

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****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to elections; relating to voters; relating to the crimes of unlawful
2 interference with an election, election fraud, and election official misconduct; and
3 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 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

(B) a physical or electronic copy of

(i) identification issued by the federal government, the state, a municipality, a tribal government, or a secondary or postsecondary school that displays the applicant's Alaska residence address; or

(ii) a utility bill, bank statement, government check, paycheck, or other government document that is dated not more than 60 days before the registration or reregistration and displays the applicant's name and Alaska residence address; and

(14) an acknowledgment of understanding by the applicant that, if

the applicant has previously been registered to vote in another jurisdiction, the director will notify the chief elections officer of that jurisdiction that the applicant has registered to vote in this state and request the applicant's voter registration be canceled in that jurisdiction.

* **Sec. 3.** AS 15.07.060 is amended by adding a new subsection to read:

(g) The director shall provide an applicant the opportunity to designate, from among the written languages in which the division is required to print election materials under 52 U.S.C. 10503, as amended, the language in which the applicant prefers to receive ballots and other election materials printed for an election. If an applicant designates a written language, the director shall provide the applicant with ballots and election materials in the applicant's designated language. If an applicant designates a written language in which the division is not required under 52 U.S.C. 10503, as amended, to print ballots and election materials, the director shall notify the applicant that ballots and election materials printed in that language are not available and allow the applicant another opportunity to designate a language under this subsection. The division shall provide an applicant who designates a language under this subsection with ballots and election materials in that language until the earlier of the date that

(1) the applicant's voter registration is inactivated or cancelled; or

(2) the division is no longer required under 52 U.S.C. 10503, as amended, to print ballots and election materials in the requested language.

1 * **Sec. 4.** AS 15.07.070(d) is amended to read:

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

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

13 (h) The director shall design the form of the voter's certificate appearing on
14 the envelope that is used for voting an absentee in-person, **special needs**, or
15 questioned ballot so that **a voter's choice to register as nonpartisan, as undeclared,**
16 **or as affiliated with a political party or political group and** all information required
17 for registration by AS 15.07.060(a) may be obtained from a voter who votes an
18 absentee in-person, **special needs**, or questioned ballot. If the voter voting an absentee
19 in-person, **special needs**, or questioned ballot has completed all information on the
20 voter registration portion of the absentee in-person, **special needs**, or questioned ballot
21 voter's certificate, the director shall place the name of the voter on the official
22 registration list.

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

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

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

30 (c) The director shall transfer the registration of a voter from one precinct to
31 another within a house district when requested by the voter. **If a** [THE] request **is**

[SHALL BE] made within 30 [OR MORE] days before [THE] election day, a person who has moved to a new precinct may vote only an absentee in-person, special needs, or questioned ballot. The director shall transfer the registration of a voter from one house district to another when requested by the voter. The voter must reside in the new house district for at least 30 days in order to vote a ballot for that district.

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

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

* **Sec. 9.** AS 15.07.130(e) is amended to read:

(e) For purposes of (b) and (d) of this section, a voter "appears to vote" if
(1) the voter is present at a polling place or at an early [ABSENTEE] voting station designated under AS 15.20.045(b) at a time when the polling place or early [ABSENTEE] voting station is operating, for the purpose of casting a vote;
(2) the voter applies to the division to obtain an absentee ballot; or
(3) in an election conducted by mail under AS 15.20.800, a voter who has not received a ballot by mail makes a timely request to the division for a ballot.

* **Sec. 10.** AS 15.07.130 is amended by adding a new subsection to read:

(g) The division shall adopt regulations providing for regular review and updates of the master register. The regulations must provide for review of the register for data breaches, the number of registered voters compared to eligible voters, and the names of deceased voters, persons convicted of a felony involving moral turpitude,

1 persons not qualified to vote under AS 15.05, and persons registered to vote in another
2 state. The regulations must specify records and databases for use in reviewing the
3 master register; the records and databases may include the United States Postal
4 Service national change of address database, an electronic registration information
5 center dedicated to improving the integrity of voter rolls and maintained by a nonprofit
6 membership organization of which the state is a member, state motor vehicle records,
7 records of the state programs of corrections, property and sales tax records, records of
8 the federal social security system, and jury duty records.

