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House Bill 66: Election, Voting, Ballots

Sectional Analysis

"An Act relating to voting, voter qualifications, and voter registration; relating to poll watchers; relating to absentee ballots and questioned ballots; relating to election worker compensation; and providing for an effective date."

Section 1 – Removes language from AS 15.05.010 requiring a qualified voter to register before an election as stipulated under AS 15.07.

Section 2 – Amends AS 15.07.060 (a) to allow a person registering or re-registering as a voter to apply using an electronic signature. The section also amends AS 15.07.060 to require those seeking to register or re-register to vote within 30 days prior to an election to declare whether they have established residency at least 30 days before the date of the election.

Section 3 – Amends AS.07.060 to add a new subsection to allow the director of the Alaska Division of Elections to determine the form of an electronic signature that may be used to register or re-register to vote. The director shall also determine the process used to obtain the electronic signature.

Section 4 – Amends 15.07.070 (d) to stipulate that a qualified voter registering on the day of or within 30 days of an election may vote only an absentee in-person, special needs, or questioned ballot.

Section 5 – Amends AS 15.07.070 (h) requiring the voter's certificate on the envelope used for voting an absentee in-person, special needs, or questioned ballot to reflect a voter's choice to register as nonpartisan, as undeclared, or as affiliated with a political party or a political group.

Section 6 – Amends AS 15.07.090 (b) to stipulate that a person who has re-registered under this subsection may vote only an absentee in-person, special needs, or questioned ballot until the next election that occurs at least 30 days after the date of re-registration.

Section 7 – Amends AS 15.07.090 (c) to require a person who has moved to a new precinct to vote only an absentee in-person, special, needs, or questioned ballot.

Section 8 – Amends AS 15.07.090 (d) stipulating that a person for whom no evidence of registration in the precinct can be found may only vote an absentee in-person, special needs, or questioned ballot.

Section 9 – Amends AS 15.07.130 (e) to rename absentee voting stations "early voting stations."

Section 10 – Amends AS 15.10.170 to allow an organization sponsoring or opposing a ballot proposition to have watchers at polls and counting centers once authorized by the director of the Division of Elections.

Section 11 – Amends AS 15.10.170 to add a new subsection authorizing a watcher to fully view all actions taken by election officials while polls are open until the ballots are finally counted and the results certified by the election board or the data processing review board.

Section 12 – Relates to questioned ballot procedure by requiring a questioned voter to complete a declaration that includes required information detailed in Section 13.

Section 13 – Amends AS 15.15.210 to add a new subsection requiring each person voting a questioned ballot to complete a declaration attesting that the person is a qualified voter and has not previously voted in the same election. The voter must identify the voter's place of residency for the 30 days immediately preceding the election.

Section 14 – Amends AS 15.15.215 to require the questioned voter declaration be placed on the envelope that would contain a questioned ballot in a secrecy sleeve.

Section 15 – Amends AS 15.20.030 requiring the Division of Elections to include a postage-paid return envelope with absentee ballots. Section 15 also amends AS

15.20.030 to require a voter's certificate for state and local elections to include a declaration identifying the voter's place of residence for the 30 days preceding the election.

Section 16 – Amends AS 15.20.045 to stipulate that a location designated as an early voting station will remain an early voting station for subsequent elections unless the location is no longer available for use or the director of the Division of Elections determines that the location is no longer appropriate. The section requires the director to make a determination that a location is no longer appropriate for use as an early voting station available to the public in writing.

Section 17 – Amends AS 15.20.045 (c) to replace the term absentee voting station with early voting station.

Section 18 – Amends AS 15.20.050 to require the director of the Division of Elections to notify the public of the location of early voting stations.

Section 19 – Amends AS 15.20.061 (a) to allow a qualified voter to apply in person for an absentee ballot to an absentee voting official at an early voting station on or after the 15th day before an election up to and including the date of the election.

Section 20 – Amends AS 15.20.064 (b) requiring an election official to issue a ballot to a voter upon verification that the voter's residence address appearing on the official registration list is current for that election.

