

CS FOR HOUSE BILL NO. 150()

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE KREISS-TOMKINS

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring state and local elections that the state conducts to be conducted by**
2 **mail; requiring certain vote-by-mail ballots and election materials to be provided in**
3 **certain written languages other than English; establishing an online ballot tracking and**
4 **registration verification system; establishing vote centers, ballot drop boxes, and ballot**
5 **tabulation centers; eliminating the use of precincts, polling places, absentee ballots, and**
6 **questioned ballots in certain elections; establishing new elections offenses; and providing**
7 **for an effective date."**

8 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

9 *** Section 1.** AS 15.07.060 is amended by adding new subsections to read:

10 (g) The director shall provide every applicant for registration or reregistration
11 the opportunity to designate, from among the written languages in which the division
12 is required to print election materials under 52 U.S.C. 10503, as amended, the
13 language in which the applicant prefers to receive ballots and other election materials

1 printed for an election held under AS 15.20.800 - 15.20.895. If an applicant requests
2 that ballots and election materials be printed in an applicable language, the director
3 shall provide the applicant with ballots and election materials in the applicant's
4 selected language under AS 15.20.805. If an applicant requests ballots and election
5 materials in a written language in which the division is not required under 52 U.S.C.
6 10503, as amended, to print ballots and election materials, the director shall notify the
7 applicant that ballots and election materials printed in that language are not available
8 and allow the applicant another opportunity to select a language under this subsection.
9 An applicant who does not indicate a language preference shall be provided with
10 ballots and election materials printed in English. The division shall provide an
11 applicant who has made a request under this subsection with ballots and election
12 materials in the applicant's selected language until the earlier of the date that

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

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

16 (h) The division shall provide the option for each applicant who requests
17 registration or reregistration under this section to provide an electronic mail address,
18 telephone number, or both to contact the individual regarding a defect in a ballot cast
19 by the individual under AS 15.20.800 - 15.20.895 or if the ballot is otherwise
20 challenged.

21 * **Sec. 2.** AS 15.15 is amended by adding a new section to read:

22 **Sec. 15.15.455. Risk-limiting audits.** (a) In addition to the ballot counting
23 review conducted under AS 15.15.420 - 15.15.440 and AS 15.20.845(g), after each
24 state election but before the certification of the ballot counting review under
25 AS 15.15.450, the director shall conduct a risk-limiting audit of selected election
26 results. The audit must be designed using statistical methods to limit the risk of
27 certification of an election result that is inconsistent with the result that would be
28 obtained by conducting a recount.

29 (b) The director shall adopt regulations necessary to implement and administer
30 (a) of this section. The regulations must include a procedure for selecting which
31 election results to audit. In adopting regulations under this subsection, the director

1 shall consult recognized statistical experts, equipment vendors, and municipal clerks
2 and shall consider best practices for conducting risk-limiting election audits.

3 * **Sec. 3.** AS 15.20.800 is repealed and reenacted to read:

4 **Sec. 15.20.800. Voting by mail.** The director shall conduct by mail

5 (1) a state primary, general, special, or special runoff election to

6 (A) select, nominate, or elect a governor, a lieutenant governor,
7 an acting governor, a state senator, or a state representative;

8 (B) retain or reject a justice or judge seeking retention in office
9 under art. IV, Constitution of the State of Alaska, and AS 15.35;

10 (C) determine whether a constitutional convention shall be
11 called and to select, nominate, or elect delegates to a constitutional convention;

12 (D) approve or reject an initiative submitted under art. XI,
13 Constitution of the State of Alaska, and AS 15.45.010 - 15.45.245;

14 (E) approve or reject a referendum submitted under art. XI,
15 Constitution of the State of Alaska, and AS 15.45.250 - 15.45.465;

16 (F) recall an official identified in (A) of this paragraph when
17 authorized by art. XI, Constitution of the State of Alaska, and AS 15.45.470 -
18 15.45.720;

19 (G) approve or reject a proposed amendment to the
20 Constitution of the State of Alaska submitted under AS 15.50;

21 (H) ratify or reject a state general obligation bond under
22 AS 37.15; or

23 (I) administer an advisory vote when authorized by the
24 legislature by law; and

25 (2) other elections that the state is required by law to conduct,
26 including

27 (A) a special election authorized by AS 04.11.507(c) calling for
28 a local option, change in local option, or removal of local option unless the
29 petition of the residents of the established village asks that the provisions of
30 this section not apply to that special election;

31 (B) an election authorized by AS 14.08.071 unless the regional

1 educational attendance area board adopts a resolution for the purpose that is
2 approved by the voters and filed with the office of the director determining that
3 the provisions of this section do not apply;

4 (C) an election authorized by AS 29.05.110, whether conducted
5 separately or in combination with an election under AS 29.05.120, or an
6 election authorized by AS 29.06.140 or 29.06.510, unless the Local Boundary
7 Commission recommends to the director that the provisions of this section not
8 apply to the election;

9 (D) an election authorized

10 (i) by AS 30.13.010 to establish a regional resource
11 development authority or to elect the initial members of the board of
12 governors of the authority unless petitioners request that the provisions
13 of this section not apply; or

14 (ii) by AS 30.13.020 unless the board of governors of
15 the regional resource development authority adopts a resolution stating
16 that the provisions of this section do not apply and the resolution is
17 ratified by the voters of the development area and filed with the office
18 of the director.

