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Klein
4/14/21

CS FOR SENATE BILL NO. 39(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATOR SHOWER

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to voting and elections; relating to voter registration; relating to ballots**
2 **and a system of tracking and accounting for ballots; relating to retention of election**
3 **data; designating as a class A misdemeanor the collection of ballots from other voters;**
4 **designating as a class C felony intentionally opening or tampering with a sealed ballot,**
5 **certificate, or package of ballots without authorization from the director of the division**
6 **of elections; designating as a class C felony breaching, hacking, altering, or tampering**
7 **with election data or ballots; designating as a class B felony election fraud; designating**
8 **as a class C felony sharing election data results before the close of the polls on election**
9 **day; and providing for an effective date."**

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

11 *** Section 1.** AS 15.07.060(a) is amended to read:

12 (a) Each applicant who requests registration or reregistration shall supply the

following information:

- (1) the applicant's name and sex;
- (2) if issued, the applicant's State of Alaska driver's license number or State of Alaska identification card number, or the last four digits of the applicant's social security number;
- (3) the applicant's date of birth;
- (4) the applicant's Alaska residence address;
- (5) a statement of whether the applicant has previously been registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of the previous registration;
- (6) a declaration that the applicant will be 18 years of age or older within 90 days after the date of registration;
- (7) a **statement** [DECLARATION] that the applicant is a citizen of the United States, **certified under penalty of perjury as prescribed in AS 09.63.020;**
- (8) the date of application;
- (9) the applicant's signature or mark;
- (10) any former name under which the applicant was registered to vote in the state;
- (11) an attestation that the information provided by the applicant in (1) - (10) of this subsection is true; and
- (12) a certification that the applicant understands that a false statement on the application may make the applicant subject to prosecution for a misdemeanor under this title or AS 11.

* **Sec. 2.** AS 15.07.060(c) is amended to read:

(c) Each applicant who requests registration in person before a registration official shall exhibit one form of identification to the official, including a driver's license, state identification card, current and valid photo identification, birth certificate, **tribal identification card, or** passport [, OR HUNTING OR FISHING LICENSE]. A registration official who knows the identity of the applicant may waive the identification requirement.

* **Sec. 3.** AS 15.07.060(e) is amended to read:

(e) For an applicant requesting initial registration by mail, by **a form of** [FACSIMILE OR OTHER] electronic transmission approved by the director under AS 15.07.050, or by completing a permanent fund dividend application, the director shall verify the information provided in compliance with (a)(2) and (3) of this section through state agency records described in AS 15.07.055(e). If the applicant cannot comply with the requirement of (a)(2) of this section because the applicant has not been issued any of the listed numbers, the applicant may instead submit a copy of one of the following forms of identification: a driver's license, state identification card, current and valid photo identification, birth certificate, **tribal identification card, or** passport [, OR HUNTING OR FISHING LICENSE].

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

(a) The director

(1) shall [MAY] adopt regulations under AS 44.62 (Administrative Procedure Act) relating to the registration of voters consistent with the requirements of this section and federal law, including 42 U.S.C. 1973gg (National Voter Registration Act of 1993); **and**

(2) shall adopt regulations under AS 44.62 (Administrative Procedure Act) providing for

(A) the use of block chain technology to protect election data;

(B) development of a voter authentication system that

(i) assigns digital multi-factor authentication security identifiers to all registered voters;

(ii) ensures a qualitative voter authentication method for voters voting at a location other than a polling place;
and

(iii) includes an alternative authentication process for voters unable to use digital multi-factor authentication.

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

(d) Qualified voters may register in person before a registration official or through a voter registration agency at any time throughout the year, except that a

person registering within 30 days preceding an election is not eligible to vote at that election. Upon receipt and approval of the registration forms, the director or the election supervisor shall forward to the voter an acknowledgment in the form of a registration card, and the voter's name shall immediately be placed on the master register. **The director or election supervisor shall explain to a newly registered voter the process for obtaining the voter's digital multi-factor authentication security identifiers and the process for a voter unable to use digital multi-factor authentication.** Names of persons registering 30 or more days before an election shall be placed on the official registration list for that election.

* **Sec. 6.** AS 15.07.070(k) is amended to read:

(k) Upon receipt of the registration information, the director shall, as soon as practicable and in accordance with a schedule established by the director by rule, **process the registration information received and** notify, by United States mail and any other means authorized by the director, each applicant not already registered to vote at the address provided in the applicant's application

(1) of the processes to

(A) decline to be registered as a voter;

(B) maintain an existing voter registration or be newly registered at a valid place of residence not provided in the applicant's application; and

(C) adopt a political party affiliation; and

(2) that failure to respond to the notification shall constitute the applicant's consent to cancel any registration to vote in another jurisdiction.

* **Sec. 7.** AS 15.07.130 is amended by adding new subsections to read:

(g) The division shall use nationally recognized best practices and develop a system of protocols to review voter registration records and update the master register. The protocols must include reviews for deceased voters, persons convicted of a felony involving moral turpitude, persons not qualified to vote under AS 15.05, persons registered to vote in another state, whether the number of registered voters on the master register exceeds the number of eligible voters in the state, and voter registration information data breaches. When reviewing voter registration records, the division

shall review available records and databases, which should include United States Postal Service forwarding databases, the Electronic Registration Information Center, the Interstate Voter Registration Crosscheck Program, motor vehicle records, Department of Corrections records, property and sales tax records, Social Security Administration databases, United States Department of Homeland Security records, jury duty records, Help America Vote Act records, and National Change of Address records.

