

SENATE BILL NO. 52

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATOR HUGHES

Introduced: 1/24/25

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the day on which ballots are counted in an election; relating to
2 absentee voting; and relating to early voting."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 15.15.350(b) is amended to read:

5 (b) Except as provided in AS 15.15.370(b), all ballots shall [BALLOTS
6 MAY NOT] be tabulated and counted on or before 11:59 p.m. Alaska [8:00 p.m.,
7 LOCAL] time [,] on the day of the election.

8 * Sec. 2. AS 15.15.370 is amended to read:

9 Sec. 15.15.370. Completion of ballot count; ballot delivery; certificate.
10 When the count of ballots is completed, and [IN] no [EVENT] later than 11:59 p.m.
11 Alaska time on the day of [AFTER] the election, the election board shall make a
12 certificate in duplicate of the results. However, the director may delay the
13 certificate of the results in order to receive and count ballots delivered under (b)
14 of this section. The certificate includes the number of votes cast for each candidate,

including, for a candidate in a general election, the number of votes at each round of the ranked-choice tabulation process under AS 15.15.350, the number of votes for and against each proposition, yes or no on each question, and any additional information prescribed by the director. The election board shall, immediately upon completion of the certificate or as soon thereafter as the local mail service permits, send in one sealed package to the director one copy of the certificate and the register. In addition, all ballots properly cast shall be **delivered** [MAILED] to the director in a separate, sealed package. Both packages, in addition to an address on the outside, shall clearly indicate the precinct from which they come. Each board shall, immediately upon completion of the certification and as soon thereafter as the local mail service permits, send the duplicate certificate to the respective election supervisor. The director may authorize election boards in precincts in those areas of the state where distance and weather make mail communication unreliable to forward their election results by telephone or radio. The director may authorize the unofficial totaling of votes on a regional basis by election supervisors, tallying the votes as indicated on duplicate certificates. To ensure adequate protection, the director shall prescribe the manner in which the ballots, registers, and all other election records and materials are thereafter preserved, transferred, and destroyed.

* **Sec. 3.** AS 15.15.370 is amended by adding a new subsection to read:

(b) If ballots that were properly cast in an election are not delivered to the director on the day of the election as a result of weather or an aircraft mechanical issue, the ballots must be stored in a transparent, secured container in view of a video recording device. The ballots shall be delivered to the director on the first day possible after the weather improves or the aircraft mechanical issue is resolved.

* **Sec. 4.** AS 15.20.064(a) is amended to read:

(a) **Beginning** [FOR] 15 days before an election and **ending the Saturday immediately preceding the day of the** [ON] election [DAY], a qualified voter who meets the requirements set out in this section may vote in locations designated by the director.

* **Sec. 5.** AS 15.20.064(c) is amended to read:

(c) After the voter has marked the ballot, the voter shall place the ballot in the

1 secrecy sleeve and inform the election supervisor or other election official. The voter
 2 shall deposit the ballot in the ballot box in the presence of the election supervisor or
 3 other election official unless the voter requests the election supervisor or other election
 4 official to deposit the ballot on the voter's behalf. **Early voting ballots shall be**
 5 **tabulated not later than 11:59 p.m. Alaska** [THE TABULATION OF EARLY
 6 VOTING BALLOTS MAY NOT BEGIN BEFORE 8:00 p.m. PREVAILING] time on
 7 **the day of the** election [DAY].

8 * **Sec. 6.** AS 15.20.081(e) is amended to read:

9 (e) An absentee ballot must be marked on or before the **day** [DATE] of the
 10 election. **A** [EXCEPT AS PROVIDED IN (h) OF THIS SECTION, A] voter who
 11 returns the absentee ballot by mail, whether provided to the voter by mail or by
 12 electronic transmission, shall use a mail service at least equal to first class and mail the
 13 ballot [NOT LATER THAN THE DAY OF THE ELECTION] to the election
 14 supervisor for the house district in which the voter seeks to vote. **A** [EXCEPT AS
 15 PROVIDED IN AS 15.20.480, THE] ballot may not be counted **if** [UNLESS] it is
 16 received **after the day of** [BY THE CLOSE OF BUSINESS ON THE 10TH DAY
 17 AFTER] the election. If the ballot is postmarked, it must be postmarked on or before
 18 election day. [AFTER THE DAY OF THE ELECTION, BALLOTS MAY NOT BE
 19 ACCEPTED UNLESS RECEIVED BY MAIL.]

