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Klein
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CS FOR SENATE BILL NO. 39(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR SHOWER

A BILL

FOR AN ACT ENTITLED

"An Act relating to elections; relating to voters; relating to the crimes of unlawful interference with an election, election fraud, and election official misconduct; and providing for an effective date."

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

* **Section 1.** AS 15.05.010 is amended to read:

Sec. 15.05.010. Voter qualification. A person may vote at any election who

(1) is a citizen of the United States;

(2) is 18 years of age or older;

(3) has been a resident of the state and of the house district in which the person seeks to vote for at least 30 days just before the election; and

(4) has registered [BEFORE THE ELECTION] as required under AS 15.07 and is not registered to vote in another jurisdiction.

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

(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 declaration that the applicant is a citizen of the United States;
- (8) the date of application;
- (9) the applicant's signature or mark, or an electronic image of the applicant's signature submitted in the format and according to the process specified by the division in regulation;
- (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;
- (13) if applying within 30 days before an election,**
 - (A) an affidavit, signed under penalty of perjury, stating whether the applicant established residency at least 30 days before the date of the election in**
 - (i) the state; and**
 - (ii) the house district in which the applicant seeks to vote at the election; and**

(B) a physical or electronic copy of

(i) identification issued by the federal government, the state, a municipality, a tribal government, or a secondary or postsecondary school that displays the applicant's Alaska residence address;

(ii) a utility bill, bank statement, government check, paycheck, or other government document that is dated not more than 60 days before the registration or reregistration and displays the applicant's name and Alaska residence address; and

(14) an acknowledgment of understanding by the applicant that, if the applicant has previously been registered to vote in another jurisdiction, the director will notify the chief elections officer of that jurisdiction that the applicant has registered to vote in this state and request the applicant's voter registration be canceled in that jurisdiction.

* **Sec. 3.** AS 15.07.060 is amended by adding a new subsection to read:

(g) The director shall provide an applicant the opportunity to designate, from among the written languages in which the division is required to print election materials under 52 U.S.C. 10503, as amended, the language in which the applicant prefers to receive ballots and other election materials printed for an election. If an applicant designates a written language, the director shall provide the applicant with ballots and election materials in the applicant's designated language. If an applicant designates a written language in which the division is not required under 52 U.S.C. 10503, as amended, to print ballots and election materials, the director shall notify the applicant that ballots and election materials printed in that language are not available and allow the applicant another opportunity to designate a language under this subsection. The division shall provide an applicant who designates a language under this subsection with ballots and election materials in that language until the earlier of the date that

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

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

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

2 (d) Qualified voters may register in person before a registration official or
3 through a voter registration agency at any time throughout the year. **A qualified voter**
4 **who registers** [, EXCEPT THAT A PERSON REGISTERING] within 30 days
5 preceding an election **or on the day of an election may vote only an absentee in-**
6 **person, special needs, or questioned ballot** [IS NOT ELIGIBLE TO VOTE] at that
7 election. Upon receipt and approval of the registration forms, the director or the
8 election supervisor shall forward to the voter an acknowledgment in the form of a
9 registration card, and the voter's name shall immediately be placed on the master
10 register. Names of persons registering 30 or more days before an election shall be
11 placed on the official registration list for that election.

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

13 (h) The director shall design the form of the voter's certificate appearing on
14 the envelope that is used for voting an absentee in-person, **special needs,** or
15 questioned ballot so that **a voter's choice to register as nonpartisan, as undeclared,**
16 **or as affiliated with a political party or political group and** all information required
17 for registration by AS 15.07.060(a) may be obtained from a voter who votes an
18 absentee in-person, **special needs,** or questioned ballot. If the voter voting an absentee
19 in-person, **special needs,** or questioned ballot has completed all information on the
20 voter registration portion of the absentee in-person, **special needs,** or questioned ballot
21 voter's certificate, the director shall place the name of the voter on the official
22 registration list.

23 * **Sec. 6.** AS 15.07.090(b) is amended to read:

24 (b) A voter shall reregister if the voter's registration is cancelled as provided in
25 AS 15.07.130. **A person who has reregistered under this subsection may vote only**
26 **an absentee in-person, special needs, or questioned ballot until** [THE
27 REREGISTRATION IS EFFECTIVE FOR] the next election that occurs at least 30
28 days after the date of reregistration.