19 * **Sec. 4.** AS 15.20 is amended by adding new sections to article 4 to read:

20 **Sec. 15.20.805. Procedures for conducting an election by mail.** (a) For each
21 election held under AS 15.20.800 - 15.20.895, the director shall send an official ballot
22 to each person whose name appears on the official registration list prepared under
23 AS 15.07.125 for that election. Except as provided in (b) of this section, the director
24 shall send the ballot, along with a voter's certificate, secrecy sleeve, and return
25 identification envelope with postage prepaid by first class, nonforwardable mail, to the
26 address stated on the official registration list unless

27 (1) the voter has notified the director or an election supervisor of a
28 different address to which the ballot should be sent; or

29 (2) a previous mailing to the address on the official registration list has
30 been returned to the division as undeliverable.

31 (b) The director shall prepare the voter's certificate, secrecy sleeve, return

1 identification envelope, and other material used in an election held under
2 AS 15.20.800 - 15.20.895. The voter's certificate must include a space for a voter to
3 declare, when required, that the voter is a qualified voter, and a space for the voter's
4 signature. The voter's certificate must include a notice that a false statement made by
5 the voter on the certificate is punishable by law. If the division uses ballot counting
6 technology that preserves the confidentiality of a voter's information and ballot
7 choices, the director may mail to a voter a ballot without including a secrecy sleeve.

8 (c) The director shall send ballots under this section not later than 29 days
9 preceding the date of the election. However, the director shall send a special advance
10 ballot prepared under (d) of this section to a person not later than 45 days preceding
11 the date of the election if the person

12 (1) is an absent uniformed services voter or is an overseas voter
13 qualified under AS 15.05.011; or

14 (2) notified the director in writing at least 60 days before the election
15 that the voter expects to be living, working, or traveling outside the United States at
16 the time of the election or expects to be living, working, or traveling in a remote area
17 of the state where distance, terrain, or other natural conditions deny the voter
18 reasonable access to a polling place at the time of the election.

19 (d) The director shall prepare special advance ballots for use under (c) of this
20 section in a state primary, general, special, or special runoff election. A ballot prepared
21 for use under this subsection must contain each judicial retention election and ballot
22 proposition or question scheduled to appear on the particular ballot. The director shall
23 list on the ballot the different races to be voted on at the particular election on a
24 statewide basis. If the names of the candidates in a general, special, or special runoff
25 election are not certified before the ballot must be prepared, the director shall prepare
26 a ballot without the names of the candidates that permits a voter to vote for all the
27 candidates of a particular political party that expects to have candidates appearing on
28 the ballot and provide on the ballot party boxes and a blank line for each office to be
29 voted on in that election. The director shall also provide the voter with the names of
30 each candidate appearing on the primary election ballot and the names of any
31 candidates who have qualified by petition to appear on the general election ballot. The

1 voter may vote for a candidate for that office by writing in the name of a person and
2 filling in the oval to the right of that name, or the voter may mark one of the party
3 boxes. If the voter puts a mark in a party box for that office, the director shall count
4 the mark as a vote cast for the candidate for that office nominated by that political
5 party.

6 (e) A return identification envelope for an absent uniformed services voter or
7 an overseas voter must allow the voter to return the ballot free of postage if required
8 under 39 U.S.C. 3406.

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

15 **Sec. 15.20.810. Completion and return of ballot.** (a) Upon receiving an
16 official ballot, a voter shall mark the ballot, sign the voter's certificate printed on the
17 return identification envelope supplied with the ballot, place the ballot in the secrecy
18 sleeve, insert both the ballot and the secrecy sleeve into the return identification
19 envelope, and return the ballot to the division by mail or by depositing the ballot at a
20 vote center established under AS 15.20.830 or ballot drop box designated by the
21 director under AS 15.20.835.

22 (b) A ballot may not be mailed or deposited at a vote center or ballot drop box
23 by an intermediary who is paid by or who volunteers for a political party, political
24 group, or business or organization to provide that service. However, nothing in this
25 subsection prohibits a voter from giving a completed ballot to a friend, relative, or
26 associate to mail by way of the United States Postal Service or for deposit at a vote
27 center or ballot drop box.

28 **Sec. 15.20.812. Ballot tracking and registration verification system.** (a) The
29 director shall establish a free online system, available through the division's Internet
30 website, through which a voter may

31 (1) track and confirm the division's receipt of an election ballot;

1 (2) determine whether the voter's ballot has been partially or wholly
2 counted;

3 (3) request a replacement ballot under AS 15.20.815; and

4 (4) request a different primary election ballot under AS 15.20.843(b).

5 (b) The online system established under (a) of this section must indicate to a
6 voter whose ballot has not been counted

7 (1) the reason the ballot was not counted; and

8 (2) if the signature on the voter's ballot was missing or was determined
9 not to match the signature on the voter's registration record under AS 15.20.823(c), the
10 process by which the voter may cure the lack of signature or verify the voter's identity.

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

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

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

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

20 **Sec. 15.20.815. Replacement ballots.** (a) A voter may obtain an official
21 replacement ballot if a ballot is destroyed, spoiled, or lost, or if, for any other reason,
22 the ballot has not been received or cannot be used by the voter.

23 (b) To vote a replacement ballot, the voter shall complete and sign a
24 replacement ballot request on a form prescribed for that purpose by the division. The
25 form must allow a voter to request any ballot the voter is eligible to vote under
26 AS 15.20.843. A voter may request a replacement ballot electronically, by telephone,
27 in writing, in person, at a vote center established under AS 15.20.830, or by other
28 means designated in regulations adopted by the director.

