Requires secure ballot drop boxes be made available

Requires postage paid return postage for absentee by mail envelopes

Allows voters to register to vote within 30 days of the election

Repeals the witness signature requirement for by-mail ballots

- In the 2022 special primary election, 2,724 ballots were rejected because of a missing witness signature- 1.7% of all ballots cast.
- Witness signature rejections disproportionately effected rural Alaska and military voters.
- In District 38, 10.9% of all ballots cast were rejected for missing witness signatures in the 2022 special primary.
- In the 2024 general election, District 18, which is mostly Joint Base Elemendorf-Richardson, had more by mail ballots rejected than any other district.
- There is no indication of any misconduct with these rejected ballots.

The witness signature requirement provides no meaningful election integrity protection

- DOE has testified that they do not verify that witness signatures meet the statutory requirement that they be from a person at least 18.
- The Division accepts as valid any mark made in the witness signature portion of the envelope.
- There is no practical way for DOE to verify the identity and age of witnesses from other states and countries.
- The absentee by-mail envelope does not even provide space for the witness to print their name or provide their date of birth.

A handwritten signature in black ink on a yellow background. The signature reads "Mickey Mouse" in a cursive, stylized font. The word "Mickey" is written in a large, flowing script, and "Mouse" is written in a smaller, more upright script to its right. A long, horizontal stroke underlines the entire signature.

Creating a Ballot Curing Process

- Within 24 hours of receiving the ballot, the Division mails a deficiency notice with curing instructions.
- If the voter has a phone number on file, the Division will call and text them as well.
- The voter returns the cure form confirming they voted the ballot with a copy of their ID and a signature.
- The cure process may be done electronically.
- A properly cured ballot will be counted if it is otherwise valid.
- If the voter responds that they did not vote the ballot, it will be referred to the Attorney General.

A voter will be able to cure their ballot and have it counted if it would be rejected because:

The voter did not sign the ballot envelope.

The voter's signature cannot be verified.

The voter did not provide an identifier that can be verified.

Stop special needs ballots from being rejected because of mistakes by poll workers or voter representatives

- Currently special needs ballots can be rejected because of mistakes by poll workers or voter representatives.
- In the 2024 general election 5.7% of special needs ballots were rejected, compared with only 1.8% of by-mail ballots.
- Special needs rejections are especially high in rural Alaska, with 37.5% of special needs ballots in District 40 being rejected.
- Often one volunteer will deliver special needs ballots to all residents of a senior living facility, so if this person is not properly trained an entire facility could have their votes rejected.

Requires secure drop boxes be provided for by-mail ballots

- Secure drop boxes were offered in 2020 and 2022 but not 2024, resulting in voter confusion.
- Drop boxes would be required, if practicable, at Division of Elections offices, and within municipalities of at least 20,000 people.
- There would be at least one drop box for every 20,000 residents.
- The division shall establish criteria for choosing drop box locations by regulation.





Allows voters who register within 30 days of an election to vote

Currently a voter must register in the state and district in which they are voting 30 days before the election.

This means an Alaska resident who moves within 30 of the election might not be able to validly vote in any district.

The Division already conducts same day registration for presidential elections, but these votes are only counted for president.

Voters registering within 30 days will only be able to vote absentee, early, or questioned ballots which will be reviewed to ensure the voter is eligible.

Ballot tracking system for absentee ballots

The Division already offers ballot tracking to allow voters to check whether their ballot has been counted, this bill requires tracking barcodes to allow ballots to be tracked in the mail.

Voters can check the status of their ballot online and see whether it has been counted or rejected.

This bill requires a multi-factor authentication system to protect voters' privacy

SB 64 provides for faster more transparent reporting of election results

Begin scanning absentee ballots before Election Day

Providing ranked choice voting tabulations when unofficial results are released

Providing information about which ballots are included in unofficial results allowing the public to know what ballots have been counted and which ballots are remaining



Begin Scanning Absentee Ballots 7 Days Before Election Day

Under current law, DOE cannot scan absentee ballots until the polls close on Election Night

SB 64 will allow election results to be available earlier by having the scanning of absentee ballots begin seven days before Election Day.

Tabulated results will not be released until the polls close at 8pm on Election Day.

BEST PRACTICES FOR RELEASING RCV ELECTION RESULTS

Executive Summary

Ranked-choice voting (RCV) uses a round-by-round count of ballots to eliminate the candidates with the least support and to ensure that the candidate with majority support wins.¹ Ranked-choice voting reduces wasted votes and encourages people to vote sincerely, rather than strategically.

In any election, however, one thing remains the same: the public – voters, candidates, parties, and the media – will have an intense interest in learning the results. Because RCV uses a new method to identify who won, the process for releasing results in RCV races can be especially important to minimize confusion, to convey results in a way that gives people the information they need, and to ensure the outcome is trusted and understood.

FairVote and the Ranked Choice Voting Resource Center have analyzed results from hundreds of RCV contests. Based on that experience, we recommend the following tried and true tips:

1. Release a preliminary round-by-round tally on Election Night
2. Continue to release preliminary tallies as more votes are counted
3. Conduct vote total checks with each release of preliminary results
4. Publish the full ballot record so that anyone can verify the result
5. Make use of tools for visualizing RCV results
6. Clearly communicate expectations, timelines, and results

Following these best practices – to the extent permitted by state law – can help instill public confidence in the electoral process and its outcome.²

¹ RCV can also be used to elect multiple candidates in multi-winner elections, such as city council races. All of the best practices recommended in this report apply to multi-winner uses of RCV as well.