29 * **Sec. 7.** AS 15.07.090(c) is amended to read:

30 (c) The director shall transfer the registration of a voter from one precinct to
31 another within a house district when requested by the voter. **If a** [THE] request **is**

[SHALL BE] made within 30 [OR MORE] days before [THE] election day, a person who has moved to a new precinct may vote only an absentee in-person, special needs, or questioned ballot. The director shall transfer the registration of a voter from one house district to another when requested by the voter. The voter must reside in the new house district for at least 30 days in order to vote a ballot for that district.

* **Sec. 8.** AS 15.07.090(d) is amended to read:

(d) A person who claims to be a registered voter, but for whom no evidence of registration in the precinct can be found, may vote only an absentee in-person, special needs, or questioned ballot [SHALL BE GRANTED THE RIGHT TO VOTE IN THE SAME MANNER AS THAT OF A QUESTIONED VOTER AND THE BALLOT SHALL BE TREATED IN THE SAME MANNER. THE BALLOT SHALL BE CONSIDERED TO BE A "QUESTIONED BALLOT" AND SHALL BE SO DESIGNATED. THE DIRECTOR OR THE DIRECTOR'S REPRESENTATIVE SHALL DETERMINE WHETHER THE VOTER IS REGISTERED IN THE HOUSE DISTRICT BEFORE COUNTING THE BALLOT. A VOTER WHO HAS FAILED TO OBTAIN A TRANSFER AS PROVIDED IN (c) OF THIS SECTION SHALL VOTE A "QUESTIONED BALLOT" IN THE PRECINCT IN WHICH THE VOTER RESIDES].

* **Sec. 9.** AS 15.07.130(e) is amended to read:

(e) For purposes of (b) and (d) of this section, a voter "appears to vote" if

(1) the voter is present at a polling place or at an early [ABSENTEE] voting station designated under AS 15.20.045(b) at a time when the polling place or early [ABSENTEE] voting station is operating, for the purpose of casting a vote;

(2) the voter applies to the division to obtain an absentee ballot; or

(3) in an election conducted by mail under AS 15.20.800, a voter who has not received a ballot by mail makes a timely request to the division for a ballot.

* **Sec. 10.** AS 15.07.130 is amended by adding a new subsection to read:

(g) The division shall adopt regulations providing for regular review and updates of the master register. The regulations must provide for review of the register for data breaches, the number of registered voters compared to eligible voters, and the names of deceased voters, persons convicted of a felony involving moral turpitude,

persons not qualified to vote under AS 15.05, and persons registered to vote in another state. The regulations must specify records and databases for use in reviewing the master register; the records and databases may include the United States Postal Service national change of address database, an electronic registration information center dedicated to improving the integrity of voter rolls and maintained by a nonprofit membership organization of which the state is a member, state motor vehicle records, records of the state programs of corrections, property and sales tax records, records of the federal social security system, and jury duty records.

* **Sec. 11.** AS 15.07 is amended by adding a new section to read:

Sec. 15.07.133. Process to cancel registration. The director shall develop a process to allow a voter to cancel the voter's registration in person before an election official or electronically. The director shall prominently display instructions for a voter to cancel the voter's registration at each polling place.

* **Sec. 12.** AS 15.10.170 is amended to read:

Sec. 15.10.170. Appointment and privileges of watchers. (a) In a general election, special election, or special primary election, a [THE] precinct party committee, where an organized precinct committee exists, or the party district committee where no organized precinct committee exists, or the state party chairperson where neither a precinct nor a party district committee exists, may appoint one or more [PERSONS AS] watchers in each precinct and counting center [FOR ANY ELECTION]. A [EACH] candidate may appoint one or more watchers for each precinct or counting center in the candidate's respective district or the state [FOR ANY ELECTION]. Any organization or organized group that sponsors or opposes an initiative, referendum, or recall may have one or more [PERSONS AS] watchers at the polls and counting centers after first obtaining authorization from the director. A state party chairperson, a precinct party committee, a party district committee, or a candidate may not have more than one watcher on duty at a time in any precinct or counting center. [A WATCHER MUST BE A UNITED STATES CITIZEN. THE WATCHER MAY BE PRESENT AT A POSITION INSIDE THE PLACE OF VOTING OR COUNTING THAT AFFORDS A FULL VIEW OF ALL ACTION OF THE ELECTION OFFICIALS TAKEN FROM THE TIME THE POLLS ARE