9 * **Sec. 11.** AS 15.07 is amended by adding a new section to read:

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

14 * **Sec. 12.** AS 15.10.170 is amended to read:

15 **Sec. 15.10.170. Appointment and privileges of watchers.** (a) In a general
16 election, special election, or special primary election, a [THE] precinct party
17 committee, where an organized precinct committee exists, or the party district
18 committee where no organized precinct committee exists, or the state party
19 chairperson where neither a precinct nor a party district committee exists, may appoint
20 one or more [PERSONS AS] watchers in each precinct and counting center [FOR
21 ANY ELECTION]. A [EACH] candidate may appoint one or more watchers for each
22 precinct or counting center in the candidate's respective district or the state [FOR
23 ANY ELECTION]. Any organization or organized group that sponsors or opposes an
24 initiative, referendum, or recall may have one or more [PERSONS AS] watchers at the
25 polls and counting centers after first obtaining authorization from the director. A state
26 party chairperson, a precinct party committee, a party district committee, or a
27 candidate may not have more than one watcher on duty at a time in any precinct or
28 counting center. [A WATCHER MUST BE A UNITED STATES CITIZEN. THE
29 WATCHER MAY BE PRESENT AT A POSITION INSIDE THE PLACE OF
30 VOTING OR COUNTING THAT AFFORDS A FULL VIEW OF ALL ACTION OF
31 THE ELECTION OFFICIALS TAKEN FROM THE TIME THE POLLS ARE

1 OPENED UNTIL THE BALLOTS ARE FINALLY COUNTED AND THE
2 RESULTS CERTIFIED BY THE ELECTION BOARD OR THE DATA
3 PROCESSING REVIEW BOARD. THE ELECTION BOARD OR THE DATA
4 PROCESSING REVIEW BOARD MAY REQUIRE EACH WATCHER TO
5 PRESENT WRITTEN PROOF SHOWING APPOINTMENT BY THE PRECINCT
6 PARTY COMMITTEE, THE PARTY DISTRICT COMMITTEE, THE
7 ORGANIZATION OR ORGANIZED GROUP, OR THE CANDIDATE THE
8 WATCHER REPRESENTS.]

9 (b) In [ADDITION TO THE WATCHERS APPOINTED UNDER (a) OF
10 THIS SECTION, IN] a primary election [OR SPECIAL PRIMARY ELECTION OR
11 SPECIAL ELECTION UNDER AS 15.40.140], each candidate may appoint one or
12 more watchers for [WATCHER IN] each precinct and counting center in the
13 candidate's respective district or the state. An organization or organized group
14 that sponsors or opposes a ballot proposition or recall may have one or more
15 watchers at the polls and counting centers after first obtaining authorization
16 from the director.

17 * **Sec. 13.** AS 15.10.170 is amended by adding a new subsection to read:

18 (c) A watcher appointed under this section may be present at a position inside
19 the place of voting or counting that affords a full view of all action of the election
20 officials taken from the time the polls are opened until the ballots are finally counted
21 and the results certified by the election board or the data processing review board. The
22 election board or the data processing review board may require each watcher to
23 present written proof showing appointment by the respective precinct party committee,
24 party district committee, organization or organized group, or candidate the watcher
25 represents that is signed by the respective chairperson of the precinct party committee,
26 party district committee, state party chairperson, organization or organized group, or
27 candidate. A watcher must be a United States citizen.

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

29 (18) The director shall by regulation require that an official ballot
30 include a watermark, seal, or other identifier. Unless the director provides for a limited
31 exception in regulation, the division may not count a ballot that does not include the

1 identifier.

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

3 **Sec. 15.15.055. Ballot security and chain of custody.** (a) The director shall
4 provide by regulation for a system for ballot security and chain of custody to account
5 for the original of each used and unused ballot, absentee ballot certificate and
6 envelope, and the paper record of an electronically generated ballot under
7 AS 15.15.032 through a redundant, secure, and sealed system that accounts for the
8 location and entity that has custody of a ballot or record from the time the ballot is
9 printed or paper record produced, until 22 months after the applicable election is
10 certified under AS 15.15.450. The system must include, for each ballot that leaves the
11 division's immediate custody, an envelope-based barcode or other mechanism
12 sufficient to account for ballot chain of custody at all times the ballot is outside
13 division custody. The division shall continually update the system adopted under this
14 section to ensure that state election practices and procedures are consistent with best
15 practices and procedures and protect the integrity of state elections held under this
16 title.

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

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

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

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

1 jurisdiction under federal law.