29 (c) Upon receiving a replacement ballot request, the director or, when
30 applicable, an election supervisor, shall

31 (1) verify the voter's registration and ensure that another ballot has not

1 been returned by the voter;

2 (2) indicate on the ballot's return identification envelope that the
3 envelope contains a replacement ballot;

4 (3) issue the replacement ballot in person at a vote center established
5 under AS 15.20.830, by mail, or by other means; and

6 (4) take reasonable measures to ensure that a voter requesting a
7 replacement ballot is not able to vote more than once.

8 (d) Upon receiving a voted replacement ballot, an election supervisor shall
9 verify that the director has received a completed and signed replacement ballot request
10 form or that the request form is included with the voted replacement ballot. Once a
11 request form is completed and signed by the voter and the director or an election
12 supervisor has received the request form, the election supervisor shall process the
13 replacement ballot.

14 (e) The director or an election supervisor, as applicable, may delegate a duty
15 assigned in this section to an election official in the district.

16 **Sec. 15.20.820. Time of vote-by-mail ballot counting review.** (a) Not less
17 than 10 days before the date of the election, the election supervisors, in the presence
18 and with the assistance of the ballot counting boards, shall review all voter certificates
19 received by that date. The election supervisors shall continue the review of
20 certificates, at times designated by the election supervisors, until the review is
21 completed. A ballot may not be counted until the accompanying voter certificate has
22 been reviewed.

23 (b) Counting of ballots begins 10 days before the date of the election at places
24 designated by each election supervisor and continues until all ballots have been
25 counted. The counting teams shall report the count of ballots to the director.

26 (c) Not later than the 15th day after the date of the election, each ballot
27 counting board shall certify its ballot count.

28 (d) If an election supervisor's office receives a ballot after the completion of
29 the vote-by-mail ballot counting review, the office shall immediately forward the
30 ballot to the director by the most expeditious service.

31 **Sec. 15.20.823. Procedure for vote-by-mail counting review.** (a) The vote-

1 by-mail ballot counting board established under AS 15.20.845(c) shall examine each
2 return identification envelope for a ballot cast by mail, cast at a vote center, or
3 deposited at a ballot drop box and shall determine whether the voter is qualified to
4 vote at the election and whether the ballot has been properly cast.

5 (b) A ballot may be counted only if

6 (1) the voter has properly executed the voter's certificate;

7 (2) the voter's signature on the return identification envelope is
8 determined to match the signature in that voter's registration record;

9 (3) the ballot,

10 (A) if postmarked, is postmarked on or before the date of the
11 election and received by the election supervisor not later than the seventh day
12 after the election;

13 (B) if cast at a vote center or deposited at a ballot drop box,
14 was cast or deposited before the time the vote center or deposit box was closed
15 on election day;

16 (4) for a voter who voted

17 (A) in person at a vote center and is a

18 (i) first-time voter who initially registered to vote by
19 mail or by facsimile or other electronic transmission approved by the
20 director under AS 15.07.050, the voter has provided the identification
21 required by AS 15.15.225(a), was eligible for waiver of the
22 identification requirement under AS 15.15.225(b), or has provided the
23 identifiers required in AS 15.07.060(a)(2) and (3) that can be verified
24 through state agency records described in AS 15.07.055(e); or

25 (ii) voter other than one described in (i) of this
26 subparagraph, the voter has provided identification described in
27 AS 15.15.225(a), was personally known by the election official, or has
28 provided the identifiers required in AS 15.07.060(a)(2) and (3); or

29 (B) by mail and is a first-time voter who initially registered to
30 vote by mail or by facsimile or other electronic transmission approved by the
31 director under AS 15.07.050, the voter has met the identification requirements

1 set out in AS 15.07.060 or has submitted with the ballot a copy of

2 (i) the voter's driver's license, state identification card,
3 current and valid photo identification, birth certificate, passport, or
4 hunting or fishing license; or

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

9 (c) An election supervisor shall determine whether a voter's signature on the
10 return identification envelope matches the signature on that voter's registration record
11 under (b)(2) of this section according to a procedure provided in regulations adopted
12 by the director.

13 (d) Any person present at a vote-by-mail ballot counting review may
14 challenge the name of a voter when read from the voter's certificate on the return
15 identification envelope if the person has good reason to suspect that the challenged
16 voter is not qualified to vote, is disqualified, or has voted at the same election. The
17 person making the challenge shall specify the basis of the challenge in writing. The
18 ballot counting board by majority vote may reject and refuse to count the ballot of a
19 person properly challenged on grounds listed in (b) of this section.

20 (e) An election supervisor shall place all ballots rejected under this section,
21 along with accompanying statements of challenge, in an envelope that contains only
22 the rejected ballots and statements of challenge. An election supervisor shall label the
23 envelope "rejected ballots" and forward the envelope to the director with the other
24 returns.

25 (f) For each ballot accepted under this section, an election official shall open
26 the return identification envelope and place the ballot, or the secrecy sleeve containing
27 the ballot if the secrecy sleeve is not omitted under AS 15.20.805(b), in a container
28 and mix the ballot or secrecy sleeve among the other ballots or secrecy sleeves placed
29 in the container under this subsection. An election official shall then draw the ballots
30 or secrecy sleeves from the container, remove the ballots that are contained in secrecy
31 sleeves from the sleeves, and count the ballots at the times specified in AS 15.20.820

1 and according to the rules for determining properly marked ballots in AS 15.15.360.

2 (g) Upon completion of the ballot review, an election supervisor shall prepare
3 an election certificate for execution by the ballot counting board and shall forward the
4 original certificate and other returns to the director not later than the 16th day
5 following the election.