1 OPENED UNTIL THE BALLOTS ARE FINALLY COUNTED AND THE
2 RESULTS CERTIFIED BY THE ELECTION BOARD OR THE DATA
3 PROCESSING REVIEW BOARD. THE ELECTION BOARD OR THE DATA
4 PROCESSING REVIEW BOARD MAY REQUIRE EACH WATCHER TO
5 PRESENT WRITTEN PROOF SHOWING APPOINTMENT BY THE PRECINCT
6 PARTY COMMITTEE, THE PARTY DISTRICT COMMITTEE, THE
7 ORGANIZATION OR ORGANIZED GROUP, OR THE CANDIDATE THE
8 WATCHER REPRESENTS.]

9 (b) In [ADDITION TO THE WATCHERS APPOINTED UNDER (a) OF
10 THIS SECTION, IN] a primary election [OR SPECIAL PRIMARY ELECTION OR
11 SPECIAL ELECTION UNDER AS 15.40.140], each candidate may appoint one or
12 more watchers for [WATCHER IN] each precinct and counting center in the
13 candidate's respective district or the state. An organization or organized group
14 that sponsors or opposes a ballot proposition or recall may have one or more
15 watchers at the polls and counting centers after first obtaining authorization
16 from the director.

17 * **Sec. 13.** AS 15.10.170 is amended by adding a new subsection to read:

18 (c) A watcher appointed under this section may be present at a position inside
19 the place of voting or counting that affords a full view of all action of the election
20 officials taken from the time the polls are opened until the ballots are finally counted
21 and the results certified by the election board or the data processing review board. The
22 election board or the data processing review board may require each watcher to
23 present written proof showing appointment by the respective precinct party committee,
24 party district committee, organization or organized group, or candidate the watcher
25 represents that is signed by the respective chairperson of the precinct party committee,
26 party district committee, state party chairperson, organization or organized group, or
27 candidate. A watcher must be a United States citizen.

28 * **Sec. 14.** AS 15.15.030 is amended by adding a new paragraph to read:

29 (18) The director shall by regulation require that an official ballot
30 include a watermark, seal, or other identifier. Unless the director provides for a limited
31 exception in regulation, the division may not count a ballot that does not include the

1 identifier.

2 * **Sec. 15.** AS 15.15 is amended by adding new sections to read:

3 **Sec. 15.15.055. Ballot security and chain of custody.** (a) The director shall
4 provide by regulation for a system for ballot security and chain of custody to account
5 for the original of each used and unused ballot, absentee ballot certificate and
6 envelope, and the paper record of an electronically generated ballot under
7 AS 15.15.032 through a redundant, secure, and sealed system that accounts for the
8 location and entity that has custody of a ballot or record from the time the ballot is
9 printed or paper record produced, until 22 months after the applicable election is
10 certified under AS 15.15.450. The system must include, for each ballot that leaves the
11 division's immediate custody, an envelope-based barcode or other mechanism
12 sufficient to account for ballot chain of custody at all times the ballot is outside
13 division custody. The division shall continually update the system adopted under this
14 section to ensure that state election practices and procedures are consistent with best
15 practices and procedures and protect the integrity of state elections held under this
16 title.

17 (b) The director shall by regulation develop a process to, following the closing
18 of the polls, void all unused ballots, spoiled ballots, and unopened packs of ballots
19 without mutilating or destroying the forensic integrity of the unused ballots, spoiled
20 ballots, or unopened packs of ballots.