Section 21 – Amends AS 15.20.064 to add a new subsection (e) that requires a voter to cast an absentee ballot if a voter's eligibility to vote cannot be verified by an election official.

Section 22 – Amends AS.20.072 (b) to allow a voter, through a representative, to request a special needs ballot from an absentee voting official at an early voting station. This aligns AS.20.072 (b) with the name change from early absentee voting stations to early voting stations.

Section 23 – Amends AS 15.20.081 (b) to require absentee ballot applications to permit the person to declare a political affiliation, if any.

Section 24 – Amends AS 15.20.081 (d) to eliminate the witness requirement for absentee ballots. The section adds a requirement for the voter to date the voter's certificate on the envelope returned to the Division of Elections.

Section 25 – Amends AS 15.20.081 to add a new subsection (m) that requires an absentee ballot application to include an option for a voter to choose to receive absentee ballots by mail for future regularly scheduled state elections. The new subsection stipulates that the director of the Division of Elections may require a voter to reapply to receive an absentee ballot by mail if the voter has not voted an absentee ballot for a period of four years or the voter's previous absentee ballot was returned as undeliverable.

Section 26 – Allows the Division of Elections to begin counting absentee ballots beginning seven days preceding election day. The results of the first count of absentee ballots shall be reported to the district absentee ballot counting board not later than 8:00 p.m. on the day of the election. The section stipulates that counting of the absentee ballots shall continue until all absentee ballots are counted.

Sections 27, 28, 29, and 30 change statutes to align with the bill's intent to allow absentee voters an opportunity to fix or cure mistakes made to the information provided to the Division of Elections along with an absentee ballot.

Section 27 – Amends AS 15.20.203 (b) to prevent an absentee ballot from being rejected if the voter failed to sign and date the certificate properly or the voter failed to provide the proof of identification as required by AS 15.20.081 (f).

Section 28 – Amends AS 15.20.203 (i) requiring the director of the Division of Elections to mail each voter whose absentee ballot was rejected a summary detailing the reason and information detailing the ballot curing process under AS 15.20.204.

Section 29 – Amends AS 15.20.203 (j) to read: The director shall make available through a free access system to each absentee voter a method to check to see whether the voter's ballot was counted and, if not counted, the reason why the ballot was not counted. The director shall make this information available through the free access system immediately after the director receives the voter's rejected ballot.

Section 30 – Amends AS 15.20 to add a new section. Section 15.20.204 allows a voter to cure an absentee ballot up to 10 days after the election if the ballot is rejected because a voter failed to sign the certificate, date the certificate, or provide proof of identity as required by AS 15.20.081 (f). If a voter's absentee ballot was rejected on or before election day, the voter may attest in a sworn affidavit that the voter's absentee ballot was rejected and mark a questioned ballot.

Section 31 – Amends AS 15.20.220 (b) to direct the state review board to review and count absentee ballots properly cured under the new AS 15.20.204.

Section 32 – Amends AS 15.56.030 (d) to exclude the postage-paid return envelopes required in Section 15 of the bill from being considered an "other valuable thing" under AS 15.56.030 (a).

Section 33 – Amends AS 15.80 to increase the minimum compensation for all election workers to at least \$15.00 an hour.

Section 34 – Defines "electronic signature" for AS 15.

Section 35 – Amends AS 29.20.380 (c) to authorize a municipal clerk to act as an absentee voting official for an early voting station under AS 15.20.045 (b).

Section 36 – Amends AS 29.26.050 to add a new subsection to read: (d) Except as a municipality may require for elections held only in specific local election districts or service areas under (b) of this section, a person who has lived within the municipality for at least 30 days, but who has not registered to vote in state

elections at a residence address within the municipality at least 30 days before a municipal election, may vote only an absentee, special needs, or questioned ballot in that election.

Section 37 – Repeals AS 29.26.050 (a) (3), requiring a voter to be registered at least 30 days before the municipal election at which the person seeks to vote.

Section 38 – Provides an effective date of January 1, 2022, for the bill's provisions.