6 (h) The director shall prepare and mail to each voter whose ballot was rejected
7 under this section, and not cured under AS 15.20.827, a summary of the reason the
8 ballot was rejected.

9 (i) The director shall mail the materials described in (h) of this section to the
10 voter not later than

11 (1) 10 days after completion of the review of ballots by the state
12 review board for a primary election or for a special election under AS 15.40.140 that is
13 followed by a special runoff election;

14 (2) 60 days after certification of the results of a general election,
15 special runoff election, or special election other than a special election described in (1)
16 of this subsection.

17 **Sec. 15.20.825. Counting of votes cast by former residents of a district and**
18 **of ballots deposited outside of voters' election districts.** (a) A person who meets all
19 voter qualifications except the requirement in AS 15.05.010(3) is qualified to vote a
20 ballot in the house district in which the person formerly resided if the person lived in
21 that house district for at least 30 days immediately before changing residence, except
22 that the person may vote only for

23 (1) statewide ballot measures and questions;

24 (2) candidates for federal or statewide offices;

25 (3) candidates for the state senate if the voter's former residence and
26 present residence are in the same senate district; and

27 (4) candidates for judicial retention if the voter's former residence and
28 present residence are in the same judicial district.

29 (b) The director shall adopt regulations relating to the casting of a ballot at a
30 vote center or ballot drop box by a voter who is registered to vote in the state but not
31 in the election district for which the vote was cast. The regulations must require that

1 the voter's ballot be forwarded before the completion of the ballot count to the ballot
2 tabulation center that is counting ballots for the district in which the voter is registered
3 to vote.

4 **Sec. 15.20.827. Procedure for curing uncounted ballot.** (a) If a voter returns
5 a ballot and the voter does not have a signature stored in the voter's registration record,
6 the return identification envelope is missing a signature, or the signature on the
7 envelope is determined under AS 15.20.823(c) not to match the signature on the
8 voter's registration record, the director shall, within 48 hours, but in no event later than
9 two days after election day, send a notification by first class, nonforwardable mail to
10 the address indicated in the voter's registration record and, if provided under
11 AS 15.07.060(h), to the voter's electronic mail address.

12 (b) The notification provided to the voter under (a) of this section must
13 include an explanation of the need for a signature for verification purposes and
14 provide the voter a form and instructions for the voter to, within the time period
15 specified in (c)(1) of this section,

16 (1) confirm that the voter returned a ballot to the division;

17 (2) provide a copy of a form of identification accepted by the division
18 under AS 15.07.060(e); and

19 (3) provide a signature for the verification.

20 (c) A voter's ballot that is not counted for the reasons set out in (a) of this
21 section may be counted only if

22 (1) the division receives the form sent to the voter under (b) of this
23 section back from the voter within 14 days after election day and the form confirms
24 that the voter returned a ballot to the division;

25 (2) the voter provides a signature for verification and includes a copy
26 of a form of identification accepted by the division under AS 15.07.060(e); and

27 (3) the ballot is otherwise valid.

28 (d) A voter's ballot may not be counted and the director shall, if applicable,
29 send copies of the signature on the voter's return identification envelope and the
30 signature stored in the voter's registration record to the attorney general for
31 investigation if

1 (1) the voter returns the form sent to the voter under (b) of this section
2 and the form indicates that the voter did not return a ballot to the division; or

3 (2) the voter does not return the form sent to the voter under (b) of this
4 section within 14 days after election day.

5 (e) An election official may not determine that the signature on a voter's return
6 identification envelope does not match the signature stored in the voter's registration
7 record solely based on substitution of initials or use of a common nickname.

8 (f) The director shall provide training in the technique and standards of
9 signature comparison to election supervisors and election officials who compare
10 signatures under this section.

11 (g) The division shall update the signature stored in a voter's registration
12 record if the voter either provides a signature for the voter's missing signature or cures
13 a nonmatching signature under this section.

14 **Sec. 15.20.830. Vote centers.** (a) For the 10 days immediately preceding an
15 election under AS 15.20.800 - 15.20.895 and on election day, a qualified voter may
16 cast a completed ballot or replacement ballot at a vote center designated by the
17 director under this section. The director shall provide as many vote centers in each
18 house district as the director considers necessary to ensure that each voter in the
19 district may effectively cast or deposit a completed ballot, receive assistance under
20 AS 15.15.240, and, if necessary, obtain a replacement ballot under AS 15.20.815.

21 (b) In establishing a vote center, the director shall prioritize the convenience
22 of the location for voters. In selecting a vote center location, the director shall consider

23 (1) the proximity of a location to public transportation and availability
24 of public parking near the location;

25 (2) geographic and climatic factors that may affect a voter's access to
26 the location;

27 (3) the characteristics of the house district and the distribution and
28 densities of its population;

29 (4) the need for language assistance for voters in the area as required
30 under 52 U.S.C. 10503, as amended;

31 (5) the accessibility of the location to voters with disabilities;

1 (6) whether the location has historically served a significant number of
2 voters as a polling place;

3 (7) whether the location is a public building that is known to voters
4 and whether the use of the building will result in cost savings in comparison to other
5 possible locations; and

6 (8) whether effective methods and standards to ensure the security of
7 voting can be implemented at the location.

8 (c) The director shall ensure that at each vote center a qualified voter may

9 (1) deposit a completed ballot for collection;

10 (2) change the voter's residence address or voter registration;

11 (3) cast a replacement ballot;

12 (4) at a primary election, cast a political party ballot for a party that the
13 voter is not affiliated with if the bylaws of the party do not restrict a voter's
14 participation in the party's primary election; and

15 (5) receive voting assistance under AS 15.15.240.