2 * **Sec. 17.** AS 15.15.210 is amended to read:

3 **Sec. 15.15.210. Questioning of voters of suspect qualification; questioned**
4 **ballot procedures.** Every election official shall question, and every watcher and any
5 other person qualified to vote in the precinct may question, a person attempting to vote
6 if the questioner has good reason to suspect that the questioned person is not qualified
7 under AS 15.05. All questions regarding a person's qualifications to vote shall be
8 made in writing setting out the reason the person has been questioned. A questioned
9 person shall **complete the declaration required under (b) of this section** [,
10 BEFORE VOTING, SUBSCRIBE TO A DECLARATION IN A FORM PROVIDED
11 BY THE DIRECTOR ATTESTING TO THE FACT THAT IN EACH
12 PARTICULAR THE PERSON MEETS ALL THE QUALIFICATIONS OF A
13 VOTER, IS NOT DISQUALIFIED, AND HAS NOT VOTED AT THE SAME
14 ELECTION, AND CERTIFYING THAT THE PERSON UNDERSTANDS THAT A
15 FALSE STATEMENT ON THE DECLARATION MAY SUBJECT THE PERSON
16 TO PROSECUTION FOR A MISDEMEANOR UNDER THIS TITLE OR AS 11.
17 AFTER THE QUESTIONED PERSON HAS EXECUTED THE DECLARATION,
18 THE PERSON MAY VOTE]. If the questioned person refuses to execute the
19 declaration, the person may not vote.

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

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

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

29 (a) A voter who casts a questioned ballot shall vote the ballot in the same
30 manner as prescribed for other voters. The voter shall insert the ballot into a secrecy
31 sleeve and put the secrecy sleeve into an envelope on which the **declaration required**

1 **by AS 15.15.210** [STATEMENT THE VOTER PREVIOUSLY SIGNED] is located.
2 The envelope shall be sealed and deposited in the ballot box. When the ballot box is
3 opened, the envelopes shall be segregated, counted, compared to the voting list, and
4 delivered to the official or body supervising the election. The merits of the question
5 shall be determined by this official or body in accordance with the procedure
6 prescribed for questioned votes in AS 15.20.207.

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

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

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

19 * **Sec. 21.** AS 15.20.020 is amended to read:

20 **Sec. 15.20.020. Provision for general administrative supervision.** The
21 director shall provide general administrative supervision over the conduct of absentee
22 voting. The director shall make available instructions to absentee voters regarding the
23 procedure for absentee voting **and the online system for tracking absentee ballots.**

24 * **Sec. 22.** AS 15.20.030 is amended to read:

25 **Sec. 15.20.030. Preparation of ballots, envelopes, and other material.** The
26 director shall provide ballots for use as absentee ballots in all districts. The director
27 shall provide a secrecy sleeve in which the voter shall initially place the marked ballot,
28 and shall provide **a postage-paid return** [AN] envelope with the prescribed voter's
29 certificate on it, in which the secrecy sleeve with ballot enclosed shall be placed. The
30 director shall prescribe the form of and prepare the voter's certificate, envelopes, and
31 other material used in absentee voting. The voter's certificate shall include a

1 declaration, for use when required, that the voter is a qualified voter in all respects, a
2 blank for the voter's signature, a certification that the affiant properly executed the
3 marking of the ballot and gave the voter's identity, blanks for the attesting official [OR
4 WITNESS], and a place for recording the date the envelope was sealed and witnessed.
5 The envelope with the voter's certificate must include a notice that false statements
6 made by the voter or by the attesting official [OR WITNESS] on the certificate are
7 punishable by law.

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

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

17 (1) the location is no longer available for use as an early voting
18 station; or

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

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

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

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

30 (d) The director shall appoint one or more registration officials to serve in
31 each early voting station in all elections during the hours the early voting stations are

1 open. An election official appointed under AS 15.10 may also serve as a registration
2 official.

3 * **Sec. 26.** AS 15.20.050 is amended to read:

4 **Sec. 15.20.050. Requirement of full public notice.** The director shall give full
5 public notice of the dates and manner of voting absentee and may select any means of
6 communication permitted to be used in giving notice of the date and time of the
7 general election. The director shall give notice under this section of the location of
8 early [ABSENTEE] voting stations designated under AS 15.20.045(b) at least 45
9 days before each election.