21 **Sec. 15.15.057. Election offense hotline.** (a) The director shall establish a toll-
22 free election offense hotline to receive telephone calls reporting election offenses
23 under this chapter. The director shall publicize the availability of the toll-free hotline
24 and encourage the public to provide information to the division related to voter
25 misconduct or other election offenses under this chapter. The director shall ensure the
26 hotline is continuously staffed during the hours an absentee voting station is open
27 under AS 15.20.045, during the hours an early voting location is open under
28 AS 15.20.064, and for 24 hours after the time the polls open on election day. From 24
29 hours after the polls open until all election results are certified under AS 15.15.450,
30 the director shall ensure an election official is continuously available to respond to
31 calls made to the hotline.

(b) The director shall have the election offense hotline number printed on a sticker and placed on voting machines, ballot envelopes, and other election materials in a manner the director determines will provide maximum public notice of the election offense hotline established under (a) of this section.

* **Sec. 16.** AS 15.15.060 is amended by adding new subsections to read:

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

(g) The director shall provide each election board in the state with notices containing the election offense hotline telephone number. The election board shall post at least two of the notices in each polling place. The election board shall post the notices so that they are conspicuous to voters.

* **Sec. 17.** AS 15.15.210 is amended to read:

Sec. 15.15.210. Questioning of voters of suspect qualification; questioned ballot procedures. 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 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 complete the declaration required under (b) of this section [, 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 MISDEMEANOR UNDER THIS TITLE OR AS 11. AFTER THE QUESTIONED PERSON HAS EXECUTED THE DECLARATION,

1 THE PERSON MAY VOTE]. If the questioned person refuses to execute the
2 declaration, the person may not vote.

3 * **Sec. 18.** AS 15.15.210 is amended by adding a new subsection to read:

4 (b) Each person voting a questioned ballot shall complete a declaration in a
5 form provided by the director attesting to the fact that the person is a qualified voter, is
6 not disqualified, and has not voted at the same election and certifying that the person
7 understands that a false statement on the declaration may subject the person to
8 prosecution under this title or AS 11. For state and local elections, the voter must
9 identify the voter's place of residence for the 30 days immediately preceding the
10 election.

11 * **Sec. 19.** AS 15.15.215(a) is amended to read:

12 (a) A voter who casts a questioned ballot shall vote the ballot in the same
13 manner as prescribed for other voters. The voter shall insert the ballot into a secrecy
14 sleeve and put the secrecy sleeve into an envelope on which the **declaration required**
15 **by AS 15.15.210** [STATEMENT THE VOTER PREVIOUSLY SIGNED] is located.
16 The envelope shall be sealed and deposited in the ballot box. When the ballot box is
17 opened, the envelopes shall be segregated, counted, compared to the voting list, and
18 delivered to the official or body supervising the election. The merits of the question
19 shall be determined by this official or body in accordance with the procedure
20 prescribed for questioned votes in AS 15.20.207.

21 * **Sec. 20.** 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, after each state election but before
24 the certification of the ballot counting review under AS 15.15.450, the director shall
25 conduct a risk-limiting audit of selected election results. The audit must be designed
26 using statistical methods to limit the risk of certification of an election result that is
27 inconsistent with the result that would be obtained by conducting a recount.

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

and shall consider best practices for conducting risk-limiting election audits.

* **Sec. 21.** AS 15.20.020 is amended to read:

Sec. 15.20.020. Provision for general administrative supervision. The director shall provide general administrative supervision over the conduct of absentee voting. The director shall make available instructions to absentee voters regarding the procedure for absentee voting and the online system for tracking absentee ballots.

* **Sec. 22.** AS 15.20.030 is amended to read:

Sec. 15.20.030. Preparation of ballots, envelopes, and other material. The director shall provide ballots for use as absentee ballots in all districts. The director shall provide a secrecy sleeve in which the voter shall initially place the marked ballot, and shall provide a postage-paid return [AN] envelope with the prescribed voter's certificate on it, in which the secrecy sleeve with ballot enclosed shall be placed. The director shall prescribe the form of and prepare the voter's certificate, envelopes, and other material used in absentee voting. The voter's certificate shall include a declaration, for use when required, that the voter is a qualified voter in all respects, a blank for the voter's signature, a certification that the affiant properly executed the marking of the ballot and gave the voter's identity, blanks for the attesting official [OR WITNESS], and a place for recording the date the envelope was sealed and witnessed. The envelope with the voter's certificate must include a notice that false statements made by the voter or by the attesting official [OR WITNESS] on the certificate are punishable by law.