16 (d) Except as provided in (e) of this section, a vote center must be equipped to
17 allow an election official secure electronic access to the online ballot tracking and
18 registration verification system established under AS 15.20.812.

19 (e) If the director finds that secure electronic access to the information
20 available under AS 15.20.812 is not practicable from a vote center, the division shall
21 adopt a procedure to allow access to the information by election officials from the vote
22 center by way of telephone or other means.

23 (f) A vote center and its facilities and voting equipment must comply with the
24 requirements of 42 U.S.C. 12101 - 12213 (Americans with Disabilities Act of 1990),
25 as amended.

26 (g) If a qualified voter requests a replacement ballot at a vote center under
27 AS 15.20.815, an election supervisor or election official shall verify under
28 AS 15.20.812(a), or as provided in (e) of this section, that the division has not already
29 received a ballot for the election from the voter. If an election supervisor or election
30 official is unable to determine whether the voter has already cast a ballot for the
31 election, the election supervisor or election official shall provide the voter with a

1 replacement ballot. A replacement ballot shall also be provided to a person who claims
2 to be a registered voter, but for whom no evidence of registration can be found. The
3 director or the director's representative shall determine whether the voter is registered
4 in the district before counting the ballot.

5 (h) The director shall provide materials, forms, and supplies for each vote
6 center, including information regarding the date of the election and hours the vote
7 center will be open, instructions on how to obtain a replacement ballot, instructions for
8 first-time voters who initially registered by mail, general information on voting rights,
9 prohibitions on acts of fraud and misrepresentation, and whom to contact to report
10 violations.

11 (i) On the date of an election, each election board shall open all vote centers
12 for which the board is responsible at 7:00 a.m., close the vote centers at 8:00 p.m., and
13 keep the vote centers open during the time between those hours. The election board
14 members shall report to the vote centers at 6:30 a.m. on an election day. For the 10
15 days preceding the date of the election, excluding Sundays, an election board shall
16 open all vote centers for which the board is responsible at 9:00 a.m., close the vote
17 centers at 7:00 p.m., and keep the vote centers open during the time between those
18 hours. On the 10 days preceding the date of an election, election board members shall
19 report to the vote centers at 8:30 a.m.

20 (j) At each vote center, the division shall provide language assistance as
21 required under 52 U.S.C. 10503, as amended, in a manner that enables each voter to
22 participate effectively in the electoral process. An election supervisor shall post at
23 each vote center information regarding the availability of language assistance in
24 English and all other languages for which language assistance is required to be
25 provided in the jurisdiction under federal law.

26 (k) Before the initial opening of a vote center under (i) of this section, an
27 election supervisor shall inspect the voting equipment to determine whether the
28 equipment has been properly prepared for voting.

29 (l) The director shall designate locations for vote centers established under this
30 section by June 1 of an election year.

31 **Sec. 15.20.832. Ballot tabulation centers.** (a) The director shall have ballots

1 cast in an election under AS 15.20.800 - 15.20.895 processed and counted at ballot
2 tabulation centers established by the division. A vote center may be used as a ballot
3 tabulation center. The director may adopt regulations prescribing the manner in which
4 the ballot count is accomplished at a ballot tabulation center to ensure accuracy in
5 counting ballots. The director shall establish ballot tabulation centers in

6 (1) the cities of Anchorage, Fairbanks, Juneau, and Nome; and

7 (2) other locations as the director determines necessary to expedite the
8 ballot counting process in an election under AS 15.20.800 - 15.20.895.

9 (b) A member of a vote-by-mail election board shall report to a ballot
10 tabulation center at the time designated by the director to count the vote. Before
11 undertaking the duties of office, each member shall subscribe to an oath to honestly,
12 faithfully, impartially, and promptly carry out the duties of the position. If a member
13 of a vote-by-mail election board fails to appear and subscribe to the oath at the time
14 designated by the director, the director or the director's designee may appoint a
15 qualified voter to fill the vacancy.

16 **Sec. 15.20.835. Drop boxes for vote-by-mail ballots.** (a) The director shall
17 provide ballot drop boxes at locations selected to provide the greatest convenience to
18 voters and to maximize the return of voted ballots, taking the locations of vote centers
19 and United States post offices into account. The director shall adopt regulations
20 governing the use and location of ballot drop boxes. The director shall include in the
21 regulations a requirement that drop boxes be open 24 hours a day in the 10 days
22 preceding the day of an election, the locations of drop boxes, and the security
23 requirements for the drop boxes. The regulations must require that each drop box be
24 open on the date of the election until 8:00 p.m. An election supervisor shall
25 prominently display a sign at each drop box location identifying the location as an
26 official ballot drop box site.

27 (b) Subject to (a) of this section, if a municipality has previously administered
28 a municipal election by mail that used ballot drop boxes, the director may, upon
29 agreement with the municipality, use the municipality's drop boxes and ballot drop
30 box locations.

31 (c) An election supervisor shall ensure that ballots are removed from a ballot

1 drop box frequently enough to allow additional ballots to be deposited securely. A
2 team of at least two election officials shall remove ballots from a ballot drop box. A
3 record must be kept of the date and time of each removal of ballots, the number of
4 ballots removed from the drop box, and the names of the election officials who
5 removed the ballots. The election officials responsible for removing ballots from a
6 drop box shall place the ballots in a secured transport container along with a copy of
7 the record kept under this subsection and deliver the ballots to a ballot tabulation
8 center, where another election official shall verify the record. All ballot drop boxes
9 must be secured at 8:00 p.m. on the date of the election.

