

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-2450
LAA.Legal@akleg.gov
120 4th Street, Room 3


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 28, 2021

SUBJECT: Sectional analysis of SB39
(Work Order No. 32-LS0204\A)

TO: Senator Mike Shower
Attn: Scott Ogan

FROM: Noah Klein 
Legislative Counsel

You requested a sectional analysis of SB39. Please note that the section numbers in this analysis refer to the "A" version of the bill. Additionally, a sectional summary is not an authoritative interpretation of the bill — a bill itself is the best statement of its contents.

Section 1. Amends AS 15.07.050(a) eliminating automatic PFD applicant voter registration and providing for PFD applicant voter registration by checking a box to request registration.

Section 2. Amends 15.07.060(e) to provide for PFD applicant voter registration but only if the applicant requests to register.

Section 3. Amends AS 15.07.070(i) so the division only registers PFD applicants who request to register.

Section 4. Amends AS 15.07.070(k) to require the director to register and notify only those PFD applicants who requested to register to vote.

Section 5. Amends 15.07.070(l), requiring a PFD applicant request to be registered before their name is placed on the master register.

Section 6. Mandates a ballot security and chain of custody protocol to track ballots, absentee ballot certificates and envelopes, and paper records of electronically generated ballots. Establishes a toll-free election offense hotline and requires the number be placed on voting machines and election materials.

Section 7. Requires the director to provide election board notices with the election offense hotline. Two notices must be posted in each polling place in a conspicuous location.

Section 8. Amends AS 15.15.250 requiring that spoiled ballots be marked and sealed rather than destroyed.

Section 9. Requires that the director provide a voter notice if the voter's ballot was not counted because the voter was not a resident of the state or house district in which the voter sought to vote.

Section 10. Provides that elections may not be certified by the director or lieutenant governor until each original ballot and record is accounted for.

Section 11. Amends AS 15.15.470, requiring that all ballots and stubs for elections be retained for 22 months. Mandates ballot, certificate, and envelope destruction at a single location, witnessed by the director or their designee, and then director certification of destruction.

Section 12. Amends AS 15.20.066(a) to prohibit absentee voting by facsimile in state elections.

Section 13. Amends AS 15.20.081(a) to provide for email absentee ballot transmission.

Section 14. Amends AS 15.20.081(d) and requires the division, in the event a court invalidates the absentee ballot witness signature during an emergency declared under AS 26.23, to enforce the witness signature after the emergency declaration expires.

Section 15. Amends AS 15.20.081(e) to require that all absentee ballots received after election day be postmarked on or before election day.

Section 16. Amends AS 15.20.201(b), requiring that reviewed absentee ballots be counted as soon as possible after review and prohibiting counting delay to determine whether a voter voted more than once in the election.

Section 17. Amends AS 15.20.220(a) and adds a name comparison to the review of the district counting board certified absentee and questioned ballot votes.

Section 18. Amends AS 15.56.035(a), criminalizing knowing ballot collection unless the person is collecting a single ballot and is a family member, household member, caregiver of the voter, or the person is engaged in official duties as an election official, postal worker, commercial delivery service.

Section 19. Defines caregiver, collects, family member, and household member in AS 15.56.035.

Section 20. Criminalizes intentional unauthorized opening or tampering with a sealed absentee ballot certificate or package of ballots.

Section 21. Requires the lieutenant governor to notify the legislature of a security breach affecting a voter registration record or a voting machine.

Section 22. Prohibits a general law municipality (but not a home rule municipality) from mailing a general law or special election ballot to a voter who has not affirmatively requested to vote by mail.¹

Section 23. Amends 43.23.015(b) to allow a PFD applicant to request to be registered as a voter.

Section 24. Amends AS 43.23.101 so that the Commissioner of Revenue is obligated to send PFD applicant information to the Division of Elections only when the applicant requests to be registered to vote.

Section 25. Repeals provisions authorizing the Director of the Division of Elections to conduct elections held at a time other than the general, party primary, or municipal election by mail.

Section 26. Provides that changes made to PFD applications and voter registration apply to applications filed on or after the effective date of the Act.

Section 27. Provides that the offenses enacted by the bill apply to offenses occurring on or after the effective date of the Act.

Section 28. Transition provision authorizing the Department of Revenue and the Division of Elections to adopt regulations to implement the Act.

Section 29. Establishes an immediate effective date for sec. 28.

Section 30. Establishes a January 1, 2022 effective date for the bill except as provided in sec. 29.

Please call with any questions or concerns.

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¹ Note that the bill does not add the section to the list of prohibitions applicable to home rule municipalities in AS 29.10.200.