* **Sec. 23.** AS 15.20.045(b) is amended to read:

(b) The director may designate by regulation [ADOPTED UNDER AS 44.62 (ADMINISTRATIVE PROCEDURE ACT)] locations at which early [ABSENTEE] voting stations will be operated for persons to vote absentee ballots on or after the 15th day before an election up to and including the date of the election. The director shall supply these [ABSENTEE] voting stations with absentee ballots for all house districts in the state and shall designate absentee voting officials to serve at the [ABSENTEE] voting stations. A designation as an early voting station under this subsection remains in effect unless

(1) the location is no longer available for use as an early voting

station; or

(2) the director determines that the location is no longer appropriate for use as an early voting station and makes that determination available to the public in writing.

* **Sec. 24.** AS 15.20.045(c) is amended to read:

(c) In a municipality in which the division will not be operating an **early** [ABSENTEE] voting station under this section, the director may designate the municipal clerk as an absentee voting official for the limited purpose of distributing absentee ballots to qualified voters under AS 15.20.061(a)(1) and qualified voters' representatives under AS 15.20.072. At least 15 days before the election, the director shall supply municipal clerks designated under this subsection with absentee ballots.

* **Sec. 25.** AS 15.20.045 is amended by adding a new subsection to read:

(d) The director shall appoint one or more registration officials to serve in each early voting station in all elections during the hours the early voting stations are open. An election official appointed under AS 15.10 may also serve as a registration official.

* **Sec. 26.** AS 15.20.050 is amended to read:

Sec. 15.20.050. Requirement of full public notice. The director shall give full public notice of the dates and manner of voting absentee and may select any means of communication permitted to be used in giving notice of the date and time of the general election. The director shall give notice under this section of the location of **early** [ABSENTEE] voting stations designated under AS 15.20.045(b) at least 45 days before each election.

* **Sec. 27.** AS 15.20.061(a) is amended to read:

(a) A qualified voter may apply in person for an absentee ballot to the following election officials at the times specified:

(1) to an absentee voting official on or after the 15th day before an election up to and including the date of the election;

(2) to an election supervisor on or after the 15th day before an election up to and including the date of the election;

(3) to an absentee voting official at an **early** [ABSENTEE] voting

station designated under AS 15.20.045(b) on or after the 15th day before an election up to and including the date of the election;

(4) to an absentee voting official in the precinct in which no volunteers can be located to serve on the election board on or after the 15th day before an election up to and including election day.

* **Sec. 28.** AS 15.20.064(b) is amended to read:

(b) The election supervisor or other election official shall issue a ballot to the voter upon

(1) exhibition of proof of identification as required in AS 15.15.225;

(2) verification that the voter's residence address appearing on the official registration list for that election is current; and

(3) the voter's signing the early voting register.

* **Sec. 29.** AS 15.20.064 is amended by adding a new subsection to read:

(e) If a voter's eligibility to vote cannot be verified by the election supervisor or other election official under (b) of this section, the voter shall vote an absentee ballot in the manner provided in AS 15.20.061.

* **Sec. 30.** 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. The division, an officially registered candidate, a recognized political party, or a group sponsoring a ballot measure may not fill out a part of an absentee ballot application for a voter. 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. 31.** AS 15.20.072(b) is amended to read:

(b) The voter may, through a representative, request a special needs ballot from the following election officials at the times specified:

(1) from an absentee voting official on or after the 15th day before an election, up to and including election day;

(2) from an election supervisor on or after the 15th day before an election up to and including election day;

(3) from an absentee voting official at an early [ABSENTEE] voting station designated under AS 15.20.045(b) on or after the 15th day before an election up to and including the date of the election; or

(4) from a member of the precinct election board on election day.