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

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

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

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

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

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

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

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

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

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

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

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

31 (e) If a voter's eligibility to vote cannot be verified by the election supervisor

1 or other election official under (b) of this section, the voter shall vote an absentee
2 ballot in the manner provided in AS 15.20.061.

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

4 **Sec. 15.20.068. Application for absentee ballot.** The division shall provide an
5 absentee ballot application by mail when an eligible voter expressly requests an
6 application. An application may be sent to a voter only by United States mail and only
7 by the division, an officially registered candidate, a recognized political party, or a
8 group sponsoring a ballot measure. The division, an officially registered candidate, a
9 recognized political party, or a group sponsoring a ballot measure may not fill out a
10 part of an absentee ballot application for a voter. An application must prominently
11 display who sent the application and prominently display "Application only/Not a
12 ballot" on the exterior address side of the envelope.

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

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

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

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

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

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

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

25 (b) An application requesting delivery of an absentee ballot to the applicant by
26 mail must be received by the division of elections not less than 10 days before the
27 election for which the absentee ballot is sought. An application for an absentee ballot
28 for a state election from a qualified voter requesting delivery of an absentee ballot to
29 the applicant by electronic transmission must be received by the division of elections
30 not later than 5:00 p.m. Alaska time on the day before the election for which the
31 absentee ballot is sought. An absentee ballot application submitted by mail under this

1 section must permit the person to register to vote under AS 15.07.070, to declare an
2 affiliation under AS 15.07.075, if any, and to request an absentee ballot for each state
3 election held within that calendar year for which the voter is eligible to vote. An
4 absentee ballot application submitted by electronic transmission under this section
5 shall [MAY NOT] include a provision that permits a person to register to vote under
6 AS 15.07.070.

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

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

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

26 (e) An absentee ballot must be marked on or before the date of the election.
27 Except as provided in (h) of this section, a voter who returns the absentee ballot by
28 mail, whether provided to the voter by mail or by electronic transmission, shall use a
29 mail service at least equal to first class and mail the ballot not later than the day of the
30 election to the election supervisor for the house district in which the voter seeks to
31 vote. Except as provided in AS 15.20.480, the ballot may not be counted unless it is

1 received by the close of business on the 10th day after the election. [IF THE BALLOT
2 IS POSTMARKED, IT MUST BE POSTMARKED ON OR BEFORE ELECTION
3 DAY.] After the day of the election, ballots may not be accepted unless received by
4 mail. A ballot received after the day of the election that is not postmarked or is
5 postmarked after the day of the election may not be accepted unless the ballot
6 envelope is marked with a United States Postal Service tracking barcode
7 sufficient to verify that the ballot was mailed on or before the day of the election.

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

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

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

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

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

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

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

30 * **Sec. 37.** AS 15.20.201(b) is amended to read:

31 (b) Counting of absentee ballots that have been reviewed shall begin not

1 **fewer than seven days preceding** [AT 8:00 p.m., LOCAL TIME, ON] the day of the
2 election at places designated by each election supervisor and shall continue until all
3 absentee ballots reviewed and eligible for counting have been counted. The counting
4 teams shall report the **first** count of absentee ballots to the district absentee ballot
5 counting board **not later than** [. AN ELECTION SUPERVISOR OR AN ELECTION
6 OFFICIAL MAY NOT COUNT ABSENTEE BALLOTS BEFORE] 8:00 p.m., local
7 time, on the day of the election. Counting of the absentee ballots shall continue at
8 times designated by the election supervisor until all absentee ballots are counted.

9 * **Sec. 38.** AS 15.20.203(a) is amended to read:

10 (a) The district absentee ballot counting board shall examine each absentee
11 ballot envelope and shall determine whether the absentee voter is qualified to vote at
12 the election, **whether the signature on the certificate is consistent with the voter's**
13 **signature in voter registration records,** and whether the absentee ballot has been
14 properly cast.