10 (d) The director shall designate the ballot drop box locations for state elections
11 under AS 15.20.800 - 15.20.895 by June 1 of an election year.

12 **Sec. 15.20.840. Special provisions applicable to voter qualification and**
13 **registration.** (a) Notwithstanding AS 15.05.011(a), a person residing outside the
14 United States who is qualified under AS 15.05.011 may register and vote by mail.

15 (b) For an election described in AS 15.05.014,

16 (1) notwithstanding AS 15.05.014(1), registration and voting
17 procedures, except as otherwise provided in this section, must be identical to
18 procedures established in this title; and

19 (2) the provisions of AS 15.05.014(2) and (3) apply to the elections
20 described in this subsection except that the authorization in AS 15.05.014(3) to vote
21 by absentee ballot does not apply.

22 (c) In an election to be conducted under AS 15.20.800 - 15.20.895, an election
23 official appointed under AS 15.10 may serve as a registration official for purposes of
24 AS 15.07.

25 (d) Notwithstanding AS 15.07.030(b), a person qualified under AS 15.05.011
26 to vote in a federal election is entitled to be registered as a voter in the house district in
27 which the person resided immediately before departure from the United States.

28 (e) For purposes of complying with AS 15.07.064, notwithstanding
29 AS 15.07.064(e)(1), the director may consider an application for registration within a
30 municipality or established village to comply with law based on other information
31 contained in the application, including evidence that the application was made in

1 person before a voting registrar or election official or other voting official appointed to
2 serve in the municipality or established village, if the application complies with
3 AS 15.07.064(e)(2) and (3).

4 (f) In AS 15.07.130(b) and (d), a voter "appears to vote" if a voter who has not
5 received a ballot by mail makes a timely request to the division for a ballot.

6 (g) In addition to disclosure under AS 15.07.195(b)(1), a voter's residential
7 address may be disclosed to a watcher appointed under AS 15.20.850 and, in the case
8 of a watcher appointed by an organization or group sponsoring or opposing an
9 initiative, referendum, or recall group, authorized by the director.

10 **Sec. 15.20.843. Preparation of ballots for primary election; appropriate**
11 **ballot.** (a) Except in the case of a ballot on which blank lines are allowed as described
12 in AS 15.20.805(d), the director shall prepare primary election ballots for use under
13 AS 15.20.800 - 15.20.895 in the same manner as provided in AS 15.25.060(a). Except
14 as provided in (b) - (d) of this section, in mailing primary election ballots, the director
15 shall provide a voter with the primary election ballot for the political party or group
16 with which the voter is affiliated. For the purpose of determining which primary
17 election ballot to mail to a voter, the director shall consider a voter's party affiliation to
18 be the affiliation registered with the director on the 30th day before the primary
19 election. If a voter changes party affiliation within 30 days before the primary election,
20 the voter's previous party affiliation shall be used in making the determination under
21 this subsection.

22 (b) The director or an election supervisor shall provide a voter who is
23 registered as affiliated with a political party with a primary election ballot for a
24 different political party, on request, if

25 (1) the bylaws of that political party allow a voter registered as
26 affiliated with another political party to participate in that party's primary; and

27 (2) the request is made not later than 45 days before a ballot is mailed
28 to the voter under AS 15.20.805 or requested under AS 15.20.812 or 15.20.815.

29 (c) The director or an election supervisor shall provide a voter who is
30 registered as nonpartisan or undeclared with a primary election ballot for a political
31 party if

1 (1) the bylaws of that political party do not restrict participation by
2 nonpartisan or undeclared voters in that party's primary; and

3 (2) the request is made not later than 45 days before a ballot is mailed
4 to the voter under AS 15.20.805 or when requesting a replacement ballot under
5 AS 15.20.815.

6 (d) Unless a voter registered as nonpartisan or undeclared requests a ballot for
7 a political party under (c) of this section, the director shall prepare, print, and mail the
8 voter a primary election ballot that includes only the ballot titles and propositions
9 required to appear on the ballot.

10 **Sec. 15.20.845. Vote-by-mail election administration.** (a) For each ballot
11 tabulation center established under AS 15.20.832, an election supervisor shall appoint
12 a vote-by-mail election board composed of at least three qualified voters registered to
13 vote in the state. In addition to the three qualified voters registered to vote in the state,
14 an election supervisor may also appoint not more than two members of the youth vote
15 ambassador program, as provided in (d) of this section, to serve on a vote-by-mail
16 election board. The provisions of AS 15.10.120(b), (c), and (e) apply to nominations
17 and appointments under this subsection. An election supervisor shall appoint a chair
18 for each vote-by-mail election board. The decision of the majority of vote-by-mail
19 election board members determines the action that the board shall take regarding any
20 question that arises during the course of the election.

21 (b) Before assuming the duties of office, each election official shall take an
22 oath to honestly, faithfully, and promptly perform the duties of office. Any appointed
23 election official, including an appointed election official who has not personally
24 subscribed to the oath, may administer the oath to another election official. The chair
25 of each vote-by-mail election board appointed under (a) of this section shall rotate the
26 time at which election officials serving at a vote center may be relieved for meals.

27 (c) Thirty days before the date of an election, an election supervisor shall
28 appoint, in the same manner provided for the appointment of election officials
29 prescribed in AS 15.10, vote-by-mail ballot counting boards, each composed of at
30 least four members. At least one member of each board must be a member of the same
31 political party of which the governor is a member, and at least one member of each

1 board must be a member of the political party whose candidate for governor received
2 the second largest number of votes in the preceding gubernatorial election. Each vote-
3 by-mail election board shall assist the election supervisor in counting the ballots cast
4 under AS 15.20.800 - 15.20.895 and a member of the vote-by-mail election board
5 shall receive the same compensation as an election board member under
6 AS 15.15.380.