(h) The division shall, in consultation with an external, nationally recognized subject-matter expert, biennially audit the master register. The division shall consider the subject-matter expert's recommendations. By February 1 of each year of a general election, the division shall publish a report describing the most recent biennial audit and expert recommendations, identifying protocols used under (g) of this section, providing election information, including the number of voters on the master register and the total population eligible to vote, and highlighting voting data problems, irregularities, errors, and vulnerabilities identified in the audit. The division shall submit the report to the senate secretary and the chief clerk of the house of representatives and notify the legislature that the report is available on or before the date the report is published.

(i) The Department of Law and the division may share the state's master register and voter registration data with other state, municipal, and tribal governments.

* **Sec. 8.** AS 15.07.195(a) is amended to read:

(a) The following information set out in state voter registration records is confidential and is not open to public inspection:

- (1) the voter's age or date of birth;
- (2) the voter's social security number, or any part of that number;
- (3) the voter's driver's license number;
- (4) the voter's voter identification number;
- (5) the voter's place of birth;
- (6) the voter's signature;
- (7) the voter's digital multi-factor authentication security identifiers.**

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

2 **Sec. 15.07.205. Process to cancel registration.** The director shall develop a
3 process to allow a voter to cancel the voter's registration. The director shall
4 prominently display instructions for a voter to cancel the voter's registration on every
5 ballot envelope and at every polling location.

6 * **Sec. 10.** AS 15.15.030 is amended by adding a new paragraph to read:

7 (18) The director shall by regulation adopted under AS 44.62
8 (Administrative Procedure Act) require that an official ballot include a watermark,
9 seal, or other identifier. Unless the director provides for a limited exception in
10 regulation, the division may not count a ballot that does not include the identifier. The
11 division shall, in the report published under AS 15.07.130(h), identify the limited
12 exceptions provided by the director.

13 * **Sec. 11.** AS 15.15.032(b) is amended to read:

14 (b) Software for voting by use of electronically generated ballots **must**
15 [SHALL] be

16 **(1) open-source;**

17 **(2) developed entirely in the United States by a company**
18 **beneficially owned by residents of the United States using routers and servers in**
19 **the United States and best practice cyber security; and**

20 **(3) tested and certified under AS 15.20.900.**

21 * **Sec. 12.** AS 15.15.032 is amended by adding a new subsection to read:

22 (d) If the director provides for voting by use of electronically generated
23 ballots, the director shall provide for the use of digital multi-factor authentication to
24 ensure sufficient chain-of-custody protections.

25 * **Sec. 13.** AS 15.15 is amended by adding a new section to read:

26 **Sec. 15.15.055. Ballot security and chain of custody.** (a) The director shall
27 provide by regulation for a system for ballot security and chain of custody to account
28 for the original of each used and unused ballot, absentee ballot certificate and
29 envelope, and the paper record of an electronically generated ballot under
30 AS 15.15.032 through a redundant, secure, and sealed system that accounts for the
31 location and entity that has custody of a ballot or record from the time the ballot is

printed or paper record produced, until 22 months after the applicable election is certified under AS 15.15.450. The system must include digital multi-factor authentication to access voter data and verify voter identity and, for each ballot that leaves the division's immediate custody, an envelope-based barcode or other mechanism sufficient to account for ballot chain of custody at all times the ballot is outside division custody. The division shall continually update the system adopted under this section to ensure that state election practices and procedures are consistent with best practices and procedures and protect the integrity of state elections held under this title.

(b) The system established in (a) of this section must provide that

(1) each ballot, absentee ballot certificate and envelope, and paper record of an electronically generated ballot under AS 15.15.032 for an election is accounted for at all times through a chain-of-custody protocol;

(2) each ballot, absentee ballot certificate and envelope, and paper record of an electronically generated ballot under AS 15.15.032 for an election is returned to a single point of receipt at a designated division location;

(3) immediately after the polls close, digital reports from an electronic voting machine are printed in paper form and accounted for under this section;

(4) each voting machine or ballot tabulator is disconnected from the Internet for a period beginning 24 hours before the polls open on the day of an election and ending after the division has

(A) transferred all election data from the machine or tabulator onto not fewer than two separate secure electronic storage devices; and

(B) uploaded the data from one of the electronic storage devices to a master server protected by block chain technology;

(5) an electronic storage device containing election data is retained for 22 months, as required under AS 15.15.470.

(c) Before certifying an election under AS 15.15.450, the director shall account for the original of each used or unused ballot, absentee ballot certificate and envelope, and the paper record of an electronically generated ballot under AS 15.15.032. If unable to account for each ballot, the director shall provide to the

1 attorney general, the lieutenant governor, the senate president, the speaker of the house
2 of representatives, each affected candidate, each affected organization or organized
3 group that sponsors or opposes an initiative, referendum, or recall, and the public a
4 detailed description explaining why the ballots did not reconcile. The state ballot
5 counting review board shall audit and certify the ballot accounting under this
6 subsection in accordance with generally accepted accounting principles. When the
7 director is unable to account for each ballot, the director may not certify an election
8 under AS 15.15.450 unless the director has disclosed the detailed description
9 explaining why the ballots did not reconcile.