15 * **Sec. 39.** AS 15.20.203(b) is amended to read:

16 (b) An absentee ballot may [NOT] be **rejected** [COUNTED] if
17 (1) the voter has failed to properly **sign** [EXECUTE] the certificate;
18 (2) [AN OFFICIAL OR THE WITNESSES AUTHORIZED BY LAW
19 TO ATTEST THE VOTER'S CERTIFICATE FAIL TO EXECUTE THE
20 CERTIFICATE, EXCEPT THAT AN ABSENTEE BALLOT CAST IN PERSON
21 AND ACCEPTED BY AN ABSENTEE VOTING OFFICIAL OR ELECTION
22 SUPERVISOR MAY BE COUNTED DESPITE FAILURE OF THE ABSENTEE
23 VOTING OFFICIAL OR ELECTION SUPERVISOR TO PROPERLY SIGN AND
24 DATE THE VOTER'S CERTIFICATE AS ATTESTING OFFICIAL AS REQUIRED
25 UNDER AS 15.20.061(c);

26 (3)] the **certificate** [BALLOT] is not **signed** [ATTESTED] on or
27 before the date of the election;

28 **(3)** [(4)] the ballot **envelope**, if **delivered by mail after the day of the**
29 **election** [POSTMARKED],

30 **(A)** is not postmarked on or before the date of the election; **or**
31 **(B) does not have a United States Postal Service tracking**

1 **barcode sufficient to verify that the ballot was mailed on or before the day**
2 **of the election;**

3 **(4) [(5)]** after the day of election, the ballot was delivered by a means
4 other than mail; [OR]

5 **(5) [(6)]** the voter voted

6 (A) in person and is a

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

14 (ii) voter other than one described in (i) of this
15 subparagraph, did not provide identification described in
16 AS 15.15.225(a), was not personally known by the election official,
17 and has not provided the identifiers required in AS 15.07.060(a)(2) and
18 (3); or

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

24 (i) driver's license, state identification card, current and
25 valid photo identification, birth certificate, passport, or hunting or
26 fishing license; or

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

31 **(6) the signature on the certificate is not consistent with the voter's**

signature in voter registration records.

* **Sec. 40.** AS 15.20.203 is amended by adding a new subsection to read:

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

* Sec. 41. 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), **absentee ballots properly cured under AS 15.20.222**, and questioned ballots that have been forwarded to the director and that have not been reviewed or counted by a district counting board.

* Sec. 42. AS 15.20 is amended by adding new sections to read:

Sec. 15.20.221. Ballot tracking system. (a) The director shall establish an online system, available through the division's Internet website, through which a voter may

- (1) confirm that the voter's ballot has been sent by the division;
- (2) track the date of the ballot's delivery to the voter;
- (3) confirm the division's receipt of the voter's ballot;
- (4) determine whether the voter's certificate has been reviewed;
- (5) determine whether the voter's ballot has been counted.

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

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

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

(c) The online system established under (a) of this section must allow an election official access to the names and political affiliations of all persons

(1) named on the master register, including those persons whose voter registrations are inactivated under AS 15.07.130(b); and

(2) whose names must be placed on the official registration list under AS 15.07.070(c) or (d).

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

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

Sec. 15.20.222. Procedure for curing uncounted ballot. (a) If a voter returns a ballot and the voter does not have a signature stored in voter registration records, the certificate is missing a signature, the signature on the certificate is determined under AS 15.20.203 to not match the signature in voter registration records, or the ballot is rejected under AS 15.20.203(b)(5), the director shall immediately make a reasonable effort to contact the voter, explain the ballot deficiency, explain how the deficiency may be cured, and inform the voter of the deadline to cure the ballot. The director shall, within 48 hours, but in no event later than two days after election day, send a notice of deficiency by first class, non-forwardable mail to the address indicated in the voter's registration record and by electronic mail to the voter's electronic mail address if the voter has provided an electronic mail address. If the voter has provided a telephone number, the director shall attempt to notify the voter of the deficiency by telephone call or text message to the voter's telephone number.

(b) A notice of deficiency must include an explanation of the need for a signature for verification purposes. The notice must include a form for the voter to confirm that the voter returned a ballot to the division, provide a copy of a form of identification accepted by the division under AS 15.15.225(a), and provide a signature for verification. The director shall provide a printed copy of the form with the notice of deficiency mailed to the voter. The director shall also make the form available in a

format that can be completed and returned electronically.

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

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

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

(3) the ballot is otherwise valid.

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

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

* Sec. 43. AS 15.20.800(a) is amended to read:

(a) The director may conduct an election, other than a general, statewide, or federal election, by mail

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

(2) in a second class city with a population of 1,000 or less, upon the governing body's request;

(3) in a second class borough with a population of 3,000 or less, upon the governing body's request;

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

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

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

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

(5) if it is held at a time other than when the general, party primary, or municipal election is held.

