



CSSB39 (JUD): Strengthening Public Confidence in Alaska's Elections Systems

The current working draft of SB 39 strengthens Alaska's election infrastructure and protects the integrity of its election systems by ensuring the voter roll is accurate and ballots and election equipment are tracked and protected. Eligible voters will benefit from greater access to cast their ballot and higher confidence that their ballots will count and the results of the election will be accurate. At a time of profound suspicion and distrust in the foundations of American democracy, SB 39 delivers voters security, integrity, transparency, confidence, and access.

Strengthening Election Security, Transparency, and Accuracy

The bill as a whole strengthens the integrity of Alaska elections and layers in greater transparency and accountability, but several sections of the bill stand out as model provisions for a modern, secure election system. Specifically the bill:

- **Strengthens voter list maintenance**, so that only eligible, registered voters can cast ballots. (Sections 10 and 11).
- **Protects ballots and election equipment** with strong chains of custody and special, secure paper that can be tracked and verified through the process. (Sections 14 and 15).
- **Verifies the accuracy of the count** by creating routine risk-limiting audits. These audits are a best practice, an essential part of ensuring election outcomes reflect voters' choices and reinforcing public confidence in the results. (Section 20).
- **Secures the accuracy of the count** by establishing strict protocols for electronic tabulators. (Section 44).
- **Creates a cybersecurity program** to train and equip elections officials to defend the election system. (Section 52).
- **Creates an election offense hotline**. The hotline could facilitate detection of issues, offering confidence that they will be identified and addressed. (Sections 15 and 16).

Building Public Confidence

The cornerstone of a fair election that people can trust is the ability of an eligible person to vote and make sure their vote counts. SB 39 protects election integrity and builds public

confidence in the system by replacing the access-limiting notary requirement with robust signature matching, ballot tracking, and cure. Specifically, the bill:

- **Creates comprehensive ballot tracking** so people who vote by mail can be sure their vote was received and counted. Voters whose ballots are not counted will be notified of the reason and instructed on the action they may take to rectify the issue. While particularly important to each absentee voter, the system should build confidence for voters, candidates, and election observers. (Section 42).
- **Enables voters to cure minor issues with their ballot certificates, which increases both security and fairness.** Voters who return their ballots on time should not face rejection of their ballot simply because they forgot to sign the certificate, or because an election official decided their signature on the certificate was not sufficiently consistent with their ones on file. Under existing law, these voters' ballots would be rejected without an opportunity for the voter to verify that they've cast the ballot and to address the issue. A strong cure process enables election officials to confirm with the voter that the returned ballot was indeed cast by them and enables the voter to make sure their ballot counts. A total of 30 states now have a uniform, statewide cure process in place, including rural western states like Arizona, Montana, North Dakota, Texas and Utah.¹ Polling proves voters recognize the fairness and security inherent in cure opportunities, with huge majorities of both Republicans and Democrats supporting.² SB 39 creates a strong, uniform cure process, although Secure Democracy has offered technical amendments to ensure it fulfills its purpose. (Section 42).
- **Requires robust signature matching**, which is a standard, trusted method of verifying a mail ballot was cast by the voter to whom it was sent. Signature matching is used by many states across the country, including similarly rural states as Arizona, Idaho, Montana, Nevada, North Dakota, South Dakota, and Utah. SB 39 requires election officials to receive training on signature matching, facilitates uniformity by requiring the use of automated signature matching equipment, and requires the director of the Division of Elections to specify a uniform, strong process to ensure that the signature on the ballot certificate is consistent with the voter's signature in registration records. (Sections 33, 38-40).

¹ Arizona, California, Colorado, Florida, Georgia, Hawaii, Iowa, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, and the District of Columbia.

² Global Strategy Group & Voting Rights Lab. (2020). *December 2020 Poll of General Election Voters* [801 voters who voted in the 2020 November general election]. (92% of those polled — including 85% of self-identified Republicans — support a cure process whereby voters are notified of issues with their absentee ballot and provided with an opportunity to fix the issue.)

Making Elections More Fair

SB 39 delivers elections fairness with provisions that enhance the security and integrity of the election process while maintaining voter access. As a result, they protect access and they make elections fair. Specifically, the bill:

- **Allows all eligible citizens to participate by ensuring voters who register close to Election Day late registrants' have their eligibility verified before their votes are counted.** Voter registration is an effective way to ensure the eligibility of all participants, but the current 30 day deadline to register before an election does nothing other than deny eligible citizens the opportunity to vote.³ Modern election technology and processes allow election officials to accurately verify a voter's eligibility much faster than in the past. Under the bill, voters who register within 30 days of an election would cast special ballot types that enable election officials to verify the person's eligibility before counting their ballot. Many states already have the policies that SB 39 would enact, including Idaho, Montana, Utah, Nevada, Wisconsin and Michigan. (Sections 1-2, 4-8, 17-20, 25, 28-29, and 55).
- **Provides language assistance for voters who need it.** Eligible voters cannot meaningfully participate if they cannot understand the ballot. The bill fulfills the federal requirement to offer ballots and election materials in certain languages by facilitating both the Division's ability to identify which voters need ballots in which language, and voters' ability to access language services. (Sections 3, 16, and 35).
- **Enables voters to receive an absentee ballot for each election** by establishing a list of voters who have requested the service. Some voters know they will always be unable to vote in person at a polling location, such as voters with disabilities, military voters and their families and others. Other voters simply prefer the privacy and simplicity of mail voting. (Section 35).

Secure Democracy USA supports this important legislation which, if enacted, would achieve the oft-stated goal of restoring public confidence in our elections by modernizing security and accountability measures, protecting access for eligible voters, and increasing transparency in the process.

³ North Dakota does not require people to register to vote. People who wish to participate show ID to verify their eligibility and are given a ballot.