10 (d) If, under the system established in (a) of this section, the original of a used
11 or unused ballot, absentee ballot certificate and envelope, or the paper record of an
12 electronically generated ballot under AS 15.15.032 is not accounted for, there is a
13 break in the scheduled chain of custody, there is a lapse in system security, or the
14 director has reason to anticipate a break in the scheduled chain of custody or lapse in
15 system security before an election is certified under AS 15.15.450, the director shall
16 notify the attorney general, the lieutenant governor, the senate president, the speaker
17 of the house of representatives, each affected candidate, each affected organization or
18 organized group that sponsors or opposes an initiative, referendum, or recall, and the
19 public. The director shall provide an affected candidate or affected organization or
20 organized group a minimum of 24 hours' notice to appoint a watcher under
21 AS 15.10.170 and ensure the watcher is present before any further ballots in the
22 election are counted or collected.

23 (e) The director shall by regulation adopted under AS 44.62 (Administrative
24 Procedure Act) develop a process to, following the closing of the polls, void all
25 unused ballots, spoiled ballots, and unopened packs of ballots without mutilating or
26 destroying the forensic integrity of the unused ballots, spoiled ballots, or unopened
27 packs of ballots.

28 (f) An election official or watcher who has reasonable cause to believe that a
29 voting machine, election ballot, physical or digital record, certificate, or package of
30 ballots has been opened or otherwise tampered with, or that another irregularity
31 relating to election materials has occurred, shall immediately notify the director and

call for an inspection of the affected election materials following the closing of the polls. If an election official or watcher at a precinct calls for an inspection under this subsection, the director shall require an inspection of the affected election materials before the materials are returned under AS 15.15.370.

* **Sec. 14.** AS 15.15.210 is amended to read:

Sec. 15.15.210. Questioning of voter [VOTERS OF SUSPECT] qualification. Every election official, [SHALL QUESTION, AND EVERY] watcher, and any other person qualified to vote in the precinct may question [,] a person attempting to vote **if the person attempting to vote has also received an absentee ballot or** if the questioner has good reason to suspect that the questioned person is not qualified under AS 15.05. All questions regarding a person's qualifications to vote shall be made in writing setting out the reason the person has been questioned. A questioned person shall, before voting, subscribe to a declaration in a form provided by the director attesting to the fact that in each particular the person meets all the qualifications of a voter, is not disqualified, and has not voted at the same election, and certifying that the person understands that a false statement on the declaration may subject the person to prosecution for a **felony** [MISDEMEANOR] under this title or AS 11. After the questioned person has executed the declaration, the person may vote. If the questioned person refuses to execute the declaration, the person may not vote.

* **Sec. 15.** AS 15.15.215(a) is amended to read:

(a) A voter who casts a questioned ballot shall vote the ballot in the same manner as prescribed for other voters. The voter shall insert the ballot into a secrecy sleeve and put the secrecy sleeve into an envelope on which the statement the voter previously signed is located. **Unless the voter is unable to use digital multi-factor authentication, the voter shall provide the voter's digital multi-factor authentication security identifiers.** The envelope shall be sealed and deposited in the ballot box. When the ballot box is opened, the envelopes shall be segregated, counted, compared to the voting list, and delivered to the official or body supervising the election. The merits of the question shall be determined by this official or body in accordance with the procedure prescribed for questioned votes in AS 15.20.207.

* **Sec. 16.** AS 15.15.225(a) is amended to read:

(a) Before being allowed to vote, each voter shall exhibit to an election official

(1) one form of identification, including

(A) [(1)] an official voter registration card, driver's license, state identification card, current and valid photo identification, birth certificate, **tribal identification card, or** passport [, OR HUNTING OR FISHING LICENSE]; or

(B) [(2)] an original or a copy of a current utility bill, bank statement, paycheck, government check, or other government document; an item exhibited under this paragraph must show the name and current address of the voter; **and**

(2) the voter's digital multi-factor authentication security identifiers, unless the voter is unable to use digital multi-factor authentication.

* Sec. 17. AS 15.15.250 is amended to read:

Sec. 15.15.250. Spoiled ballots [DISPOSITION OF SPOILED BALLOT].

If a voter improperly marks, damages, or otherwise spoils a ballot, the voter may request and the election board shall provide another ballot, with a maximum of **two** [THREE]. The board shall record on the precinct register that there was a spoiled ballot, **mark or punch the spoiled ballot as void while maintaining chain-of-custody protocols,** and **seal** [DESTROY] the spoiled ballot immediately without examining it.

* Sec. 18. AS 15.15.250 is amended by adding a new subsection to read:

(b) The director may prescribe a mechanism to mark or punch a spoiled ballot as void that preserves the forensic value of the ballot.

* Sec. 19. AS 15.15.300 is amended to read:

Sec. 15.15.300. Prohibiting the count of exhibited ballots. An election official may not allow a ballot to be placed in the ballot box that the official knows to have been unlawfully exhibited by the voter. A ballot unlawfully exhibited shall be recorded as a spoiled ballot and **marked or punched as void, maintaining chain-of-custody protocols** [DESTROYED].