* **Sec. 44.** AS 15.20.900 is amended by adding new subsections to read:

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

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

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

* Sec. 45. AS 15.20.910 is amended to read:

Sec. 15.20.910. Standards for voting machines and vote tally systems. The director may approve a voting machine or vote tally system for use in an election in the state upon consideration of factors relevant to the administration of state elections, including whether the Federal Election Commission has certified the voting machine or vote tally system to be in compliance with the voting system standards approved by the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America Vote Act of 2002). The director may only approve a voting machine or vote tally system if the machine or system **has open-source software technology and** satisfies the requirements of AS 15.15.032(c). **In this section, "open-source software technology" means the complete source code for the software is available to the public, under the terms of a license, to use, modify, or distribute freely without payment of royalties or other consideration.**

* **Sec. 46.** AS 15.56.030(d) is amended to read:

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

2 (1) includes

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

7 (B) government employment or benefits;

8 (2) does not include

9 (A) materials having a nominal value bearing the name,
10 likeness, or other identification of a candidate, political party, political group,
11 party district committee, or organization, or stating a position on a ballot
12 proposition or question;

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

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

20 (D) services provided by a person acting as a representative
21 under AS 15.20.072;

22 (E) services provided by an election official as defined in
23 AS 15.80.010; [AND]

24 (F) transportation of a voter to or from the polls without
25 charge; and

26 (G) postage-paid return envelopes required in
27 AS 15.20.030.

28 * **Sec. 47.** AS 15.56.040(a) is amended to read:

29 (a) A person commits the crime of voter misconduct in the first degree if the
30 person

31 (1) votes or attempts to vote in the name of another person or in a

1 name other than the person's own;

2 (2) votes or attempts to vote more than once at the same election with
3 the intent that the person's vote be counted more than once;

4 (3) intentionally makes a false affidavit, swears falsely, or falsely
5 affirms under an oath required by this title;

6 (4) knowingly votes or solicits a person to vote after the polls are
7 closed with the intent that the vote be counted; **or**

8 **(5) votes or attempts to vote in the name of another person who is**
9 **cognitively unable to express that person's vote.**

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

11 (a) A person commits the crime of unlawful interference with an election if
12 the person

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

15 (2) intentionally changes, attempts to change, or causes to be changed
16 an official election document including ballots, tallies, and returns;

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

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

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

25 (B) prints or reproduces or has printed or reproduced official
26 ballots in a form or with a content other than that prescribed by law or as
27 directed by the director; **or**

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

31 **(6) intentionally breaches, hacks, alters, or tampers with election**

1 machinery, including a tabulator, a program, a system, a server, or software used
2 to verify identity, count or tabulate, or manage or control an election function.

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

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

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

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

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

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

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

15 (3) intentionally conceals, withholds, destroys, or attempts to conceal,
16 withhold, or destroy election returns; or

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

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

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

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

24 **Sec. 15.80.006. Cybersecurity.** The director shall, by regulation, provide for a
25 cybersecurity program to defend the voter registration records kept by the division
26 against cyber attacks and data breaches and enable the division to detect and recover
27 from cyber attacks. The program must include cybersecurity training for election
28 officials.

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

30 **Sec. 15.80.009. Election worker minimum compensation.** The division shall
31 pay not less than

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

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

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

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

(5) \$15.00 an hour to ballot tabulation coordinators, polling place field workers, individuals appointed as personal representatives, and absentee and questioned ballot processors for time spent performing their election duties;

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

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

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

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

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

* **Sec. 56.** AS 15.20.203(i), 15.20.203(j); and AS 29.26.050(a)(3) are repealed.

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

APPLICABILITY. AS 15.56.030(d), as amended by sec. 46 of this Act,

1 AS 15.56.040(a), as amended by sec. 47 of this Act, AS 15.56.060(a), as amended by sec. 48
2 of this Act, AS 15.56.065, enacted by sec. 49 of this Act, and AS 15.56.070(a), as amended
3 by sec. 50 of this Act, apply to offenses committed on or after the effective date of secs. 46 -
4 50 of this Act.

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

7 TRANSITION: REGULATIONS. The Department of Revenue and the division of
8 elections may adopt regulations necessary to implement the changes made by this Act. The
9 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
10 effective date of the law implemented by the regulation.

11 * **Sec. 59.** Section 45 of this Act takes effect January 1, 2028.

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

13 * **Sec. 61.** Except as provided in secs. 59 and 60 of this Act, this Act takes effect January 1,
14 2023.