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

(b) An application requesting delivery of an absentee ballot to the applicant by mail must be received by the division of elections not less than 10 days before the election for which the absentee ballot is sought. An application for an absentee ballot for a state election from a qualified voter requesting delivery of an absentee ballot to the applicant by electronic transmission must be received by the division of elections not later than 5:00 p.m. Alaska time on the day before the election for which the absentee ballot is sought. An absentee ballot application submitted by mail under this section must permit the person to register to vote under AS 15.07.070, to declare an affiliation under AS 15.07.075, if any, and to request an absentee ballot for each state election held within that calendar year for which the voter is eligible to vote. An absentee ballot application submitted by electronic transmission under this section shall [MAY NOT] include a provision that permits a person to register to vote under AS 15.07.070.

* **Sec. 33.** AS 15.20.081(d) is amended to read:

(d) Upon receipt of an absentee ballot by mail, the voter [, IN THE PRESENCE OF A NOTARY PUBLIC, COMMISSIONED OFFICER OF THE ARMED FORCES INCLUDING THE NATIONAL GUARD, DISTRICT JUDGE OR MAGISTRATE, UNITED STATES POSTAL OFFICIAL, REGISTRATION OFFICIAL, OR OTHER PERSON QUALIFIED TO ADMINISTER OATHS,] may proceed to mark the ballot in secret, 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. The [IN THE PRESENCE OF AN OFFICIAL LISTED IN THIS SUBSECTION WHO SHALL SIGN AS ATTESTING OFFICIAL AND SHALL DATE THE SIGNATURE. IF NONE OF THE OFFICIALS LISTED IN THIS

SUBSECTION IS REASONABLY ACCESSIBLE, AN ABSENTEE VOTER SHALL SIGN THE VOTER'S CERTIFICATE IN THE PRESENCE OF AN INDIVIDUAL WHO IS 18 YEARS OF AGE OR OLDER, WHO SHALL SIGN AS A WITNESS AND ATTEST TO THE DATE ON WHICH THE VOTER SIGNED THE CERTIFICATE IN THE INDIVIDUAL'S PRESENCE, AND, IN ADDITION, THE] voter shall certify, as prescribed in AS 09.63.020, under penalty of perjury, that the statements in the voter's certification are true.

* **Sec. 34.** AS 15.20.081(e) is amended to read:

(e) An absentee ballot must be marked on or before the date of the election. Except as provided in (h) of this section, a voter who returns the absentee ballot by mail, whether provided to the voter by mail or by electronic transmission, shall use a mail service at least equal to first class and mail the ballot not later than the day of the election to the election supervisor for the house district in which the voter seeks to vote. Except as provided in AS 15.20.480, the ballot may not be counted unless it is received by the close of business on the 10th day after the election. [IF 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. 35.** AS 15.20.081 is amended by adding new subsections 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. The division may not require a voter who chooses this option to reapply for an absentee ballot by mail unless

(1) the voter has not voted an absentee ballot for a period of four years;
or

(2) the voter's previous absentee ballot sent under this section was returned to the division as undeliverable.

(n) If a voter requests under AS 15.07.060(g) or, at least 45 days before an

election, requests in writing or by other means designated in regulations adopted by the director to receive a ballot in a language other than English in which the division is required to print election materials under 52 U.S.C. 10503, as amended, the director shall provide the voter with a ballot and election materials under this section in the language requested.

* **Sec. 36.** AS 15.20.201(a) is amended to read:

(a) **Not** [NO] less than **10** [SEVEN] days preceding the day of election, the election supervisor, in the presence and with the assistance of the district absentee ballot counting board, shall **begin to** review all voter certificates **and envelopes** of absentee ballots received by that date. The review of absentee ballots shall continue at times designated by the election supervisor until completed. **An absentee ballot may not be counted until the accompanying voter certificate has been reviewed.**

* **Sec. 37.** AS 15.20.201(b) is amended to read:

(b) Counting of absentee ballots that have been reviewed shall begin **not fewer than seven days preceding** [AT 8:00 p.m., LOCAL TIME, ON] the day of the election at places designated by each election supervisor and shall continue until all absentee ballots reviewed and eligible for counting have been counted. The counting teams shall report the **first** count of absentee ballots to the district absentee ballot counting board **not later than** [. AN ELECTION SUPERVISOR OR AN ELECTION OFFICIAL MAY NOT COUNT ABSENTEE BALLOTS BEFORE] 8:00 p.m., local time, on the day of the election. Counting of the absentee ballots shall continue at times designated by the election supervisor until all absentee ballots are counted.