* Sec. 20. AS 15.15.350(a) is amended to read:

(a) The director **shall** [MAY] adopt regulations prescribing the manner in

which the precinct ballot count is accomplished so as to ensure accuracy in the count and to expedite the process. The election board shall account for all ballots by completing a ballot statement containing (1) the number of official ballots received; (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4) the number of official ballots unused and [EITHER DESTROYED OR] returned [FOR DESTRUCTION] to the elections supervisor or the election supervisor's designee. The board shall count the number of questioned ballots and compare that number to the number of questioned voters in the register. Discrepancies shall be noted and the numbers included in the certificate prescribed by AS 15.15.370. The election board, in hand-count precincts, shall count the ballots in a manner that allows watchers to see the ballots when opened and read. A person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for mailing may not have a marking device in hand or remove a ballot from the immediate vicinity of the polls.

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

Sec. 15.15.374. Voter qualification system. The director shall adopt regulations to maintain an accurate master register and create a best practices qualification system. If a voter's vote is not counted because the voter is not qualified under AS 15.05.010(3), the director shall notify the voter immediately by reasonably available means. The director shall investigate to determine whether the voter knowingly violated AS 11.56.210(a) or another provision of law when registering to vote or applying for an absentee ballot, and shall refer such a voter to law enforcement. A voter shall be given a reasonable opportunity to validate the voter's voting eligibility if it is in question and may authenticate the voter's vote by 5:00 p.m. on the third day after election day.

* **Sec. 22.** AS 15.15.450 is amended by adding a new subsection to read:

(b) The director or lieutenant governor may not certify the results of an election under (a) of this section

(1) until each original ballot and paper record is accounted for under AS 15.15.055(c); or

(2) if an accounting irregularity cannot be reconciled and a ballot is not

accounted for, until the lieutenant governor

(A) refers the irregularity to the attorney general;

(B) informs affected candidates and sponsors, the president of the senate, and the speaker of the house of representatives; and

(C) provides public notice of the irregularities.

* **Sec. 23.** AS 15.15.470 is amended to read:

Sec. 15.15.470. Preservation and destruction of election ballots, papers, and materials. The director shall preserve all precinct election certificates, tallies, election data on an electronic storage device, and registers for 22 months [FOUR YEARS] after the election. All ballots and stubs for elections [OTHER THAN NATIONAL ELECTIONS] may be destroyed 22 months [30 DAYS] after the certification of the state ballot counting review unless an application for recount has been filed and not completed, or unless their destruction is stayed by an order of the court. All ballots for national elections may be destroyed in accordance with federal law, including 52 U.S.C. sec. 20701. The director may permit the inspection of election materials upon call by the Congress, the state legislature, or a court of competent jurisdiction. The original used and unused ballots and absentee ballot certificates and envelopes and the paper records of electronically generated ballots under AS 15.15.032 must be destroyed at a location designated by the division. The division may designate up to two destruction locations, one in the southcentral region and one in the southeast region of the state. The director or the director's designee shall witness the destruction. The director shall then certify before a notary public that the ballots, absentee ballot certificates and envelopes, and paper records have been destroyed.

* **Sec. 24.** AS 15.15 is amended by adding a new section to read:

Sec. 15.15.490. Division support of municipal election. The division shall support a municipal election by providing data, including equipment or the official registration list, unless the municipality

(1) uses a system, approved by the director, that requires sufficient digital or nondigital multi-factor authentication and ballot chain-of-custody protocols;

(2) agrees to submit any data update or change to the director for

approval;

(3) does not forward ballots or election information when a voter no longer resides at an address;

(4) implements protocols, approved by the director, to update voter registration records; and

(5) does not allow a ballot received after the day of the election that is not postmarked or is postmarked after the day of the election to be counted, unless the ballot envelope is marked with a United States Postal Service tracking barcode sufficient to verify that the ballot was mailed on or before the day of the election.

* **Sec. 25.** AS 15.20.061(c) is amended to read:

(c) **Upon** [ON] receipt of an absentee ballot in person, the voter shall proceed to mark the ballot in secret, **to provide the voter's digital multi-factor authentication security identifiers, unless the voter is unable to use digital multi-factor authentication,** to place the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided, and to sign the voter's certificate on the envelope in the presence of the election official who shall sign as attesting official and date that signature. The election official shall then accept the ballot.

* **Sec. 26.** AS 15.20.066(b) is amended to read:

(b) An absentee ballot that is completed and returned by the voter by electronic transmission must

(1) contain the following statement: "I understand that, by using electronic transmission to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible," followed by the voter's signature and date of signature; [AND]

(2) be accompanied by a statement executed under oath as to the voter's identity; the statement under oath must be witnessed **and certified** by

(A) a commissioned or noncommissioned officer of the armed forces of the United States;

(B) an official authorized by federal law or the law of the state in which the absentee ballot is cast to administer an oath; or

(C) an individual who is 18 years of age or older, if an individual under (A) or (B) of this paragraph is not available and the voter provides a statement certified, as prescribed in AS 09.63.020, under penalty of perjury, indicating that none of the officials is available; and (3) include the voter's digital multi-factor authentication security identifiers, unless the voter is unable to use digital multi-factor authentication.

* **Sec. 27.** AS 15.20 is amended by adding a new section to read:

Sec. 15.20.068. Application for absentee ballot. The division shall provide an absentee ballot application by mail when an eligible voter expressly requests an application. An application may be sent to a voter only by United States mail and only by the division, an officially registered candidate, a recognized political party, or a group sponsoring a ballot measure. An application must prominently display who sent the application and prominently display "Application only/Not a ballot" on the exterior address side of the envelope.