7 (d) An election supervisor may appoint a member of the youth vote
8 ambassador program established under AS 15.10.108 to serve on a vote-by-mail
9 election board appointed under (a) of this section. A program member who is
10 appointed to serve on a vote-by-mail election board under this subsection serves under
11 the supervision of the chair of that board.

12 (e) Notwithstanding the requirements of AS 15.15.070(b), (c), and (h), in
13 implementing the notice requirements of AS 15.15.070(a), the director shall

14 (1) give notice by publication at least twice in one or more newspapers
15 of general circulation in each of the four judicial districts; the printed notice must
16 include the date of election, notification that the election will be conducted by mail,
17 the dates and times vote centers and ballot drop boxes will be open before the date of
18 the election and on election day, the locations of vote centers and ballot drop boxes,
19 the offices to which candidates are to be nominated or elected, and the subject of each
20 proposition or question to be voted on;

21 (2) post notices in communities that do not have newspapers of general
22 circulation where posting of notice is considered necessary by the director; the posted
23 notice must include the date of election, notification that the election will be
24 conducted by mail, the dates and times vote centers and ballot drop boxes will be open
25 before the date of the election and on election day, the locations of vote centers and
26 ballot drop boxes, the offices to which candidates are to be nominated or elected, the
27 subject of the propositions and questions to be voted on, and other information
28 considered necessary by the director; and

29 (3) arrange for an abbreviated form of the notice published under (1) of
30 this subsection to be broadcast on one or more radio or television stations in each of
31 the four judicial districts; the broadcast notice must include, at a minimum, the date of

1 the election, notification that the election will be conducted by mail, the dates and
2 times vote centers and ballot drop boxes will be open before the date of the election
3 and on election day, the locations of vote centers and ballot drop boxes, and the
4 address and telephone number of the election supervisor for the area in which the
5 notice is broadcast.

6 (f) Notwithstanding AS 15.15.380, the director shall pay each member of a
7 vote-by-mail election board for time spent performing election duties, including the
8 receiving of instructions. The chair of a vote-by-mail election board and the chair and
9 members of the state ballot counting review board shall be paid for time spent
10 performing election duties. The director shall set the compensation to be paid under
11 this subsection by regulation.

12 (g) In carrying out the duty under AS 15.15.420 to review the counting of
13 ballots,

14 (1) the director shall conduct only

15 (A) a review of the tallies and ballots cast; and

16 (B) a hand count of ballots from one randomly selected election
17 district; this subparagraph does not apply if the ballot for the election district
18 contains only uncontested offices;

19 (2) if, following the ballot review set out in (1) of this subsection, the
20 director finds a discrepancy of more than one percent between the results of the hand
21 count under (1)(B) of this subsection and the count certified by the election board for
22 the district, the director shall conduct a hand recount of all ballots from that district;

23 (3) if the director finds an unexplained discrepancy in the ballot count
24 within a district, the director may conduct a hand count of all ballots from that district;
25 and

26 (4) the director shall certify in writing to the state ballot counting
27 review board and publish on the division's Internet website any changes resulting from
28 a count performed under (2) or (3) of this subsection.

29 (h) The state ballot counting review shall begin as soon as practicable after the
30 election is completed and not later than 15 days after the date of the election and shall
31 continue until completed. The director may designate the hours each day during which

1 the state ballot counting review board may conduct its ballot counting review.

2 (i) The director shall comply with AS 15.15.470 except that the director's
3 obligation under that section to preserve records applies to tallies and registers without
4 regard to precinct election certificates.

5 **Sec. 15.20.850. Party and candidate representatives.** A state party chair may
6 appoint one or more persons as watchers at each vote center established under
7 AS 15.20.830 and each ballot tabulation center established under AS 15.20.832 for an
8 election held under AS 15.20.800 - 15.20.895. A candidate not representing a political
9 party may appoint one or more watchers for each vote center and ballot tabulation
10 center in the candidate's district or the state for any election. An organization or
11 organized group that sponsors or opposes an initiative, referendum, or recall may
12 appoint one or more watchers for each vote center and ballot tabulation center after
13 first obtaining authorization from the director. A state party or a candidate not
14 representing a political party or organization or organized group may not have more
15 than one watcher on duty at a time in a vote center or ballot tabulation center. A
16 watcher must be a United States citizen. A watcher at a ballot tabulation center may be
17 present at a position that affords a full view of all action of the election officials taken
18 until the ballots are finally counted and the results certified by a vote-by-mail election
19 board or the data processing review board. A vote-by-mail election board or the data
20 processing review board may require a watcher at a ballot tabulation center to present
21 written proof showing appointment by the party district committee, the organization or
22 organized group, or the candidate the watcher represents that is signed by the chair of
23 a party district committee, the state party chair, the organization or organized group, or
24 the candidate.

25 **Sec. 15.20.855. Election recounts.** (a) The director and appointed party
26 representatives shall complete a review of ballots cast. The review of the ballot counts
27 certified by the vote-by-mail ballot counting boards shall be accomplished by
28 reviewing the tallies of the recorded vote to check for mathematical error and by
29 comparing the totals with the election certificate of results.