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

(a) The district absentee ballot counting board shall examine each absentee ballot envelope and shall determine whether the absentee voter is qualified to vote at the election, **whether the signature on the certificate is consistent with the voter's signature in voter registration records,** and whether the absentee ballot has been properly cast.

* **Sec. 39.** AS 15.20.203(b) is amended to read:

(b) An absentee ballot may [NOT] be **rejected** [COUNTED] if
(1) the voter has failed to properly **sign** [EXECUTE] the certificate;

(2) [AN OFFICIAL OR THE WITNESSES AUTHORIZED BY LAW TO ATTEST THE VOTER'S CERTIFICATE FAIL TO EXECUTE THE CERTIFICATE, EXCEPT THAT AN ABSENTEE BALLOT CAST IN PERSON AND ACCEPTED BY AN ABSENTEE VOTING OFFICIAL OR ELECTION SUPERVISOR MAY BE COUNTED DESPITE FAILURE OF THE ABSENTEE VOTING OFFICIAL OR ELECTION SUPERVISOR TO PROPERLY SIGN AND DATE THE VOTER'S CERTIFICATE AS ATTESTING OFFICIAL AS REQUIRED UNDER AS 15.20.061(c);

(3)] the certificate [BALLOT] is not signed [ATTESTED] on or before the date of the election;

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

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

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

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

(5) [(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, 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; or

(6) the signature on the certificate is not consistent with the voter's signature in voter registration records.

* **Sec. 40.** AS 15.20.203 is amended by adding a new subsection to read:

(k) The district absentee counting board shall determine whether a voter's signature on the certificate is consistent with the voter's signature in voter registration records under (a) of this section using a signature verification process that includes signature comparison software, according to a procedure provided in regulations adopted by the director. An election official may not determine that the signature on a voter's return envelope does not match the signature stored in the voter's registration record solely based on substitution of initials or use of a common nickname. The director shall provide training in signature comparison and the use of signature comparison software to election officials who compare signatures under this section.

* **Sec. 41.** AS 15.20.220(b) is amended to read:

(b) The state review board shall review and count absentee ballots under AS 15.20.081(e) and (h), **absentee ballots properly cured under AS 15.20.222,** and questioned ballots that have been forwarded to the director and that have not been reviewed or counted by a district counting board.

* **Sec. 42.** AS 15.20 is amended by adding new sections to read:

1 **Sec. 15.20.221. Ballot tracking system.** (a) The director shall establish an
2 online system, available through the division's Internet website, through which a voter
3 may

- 4 (1) confirm that the voter's ballot has been sent by the division;
- 5 (2) track the date of the ballot's delivery to the voter;
- 6 (3) confirm the division's receipt of the voter's ballot;
- 7 (4) determine whether the voter's certificate has been reviewed; and
- 8 (5) determine whether the voter's ballot has been counted.

9 (b) The online system established under (a) of this section must indicate to a
10 voter

11 (1) the process by which the voter may cure the lack of signature or
12 verify the voter's identity, if the signature on the voter's ballot was missing or was
13 determined to not match the signature in the voter's registration record under
14 AS 15.20.203(k); and

15 (2) the reason the voter's ballot was not counted, if the ballot was not
16 counted.

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

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

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

23 (d) The division may not charge a voter a fee to use the online system.

24 (e) In establishing the online system under (a) of this section, the director shall
25 ensure that the design of the system allows a voter to easily access the information
26 required by (a) and (b) of this section through a mobile electronic device.

27 **Sec. 15.20.222. Procedure for curing uncounted ballot.** (a) If a voter returns
28 a ballot and the voter does not have a signature stored in voter registration records, the
29 certificate is missing a signature, the signature on the certificate is determined under
30 AS 15.20.203 to not match the signature in voter registration records, or the ballot is
31 rejected under AS 15.20.203(b)(5), the director shall immediately make a reasonable

1 effort to contact the voter, explain the ballot deficiency, explain how the deficiency
2 may be cured, and inform the voter of the deadline to cure the ballot. The director
3 shall, within 48 hours, but in no event later than two days after election day, send a
4 notice of deficiency by first class, non-forwardable mail to the address indicated in the
5 voter's registration record and by electronic mail to the voter's electronic mail address
6 if the voter has provided an electronic mail address. If the voter has provided a
7 telephone number, the director shall attempt to notify the voter of the deficiency by
8 telephone call or text message to the voter's telephone number.