* **Sec. 28.** AS 15.20.081(a) is amended to read:

(a) A qualified voter may apply in person, by mail, by electronic mail, or by facsimile, scanning, or other electronic transmission to the director for an absentee ballot under this section. Another individual may apply for an absentee ballot on behalf of a qualified voter if that individual is designated to act on behalf of the voter in a written general power of attorney or a written special power of attorney that authorizes the other individual to apply for an absentee ballot on behalf of the voter. The application must include the address or, if the application requests delivery of an absentee ballot by electronic transmission, the [TELEPHONE] electronic mail address [TRANSMISSION NUMBER,] to which the absentee ballot is to be returned, the applicant's full Alaska residence address, [AND] the applicant's signature, and, unless the voter is unable to use digital multi-factor authentication, digital multi-factor authentication security identifiers to verify the identity of the qualified voter. However, a person residing outside the United States and applying to vote absentee in federal elections in accordance with AS 15.05.011 shall provide a physical residence address and electronic or telephone contact information [NEED NOT INCLUDE AN ALASKA RESIDENCE ADDRESS IN THE

1 APPLICATION]. A person may supply to a voter an absentee ballot application form
2 with a political party or group affiliation indicated only if the voter is already
3 registered as affiliated with the political party or group indicated. The application must
4 be made on a form prescribed or approved by the director. The voter or registration
5 official shall submit the application directly to the division of elections. For purposes
6 of this subsection, "directly to the division of elections" means that an application may
7 not be submitted to any intermediary that could control or delay the submission of the
8 application to the division or gather data on the applicant from the application form.
9 However, nothing in this subsection is intended to prohibit a voter from giving a
10 completed absentee ballot application to a friend, relative, or associate for transfer to
11 the United States Postal Service or a private commercial delivery service for delivery
12 to the division.

13 * **Sec. 29.** AS 15.20.081(b) is amended to read:

14 (b) An application requesting delivery of an absentee ballot to the applicant by
15 mail must be received by the division of elections not less than **14** [10] days before the
16 election for which the absentee ballot is sought. An application for an absentee ballot
17 for a state election from a qualified voter requesting delivery of an absentee ballot to
18 the applicant by electronic transmission must be received by the division of elections
19 not later than 5:00 p.m. Alaska time on the day before the election for which the
20 absentee ballot is sought. An absentee ballot application submitted by mail under this
21 section must permit the person to register to vote under AS 15.07.070 and to request
22 an absentee ballot for each state election held within that calendar year for which the
23 voter is eligible to vote. An absentee ballot application submitted by electronic
24 transmission under this section may not include a provision that permits a person to
25 register to vote under AS 15.07.070.

26 * **Sec. 30.** AS 15.20.081(d) is amended to read:

27 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of
28 **and after providing sufficient identification to** a notary public, commissioned
29 officer of the armed forces [INCLUDING THE NATIONAL GUARD], district judge
30 or magistrate, United States postal official, registration official, or other person
31 qualified to administer oaths, may proceed to mark the ballot in secret, to place the

1 ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided, **to**
2 **provide, unless the voter is unable to use digital multi-factor authentication, the**
3 **voter's digital multi-factor authentication security identifiers,** and to sign the
4 voter's certificate on the envelope in the presence of an official listed in this subsection
5 who shall sign as attesting official and shall date the signature. If none of the officials
6 listed in this subsection is reasonably accessible, an absentee voter shall **provide a**
7 **written statement on the voter's certificate indicating that none of the officials is**
8 **available, certify, as prescribed in AS 09.63.020, under penalty of perjury, that**
9 **the statements in the voter's certificate are true, and** sign the voter's certificate in
10 the presence of an individual who is 18 years of age or older, who shall sign as a
11 witness. **The witness shall provide a written statement on the voter's certificate**
12 **indicating that none of the officials listed is available, certify, as prescribed in**
13 **AS 09.63.020, under penalty of perjury, that the voter is known to the individual**
14 **and that none of the officials listed is available,** and attest to the date on which the
15 voter signed the certificate in the individual's presence [, AND, IN ADDITION, THE
16 VOTER SHALL CERTIFY, AS PRESCRIBED IN AS 09.63.020, UNDER
17 PENALTY OF PERJURY, THAT THE STATEMENTS IN THE VOTER'S
18 CERTIFICATION ARE TRUE]. **The division may not count a ballot that is not**
19 **signed by an official unless the ballot includes a voter's certificate providing the**
20 **written statements and certifications. The voter and attesting official or witness**
21 **shall legibly print their name, physical address, mailing address, and digital or**
22 **telephone contact information on the space provided on the voter's certificate.**

23 * Sec. 31. AS 15.20.081(e) is amended to read:

24 (e) An absentee ballot must be marked on or before the date of the election.
25 Except as provided in (h) of this section, a voter who returns the absentee ballot by
26 mail, whether provided to the voter by mail or by electronic transmission, shall use a
27 mail service at least equal to first class and mail the ballot not later than the day of the
28 election to the election supervisor for the house district in which the voter seeks to
29 vote. Except as provided in AS 15.20.480, the ballot may not be counted unless it is
30 received by the close of business on the **seventh** [10TH] day after the election. [IF
31 THE BALLOT IS POSTMARKED, IT MUST BE POSTMARKED ON OR BEFORE

ELECTION DAY.] After the day of the election, ballots may not be accepted unless received by mail. **A ballot received after the day of the election that is not postmarked or is postmarked after the day of the election may not be accepted unless the ballot envelope is marked with a United States Postal Service tracking barcode sufficient to verify that the ballot was mailed on or before the day of the election.**