30 (b) A defeated candidate or 10 qualified voters who believe there has been a
31 mistake made by an election official or by a vote-by-mail ballot counting board in

1 counting the votes in an election may apply to the director within five days after the
2 completion of the state review under (a) of this section for a recount of the votes from
3 a house district or for a particular office, proposition, or question. However, an
4 application for a recount of votes cast for the offices of governor and lieutenant
5 governor must be filed within three days after completion of the state review following
6 the general election. As provided in AS 15.15.460, if there is a tie vote, the director
7 shall initiate the recount and give notice to the interested parties as provided in
8 AS 15.20.470. An application made under this subsection is subject to the
9 requirements of AS 15.20.430(b).

10 (c) An application filed under (b) of this section must state the basis of the
11 belief that a mistake has been made, the district for which the recount is to be held, or
12 the particular office, proposition, or question for which the recount is to be held. The
13 application must designate two persons to represent the applicant and assist at the
14 recount. Any person may be named representative, including the candidate or a person
15 signing the application. An application filed by 10 qualified voters must also include
16 the designation of one of the 10 voters as chair. The application must include the full
17 name and mailing address of each applicant. A recount initiated under this subsection
18 is subject to the requirements of AS 15.20.440(b).

19 (d) An application filed under this section must include a deposit in cash, by
20 certified check, or by bond with a surety approved by the director, as provided in
21 AS 15.20.450.

22 (e) In conducting a recount requested under this section, the director shall
23 review all ballots to determine which ballots, or parts of ballots, were properly marked
24 and which ballots are to be counted in the recount and shall check the accuracy of the
25 original count and the review. For administrative purposes, the director may join and
26 include two or more applications in a single review and count of votes. The rules in
27 AS 15.15.360 governing the counting of ballots shall be followed in the recount when
28 a ballot is challenged based on a question regarding the voter's intent to vote for the
29 candidate, proposition, or question. The ballots and other election material must
30 remain in the custody of the director during the recount, and the highest degree of care
31 shall be exercised to protect the ballots against alteration or mutilation. The recount

1 shall be completed within 10 days. The director may employ additional personnel as
2 needed to assist in the recount.

3 **Sec. 15.20.890. Provisions of title not applicable to voting by mail.**

4 AS 15.07.010, 15.07.070(h), and 15.07.081; AS 15.10.108(c), 15.10.120(a),
5 15.10.120(d), and 15.10.125 - 15.10.170; AS 15.15.030(13), 15.15.032, 15.15.040(c),
6 15.15.050, 15.15.060, 15.15.080 - 15.15.210, 15.15.225(c), 15.15.230, 15.15.330 -
7 15.15.350, 15.15.370, 15.15.390, 15.15.430, and 15.15.440; AS 15.20.010 -
8 15.20.225, 15.20.430(a), 15.20.440(a), and 15.20.480; and AS 15.45.670 and
9 AS 15.56.035(a)(1) do not apply in an election conducted under AS 15.20.800 -
10 15.20.895.

11 **Sec. 15.20.895. Definition of "voter" in AS 15.20.800 - 15.20.895.** In

12 AS 15.20.800 - 15.20.895, notwithstanding AS 15.80.010, "voter" means a person
13 whose name appears on the official registration list prepared under AS 15.07.125 for
14 an election subject to the requirements of AS 15.20.800 - 15.20.895.

15 * **Sec. 5.** AS 15.45.680 is amended to read:

16 **Sec. 15.45.680. Statement of official subject to recall; display of grounds**
17 **for and against recall.** The director shall provide each election board in the state or in
18 the senate or house district of the person subject to recall with at least five copies of
19 the statement of the grounds for recall included in the application and at least five
20 copies of the statement of not more than 200 words made by the official subject to
21 recall in justification of the official's conduct in office. The person subject to recall
22 may provide the director with the statement within 10 days after the date the director
23 gave notification that the petition was properly filed. The election board shall post at
24 least one copy of the statements for and against recall in a conspicuous place in a
25 location where the election is held [THE POLLING PLACE].

26 * **Sec. 6.** AS 15.56.060(a) is amended to read:

27 (a) A person commits the crime of unlawful interference with an election if
28 the person

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

31 (2) intentionally changes, attempts to change, or causes to be changed

1 an official election document including ballots, tallies, and returns;

2 (3) intentionally delays, attempts to delay, or causes to be delayed the
3 sending of the certificate, register, ballots, or other materials whether original or
4 duplicate, required to be sent by AS 15.15.370;

5 **(4) intentionally alters or destroys a ballot cast at an election or the**
6 **returns of an election; this paragraph does not apply to an elections official in**
7 **performance of duties;**

8 **(5) intentionally places a fraudulent ballot among official ballots;**

9 **(6) falsely writes anything purporting to be written by an elections**
10 **official in performance of duties on the ballot;**

11 **(7) takes a ballot, tampers with a ballot drop box, or otherwise**
12 **intentionally attempts to hinder or delay the return of a vote-by-mail ballot to the**
13 **division;**

14 **(8) manufactures or knowingly uses a fraudulent return**
15 **identification envelope;**

16 **(9) sells, makes an offer with the intent to sell, purchases, or makes**
17 **an offer with the intent to purchase, for money or other valuable consideration,**
18 **an official ballot, replacement ballot, or return identification envelope; or**

19 **(10)** [(4)] is contracted or employed by the state to print or reproduce
20 in any manner an official ballot, and the person knowingly

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

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

27 * **Sec. 7.** AS 15.56.060 is amended by adding a new subsection to read:

28 (c) In this section, "return identification envelope" means an envelope used to
29 return a vote-by-mail ballot to the division.

30 * **Sec. 8.** This Act takes effect January 1, 2022.