² For more information on administering RCV elections, we recommend two additional resources. For best practices in displaying results, see Best practices for ranked choice voting ballots and other materials, [Center for Civic Design](#) (2017). For an overview of reporting practices in RCV jurisdictions, see [Reporting the Results of Ranked-Choice Voting Elections: Successes and Pitfalls Across Forty-Six RCV Jurisdictions](#), Equal Democracy Project at Harvard Law School & Ranked Choice Voting Resource Center (forthcoming Fall 2022).

Adopt best practices for reporting ranked-choice voting results

This bill adopts the national best practices identified by the Ranked Choice Voting Resource Center requiring unofficial ranked-choice tabulations be released along with the unofficial first round results.

This will provide greater transparency throughout the counting process and reduce confusion about results.

Requires transparency for unofficial results

Which Election Day precincts
have been counted

Which districts, days, and
count codes of absentee
ballots have been counted

Which precincts and count
codes of questioned ballots
have been counted

Count and reject code data
for absentee ballots reviewed

Clarify rules for poll watchers and ballot review observers

Currently statutes only provide for observers for political parties, candidates, initiatives, referenda, and recalls at polls and counting centers, and only parties may observe the State Review Board.

This provision clarifies that candidates, ballot measure, and ballot question campaigns may have observers at polls, counting centers, and the State Review Board.

Ballot questions include constitutional amendments, judicial retention, bond propositions, and advisory votes.

This bill also clarifies that campaigns may have observers at all tables where ballots are being reviewed within a counting center.

Clear rules for challenging ballot review decisions

Currently it is unclear how long campaigns have to file a challenge and campaigns often have to negotiate this with the regional counting centers.

This bill requires regulations to explicitly address the challenge process.

These regulations must allow a reasonable time to submit a challenge.

Allows additional risk limiting audits

- Allows DOE to adopt regulations to adopt additional audit procedures to ensure integrity and accuracy of final results.
- The State Review Board reviews all results before certification, including hand counting one precinct per district, but current law limits the scope of this review.
- Campaigns will be able to observe the State Review Board process.

Cybersecurity program

- Requires the division to adopt regulations for a cybersecurity program to protect records from hackers and data breaches.
- The program will include cybersecurity training for elections officials.

Synthetic Media

- Prohibits the use of undisclosed synthetic media (commonly known as “deepfakes”) to influence elections.
- It also provides that someone defamed by an election related deepfake may seek injunctive relief.
- Any electioneering communication that uses synthetic media must include a disclosure statement: “This image/video/audio) has been manipulated.”

“Synthetic media” means an image, audio recording, or video recording of an individual’s appearance, speech, or conduct that is manipulated by artificial intelligence in a manner that creates a realistic but false image, audio recording, or video recording procedures.

Repeal the requirement for APOC to have offices in every Senate district

- Current law requires the Alaska Public Offices Commission to have offices in every Senate district.
- They have never had the funding level to meet this requirement.
- This bill replaces this requirement with a requirement that they make reports available on their website.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

AMERICAN CIVIL LIBERTIES UNION
OF ALASKA, DUNLEAVY FOR
ALASKA and ERIC SIEBELS,

Plaintiffs,

v.

STATE OF ALASKA, and the STATE OF
ALASKA DEPARTMENT OF
TRANSPORTATION & PUBLIC
FACILITIES,

Defendants.

Case No. 3AN-18-08845 CI

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CLERK TRIAL COURTS
BY:
DEPUTY CLERK

STIPULATED FINAL JUDGMENT AND ORDER #6

IT IS ORDERED, ADJUDGED, AND DECREED that judgment is entered as follows:

1. The State of Alaska and the Department of Transportation & Public Facilities ("DOT&PF") are permanently enjoined from enforcing Alaska Statute 19.25.075-.180 against small, temporary, political campaign signs no larger than 32 square feet in size located on private property outside of any highway rights-of-way that are displayed by the owners or residents of the property without compensation for such display;

2. DOT&PF may continue to enforce A.S. 19.25.105 by removing unauthorized signs from highway rights-of-way without notice to sign owners, but when doing so shall treat all signs in an equal, content-neutral manner;

Codifying the ACLU of Alaska v. State of Alaska Settlement Terms

Alaska's billboard law bans advertising along state roads. In a 2018 settlement the state agreed not to enforce this ban against political signs 32 square feet or smaller on private property if the sign is not in a highway right of way or displayed for compensation.

This provision updates the statutes to codify these settlement terms.

Require Public Official Financial Disclosures for Redistricting Board members

- Redistricting Board members would be added to the list of officials who must file public official financial disclosures with APOC.
- Financial disclosures allow the public to know of any potential conflicts of interest.
- Dozens of boards already require financial disclosures.

Clarifies the Open Meetings Act applies to the Redistricting Board

- The OMA requires public notice for meetings and that decisions be made in public.
- In two different redistricting cycles, courts have ruled against the board's argument that it was not subject to the OMA.
- This will make it crystal clear in statute that the board must follow the OMA.

Allows voters to request to continue to sign-up to receive absentee by-mail for future elections

- The Division currently allows this for military and overseas voters.
- This bill would allow voters to continue to receive by-mail if they vote at least once every four years.
- Every absentee ballot returned will continue to be reviewed to ensure it is valid.

Codify language assistance requirements

- Federal law requires the state to provide language assistance for voting in certain languages.
- Currently Alaska provides assistance in 10 indigenous languages and dialects as well as Spanish and Tagalog.
- This bill requires that voters be able to request that election materials be mailed to them in any language for which the state is required to provide assistance.
- Information about the availability of language at polling where language assistance is available.





Questions?

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