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

(f) The director shall require a voter casting an absentee ballot by mail to provide proof of identification or other information to aid in the establishment of the voter's identity, **including, unless the voter is unable to use digital multi-factor authentication, the voter's digital multi-factor authentication security identifiers** as prescribed by regulations adopted under AS 44.62 (Administrative Procedure Act). If the voter is a first-time voter who initially registered by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050 and has not met the identification requirements set out in AS 15.07.060, the voter must provide one of the following forms of proof of identification:

(1) a copy of a driver's license, state identification card, current and valid photo identification, birth certificate, **tribal identification card, or** passport [, OR HUNTING OR FISHING LICENSE]; or

(2) a copy of a current utility bill, bank statement, paycheck, government check, or other government document; an item provided under this paragraph must show the name and current address of the voter.

* **Sec. 33.** AS 15.20.081 is amended by adding a new subsection to read:

(m) An absentee ballot application must include an option for a qualified voter to choose to receive absentee ballots by mail for future regularly scheduled state elections for a period of four years. After four years, or if the voter's previous absentee ballot sent under this section, or any other mail sent by the division, was returned to the division as undeliverable, the division shall stop sending the voter absentee ballots by mail and shall send notification that the voter may reapply to receive absentee ballots by mail for an additional four-year period. A voter may reapply every four years.

1 * **Sec. 34.** AS 15.20.201(a) is amended to read:

2 (a) **Not** [NO] less than seven days preceding the day of election, the election
3 supervisor, in the presence and with the assistance of the district absentee ballot
4 counting board, shall review all voter certificates **and envelopes** of absentee ballots
5 received by that date. The review of absentee ballots shall continue at times designated
6 by the election supervisor until completed.

7 * **Sec. 35.** AS 15.20.201(b) is amended to read:

8 (b) Counting of absentee ballots that have been reviewed shall begin at 8:00
9 p.m., local time, on the day of the election at places designated by each election
10 supervisor and shall continue until all absentee ballots reviewed and eligible for
11 counting have been counted. The counting teams shall report the count of absentee
12 ballots to the district absentee ballot counting board. An election supervisor or an
13 election official may not **remove absentee ballots from ballot envelopes or** count
14 absentee ballots before 8:00 p.m., local time, on the day of the election. Counting of
15 the absentee ballots shall continue at times designated by the election supervisor until
16 all absentee ballots are counted.

17 * **Sec. 36.** AS 15.20.203(b) is amended to read:

18 (b) An absentee ballot may not be counted if

19 (1) the voter has failed to properly execute the certificate;

20 (2) an official or the witnesses authorized by law to attest the voter's
21 certificate fail to execute the certificate, except that an absentee ballot cast in person
22 and accepted by an absentee voting official or election supervisor may be counted
23 despite failure of the absentee voting official or election supervisor to properly sign
24 and date the voter's certificate as attesting official as required under AS 15.20.061(c);

25 (3) the ballot is not attested on or before the date of the election;

26 (4) the ballot **envelope**, if **delivered by mail after the day of the**
27 **election** [POSTMARKED],

28 **(A) is not postmarked on or before the date of the election; or**

29 **(B) does not have a United States Postal Service tracking**
30 **barcode sufficient to verify that the ballot was mailed on or before the day**
31 **of the election;**

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

(6) the voter voted

(A) in person and is a

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

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

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

(i) driver's license, state identification card, current and valid photo identification, birth certificate, **tribal identification card,** **or** passport [, OR HUNTING OR FISHING LICENSE]; or

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

(7) the voter's certificate is not signed by a notary public, commissioned officer of the armed forces, judge or magistrate, United States postal official, registration official, or other person qualified to administer oaths,

1 and the voter does not provide a written statement on the voter's certificate
2 indicating that none of the listed officials was available;

3 (8) the voter voted in person on the day of the election at a polling
4 place and also voted an absentee ballot; or

5 (9) the voter is able to use digital multi-factor authentication and
6 has not provided the voter's digital multi-factor authentication security
7 identifiers.

8 * Sec. 37. AS 15.20.203(e) is amended to read:

9 (e) If an absentee ballot is not rejected, the envelope shall be opened and the
10 secrecy sleeve containing the absentee ballot shall be placed in a container and mixed
11 with other secrecy sleeves. The ballot may not be separated from the envelope
12 before the division determines that the voter is qualified to vote and has not voted
13 more than one time in the election.

14 * Sec. 38. AS 15.20.203(i) is amended to read:

15 (i) The director shall immediately make a reasonable effort to contact each
16 absentee voter whose absentee ballot has been rejected under this section, explain
17 why the ballot has been rejected and how it may be cured, and mail the materials
18 described in (h) of this section to the voter [NOT LATER THAN

19 (1) 10 DAYS AFTER COMPLETION OF THE REVIEW OF
20 BALLOTS BY THE STATE REVIEW BOARD FOR A PRIMARY ELECTION OR
21 A SPECIAL PRIMARY ELECTION UNDER AS 15.40.140;

22 (2) 60 DAYS AFTER CERTIFICATION OF THE RESULTS OF A
23 GENERAL ELECTION OR SPECIAL ELECTION OTHER THAN A SPECIAL
24 PRIMARY ELECTION DESCRIBED IN (1) OF THIS SUBSECTION]. The
25 director shall provide an absentee voter whose ballot is rejected under this
26 section a reasonable opportunity, until 5:00 p.m. on the third day after election
27 day, to cure a rejected ballot.