20 * **Sec. 7.** AS 15.20.081(h) is amended to read:

21 (h) **An** [EXCEPT AS PROVIDED IN AS 15.20.480, AN] absentee ballot
 22 returned by mail from outside the United States or from an overseas voter qualifying
 23 under AS 15.05.011 that has been marked and mailed not later than election day may
 24 not be counted unless the ballot is received by the election supervisor not later than the
 25 close of business on the

26 [(1) 10TH] day **of the** [FOLLOWING A PRIMARY] election [OR
 27 SPECIAL PRIMARY ELECTION UNDER AS 15.40.140; OR

28 (2) 15TH DAY FOLLOWING A GENERAL ELECTION OR
 29 SPECIAL ELECTION, OTHER THAN A SPECIAL PRIMARY ELECTION
 30 DESCRIBED IN (1) OF THIS SUBSECTION].

31 * **Sec. 8.** AS 15.20.081(k) is amended to read:

(k) The director shall send an absentee ballot and other voting material to an absent uniformed services voter or an overseas voter

(1) at least 60 days before an election if the voter submits an application to the division at least 60 days before an election; or

(2) at least 45 days before an election in [IN] accordance with 52 U.S.C. 20302(a)(8)(A) if the voter submits [42 U.S.C. 1973ff-1(a)(8)(A), IF] an application to the division [IS RECEIVED] at least 45 days before an election [AND IS FROM AN ABSENT UNIFORMED SERVICES VOTER OR AN OVERSEAS VOTER, THE DIRECTOR SHALL SEND AN ABSENTEE BALLOT AND OTHER VOTING MATERIAL TO THE APPLICANT NOT LATER THAN 45 DAYS BEFORE THE ELECTION].

* **Sec. 9.** AS 15.20.201(b) is amended to read:

(b) Counting of absentee ballots that have been reviewed shall conclude by 11:59 p.m. Alaska [BEGIN AT 8:00 p.m., LOCAL] time [,] on the day of the election at places designated by each election supervisor [AND SHALL CONTINUE UNTIL ALL ABSENTEE BALLOTS REVIEWED AND ELIGIBLE FOR COUNTING HAVE BEEN COUNTED]. The counting teams shall report the count of absentee ballots to the district absentee ballot counting board. An election supervisor or an election official may not count absentee ballots after 11:59 p.m. Alaska [BEFORE 8:00 p.m., LOCAL] time [,] on the day of the election. [COUNTING OF THE ABSENTEE BALLOTS SHALL CONTINUE AT TIMES DESIGNATED BY THE ELECTION SUPERVISOR UNTIL ALL ABSENTEE BALLOTS ARE COUNTED.]

* **Sec. 10.** AS 15.20.201(c) is amended to read:

(c) Not later than 11:59 p.m. Alaska time on the [15TH DAY FOLLOWING THE] day of the election, the district absentee ballot counting board shall certify the absentee ballot review.

* **Sec. 11.** AS 15.20.203(b) is amended to read:

(b) An absentee ballot may not be counted if

- (1) the voter has failed to properly execute the certificate;
- (2) an official or the witnesses authorized by law to attest the voter's certificate fail to execute the certificate, except that an absentee ballot cast in person

1 and accepted by an absentee voting official or election supervisor may be counted
 2 despite failure of the absentee voting official or election supervisor to properly sign
 3 and date the voter's certificate as attesting official as required under AS 15.20.061(c);

4 (3) the ballot is not attested on or before the day [DATE] of the
 5 election;

6 (4) the ballot, if postmarked, is not postmarked on or before the day
 7 [DATE] of the election;

8 (5) the ballot is received after the day of the election [, THE
 9 BALLOT WAS DELIVERED BY A MEANS OTHER THAN MAIL]; or

10 (6) the voter voted

11 (A) in person and is a

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

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

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

29 (i) driver's license, state identification card, current and
 30 valid photo identification, birth certificate, passport, or hunting or
 31 fishing license; or

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

* **Sec. 12.** AS 15.20.220(b) is amended to read:

(b) The state review board shall review and count absentee ballots under AS 15.20.081(e) [AND (h)] and questioned ballots that have been forwarded to the director and that have not been reviewed or counted by a district counting board.

* **Sec. 13.** AS 15.20.480 is amended to read:

Sec. 15.20.480. Procedure for recount. In conducting the recount, the director shall review all ballots, whether the ballots were counted at the precinct or by computer or by the district absentee counting board or the questioned ballot counting board, to determine which ballots, or part of ballots, were properly marked and which ballots are to be counted in the recount, and shall check the accuracy of the original count, the precinct certificate, and the review. The director shall count absentee ballots received on or before the day of the election [COMPLETION OF THE RECOUNT]. For administrative purposes, the director may join and include two or more applications in a single review and count of votes. The rules in AS 15.15.360 governing the counting of ballots shall be followed in the recount when a ballot is challenged on the basis of a question regarding the voter's intent to vote for the candidate, proposition, or question. The ballots and other election material must remain in the custody of the director during the recount, and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within 10 days. The director may employ additional personnel necessary to assist in the recount.