28 * Sec. 39. AS 15.20.203 is amended by adding a new subsection to read:

29 (k) If, under (b)(8) of this section, a voter's absentee ballot is not counted and
30 the director determines that the voter did not intend to have two votes counted, the
31 division shall count the voter's in-person ballot.

* **Sec. 40.** AS 15.20.207(b) is amended to read:

(b) A questioned ballot may not be counted if the voter

(1) has failed to properly execute the certificate;

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

(3) is a voter other than one described in (2) of this subsection, did not provide identification described in AS 15.15.225(a), was not personally known by the election official, and has not provided the identifiers required in AS 15.07.060(a)(2) and (3); or

(4) is able to use digital multi-factor authentication and has not provided the voter's digital multi-factor authentication security identifiers.

* **Sec. 41.** AS 15.20.207(i) is amended to read:

(i) The director shall immediately make a reasonable effort to contact each voter whose questioned ballot has been rejected under this section, explain why the ballot has been rejected and how it may be cured, and mail the materials described in (h) of this section to the voter [NOT LATER THAN

(1) 10 DAYS AFTER COMPLETION OF THE REVIEW OF BALLOTS BY THE STATE REVIEW BOARD FOR A PRIMARY ELECTION OR A SPECIAL PRIMARY ELECTION UNDER AS 15.40.140;

(2) 60 DAYS AFTER CERTIFICATION OF THE RESULTS OF A GENERAL OR SPECIAL ELECTION, OTHER THAN A SPECIAL PRIMARY ELECTION DESCRIBED IN (1) OF THIS SUBSECTION]. The director shall provide a voter whose ballot is rejected under this section a reasonable opportunity, until 5:00 p.m. on the third day after election day, to cure a rejected ballot.

* **Sec. 42.** AS 15.20.220(a) is amended to read:

(a) When the director and appointed party representatives have completed the

review of ballots cast at the voting precincts, they shall proceed to review the absentee and questioned ballot votes certified by the district counting boards. The review of the absentee and questioned ballot vote certified by the district counting boards shall be accomplished by reviewing the tallies of the recorded vote to check for mathematical error, comparing the identifier data on each ballot and envelope to ensure that each voter has voted only once in the election, and [BY] comparing the totals with the election certificate of results.

* **Sec. 43.** AS 15.20.540 is amended to read:

Sec. 15.20.540. Grounds for election contest. A defeated candidate or 10 qualified voters may contest the nomination or election of any person or the approval or rejection of any question or proposition upon one or more of the following grounds:

(1) malconduct, fraud, or corruption on the part of an election official sufficient to change the result of the election;

(2) when the person certified as elected or nominated is not qualified as required by law;

(3) any corrupt practice as defined by law sufficient to change the results of the election;

(4) a breach of voter registration data that reveals voters' digital multi-factor authentication or other security identifiers sufficient to change the results of an election;

(5) ballot accounting irregularities sufficient to change the results of an election.

* **Sec. 44.** AS 15.20.540 is amended by adding a new subsection to read:

(b) The division's failure to contact an absentee voter whose ballot is rejected under AS 15.20.203 or a voter whose questioned ballot is rejected under AS 15.20.207 is not grounds to contest an election.

* **Sec. 45.** AS 15.20.800(a) is amended to read:

(a) The director may conduct an 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. 46.** AS 15.20.800(b) is amended to read:

(b) If the director conducts an election under (a) of this section by mail, the director shall send a ballot for each election described in (a) of this section to each person whose name appears on the official registration list prepared under AS 15.07.125 for that election. Before conducting an election by mail, the director shall update the master register and adopt a system protected by block chain technology that provides for strict digital multi-factor authentication and ballot chain-of-custody protocols. The director shall send ballots by first class, nonforwardable mail. The ballot shall be sent to the address stated on the official registration list unless

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

(2) the address on the official registration list has been identified as being an undeliverable address.

* **Sec. 47.** 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) Precinct tabulators may not be connected to the Internet 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.

* **Sec. 48.** AS 15.56.035(a) is amended to read:

(a) A person commits the crime of unlawful interference with voting in the second degree if the person

(1) has an official ballot in possession outside of the voting room unless the person is an election official or other person authorized by law or local ordinance, or by the director or chief municipal elections official in a local election;

(2) makes, or knowingly has in possession, a counterfeit of an official election ballot;

(3) knowingly solicits or encourages, directly or indirectly, a registered voter who is no longer qualified to vote under AS 15.05.010, to vote in an election;

(4) as a registration official

(A) knowingly refuses to register a person who is entitled to register under AS 15.07.030; or

(B) accepts a fee from an applicant applying for registration;

(5) violates AS 15.20.081(a) by knowingly supplying or encouraging or assisting another person to supply to a voter an absentee ballot application form with a political party or group affiliation indicated if the voter is not already registered as affiliated with that political party or group;

(6) knowingly designs, marks, or encourages or assists another person to design or mark an absentee ballot application in a manner that suggests choice of one ballot over another as prohibited by AS 15.20.081(a); [OR]

(7) knowingly submits or encourages or assists another person to submit an absentee ballot application to an intermediary who could control or delay the submission of the application to the division of elections or who could gather data from the application form as prohibited by AS 15.20.081(a); or

(8) knowingly collects a ballot from a voter unless

(A) the voter expressly requested that the person collect the

ballot;

(B) the person did not solicit the ballot; and

(C) the person did not collect more than six ballots voted in

a single election.

* **Sec. 49.** AS 15.56.035 is amended by adding a new subsection to read:

(d) In this section, "collects" means the action of gaining possession or control of a ballot.

* **Sec. 50.** AS 15.56.040(a) is amended to read:

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

(1) votes or attempts to vote in the name of another person, **including another person who is cognitively unable to express their vote,** or in a name other than the person's own;

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

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

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

* **Sec. 51.** AS 15.56.060(a) is amended to read:

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

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

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

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

(4) intentionally opens or tampers with a sealed absentee ballot certificate, absentee ballot envelope, or package of ballots without express authorization from the director;

(5) intentionally breaches, hacks, alters, or tampers with election machinery, including a tabulator machine, a program, a system, a server, or software used to verify identity, count, or tabulate, or manage or control any election function; or

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

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

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

* **Sec. 52.** AS 15.56 is amended by adding a new section to read:

Sec. 15.56.065. Election fraud. (a) A person commits the crime of election fraud if the person violates AS 15.56.060 and causes the outcome of an election to change.

(b) Election fraud is a class B felony.

* **Sec. 53.** AS 15.56.070(a) is amended to read:

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

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

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

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

(4) knowingly discloses, shares, or reports, to a person who is not an election official, election results, returns, or any confidential election data

before the polls close on election day.

* **Sec. 54.** AS 15.80 is amended by adding a new section to read:

Sec. 15.80.001. Authority of the legislature. Throughout this title, the power of the legislature to prescribe the time, place, and manner of an election under the Constitution of the United States and methods of voting under art. V, sec. 3, Constitution of the State of Alaska, is paramount. The judicial branch may not usurp this power without the legislature's express consent. The division shall consider any judicial decision contrary to this section advisory, and the division may not comply with such a decision unless the legislature provides express consent.

* **Sec. 55.** AS 15.80 is amended by adding a new section to read:

Sec. 15.80.006. Electronic signature prohibited. An election official may not accept an electronic signature in lieu of a voter's signature unless a notarized signature verification accompanies the electronic signature.

* **Sec. 56.** AS 15.80 is amended by adding a new section to read:

Sec. 15.80.009. Notification of security breach. The lieutenant governor shall immediately notify the legislature and the public of a security breach of a voter registration record or a voting machine.

* **Sec. 57.** AS 15.80.010(38) is amended to read:

(38) "signature" or "subscription" includes a mark **made by a person who cannot write, with the name of that person written near the mark by a witness who writes the witness's own name near the name of the person who cannot write** [INTENDED AS A SIGNATURE OR SUBSCRIPTION];

* **Sec. 58.** AS 18.65.240(a) is amended to read:

(a) A person may not be appointed as a police officer, except on a probationary basis, unless the person (1) has satisfactorily completed a basic program of police training approved by the council, which includes at least 12 hours of instruction regarding domestic violence, **as that term is defined in AS 18.66.990,** [AND] at least 12 hours of instruction regarding sexual assault, as **that term is** [THOSE TERMS ARE] defined in AS 18.66.990, **and at least four hours of instruction in detecting and investigating election fraud;** and (2) possesses other qualifications the council has established for the employment of police officers,

including minimum age, education, physical and mental standards, citizenship, moral character, and experience. The council shall prescribe the means of presenting evidence of fulfillment of these requirements.

* **Sec. 59.** AS 43.23.015(b) is amended to read:

(b) The department shall prescribe and furnish an application form for claiming a permanent fund dividend. The application must include

(1) notice of the penalties provided for under AS 43.23.270;

(2) a statement of eligibility and a certification of residency;

(3) the means for an applicant eligible to vote under AS 15.05, or a person authorized to act on behalf of the applicant, to furnish information required by AS 15.07.060(a)(1) - (4) and (7) - (9), **identify the house district the applicant has been a resident of for the last 30 days,** and **attest** [AN ATTESTATION] that such information is true.

* **Sec. 60.** The uncoded law of the State of Alaska is amended by adding a new section to read:

FIRST BIENNIAL AUDIT OF MASTER REGISTER. The division shall, in consultation with an external, nationally recognized subject-matter expert, conduct the first audit of the master register under AS 15.07.130(h), enacted by sec. 7 of this Act, within 90 days after the effective date of sec. 7 of this Act. The division shall publish the report and submit the report to the senate secretary and the chief clerk of the house of representatives not later than 150 days after the effective date of sec. 7 of this Act.

* **Sec. 61.** The uncoded law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 15.56.035(a)(8), enacted by sec. 48 of this Act, AS 15.56.040(a)(1), as amended by sec. 50 of this Act, AS 15.56.060(a)(4) and (5), enacted by sec. 51 of this Act, AS 15.56.065, enacted by sec. 52 of this Act, and AS 15.56.070(a)(4), enacted by sec. 53 of this Act, apply to offenses committed on or after the effective date of secs. 48 and 50 - 53 of this Act.

* **Sec. 62.** The uncoded law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Department of Revenue and the division of

1 elections may adopt regulations necessary to implement the changes made by this Act. The
2 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
3 effective date of the law implemented by the regulation.

4 * **Sec. 63.** Section 62 of this Act takes effect immediately under AS 01.10.070(c).

5 * **Sec. 64.** Except as provided in sec. 63 of this Act, this Act takes effect January 1, 2022.