9 (b) A notice of deficiency must include an explanation of the need for a
10 signature for verification purposes. The notice must include a form for the voter to
11 confirm that the voter returned a ballot to the division, provide a copy of a form of
12 identification accepted by the division under AS 15.15.225(a), and provide a signature
13 for verification. The director shall provide a printed copy of the form with the notice
14 of deficiency mailed to the voter. The director shall also make the form available in a
15 format that can be completed and returned electronically.

16 (c) The ballot of a voter who received a notice of deficiency may be counted
17 only if

18 (1) the voter returns the form sent with the notice of deficiency, the
19 division receives the form within 14 days after election day, and the form confirms
20 that the voter returned a ballot to the division;

21 (2) the voter confirms that the voter returned a ballot to the division,
22 provides a signature for verification, and includes a copy of a form of identification
23 accepted by the division under AS 15.15.225(a); and

24 (3) the ballot is otherwise valid.

25 (d) A voter's ballot may not be counted and the director shall, if applicable,
26 send copies of the signature on the voter's return envelope and the signature stored in
27 voter registration records to the attorney general for investigation if the voter returns
28 the form and the form indicates that the voter did not return a ballot to the division.

29 (e) The division shall update the signature stored in voter registration records
30 if the voter, after providing a copy of a form of identification accepted by the division
31 under AS 15.15.225(a), either provides a signature for the voter's missing signature or

cures a nonmatching signature under this section.

* **Sec. 43.** AS 15.20.800(a) is amended to read:

(a) The director may conduct an election, other than a general, statewide, or federal 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. 44.** 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) A precinct tabulator may not be connected to the Internet or a cellular network 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 and the separate storage device.

* **Sec. 45.** AS 15.20.910 is amended to read:

Sec. 15.20.910. Standards for voting machines and vote tally systems. The director may approve a voting machine or vote tally system for use in an election in the state upon consideration of factors relevant to the administration of state elections, including whether the Federal Election Commission has certified the voting machine or vote tally system to be in compliance with the voting system standards approved by the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America Vote Act of 2002). The director may only approve a voting machine or vote tally system if the machine or system has open-source software technology and satisfies the requirements of AS 15.15.032(c). In this section, "open-source software technology" means the complete source code for the software is available to the public, under the terms of a license, to use, modify, or distribute freely without payment of royalties or other consideration.

* **Sec. 46.** AS 15.56.030(d) is amended to read:

(d) For purposes of (a)(2) and (3) of this section, "other valuable thing"

(1) includes

(A) an entry in a game of chance in which a prize of money or other present or future pecuniary gain or advantage may be awarded to a participant wherein the total of the prizes offered is greater than \$2 per participant with a maximum of \$100; and

(B) government employment or benefits;

(2) does not include

(A) materials having a nominal value bearing the name, likeness, or other identification of a candidate, political party, political group, party district committee, or organization, or stating a position on a ballot proposition or question;

(B) food and refreshments provided incidental to an activity that is nonpartisan in nature and directed at encouraging persons to vote, or incidental to a gathering in support of or in opposition to a candidate, political party, political group, party district committee, organization, or ballot question or proposition;

(C) care of the voter's dependents provided in connection with the absence of a voter from home for the purpose of voting;

(D) services provided by a person acting as a representative under AS 15.20.072;

(E) services provided by an election official as defined in AS 15.80.010; [AND]

(F) transportation of a voter to or from the polls without charge; and

(G) postage-paid return envelopes required in AS 15.20.030.

* **Sec. 47.** 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 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; or

(5) votes or attempts to vote in the name of another person who is cognitively unable to express that person's vote.

* **Sec. 48.** 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

1 sending of the certificate, register, ballots, or other materials whether original or
2 duplicate, required to be sent by AS 15.15.370; [OR]

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

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

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

11 **(5) intentionally opens or tampers with a signed absentee ballot**
12 **certificate, sealed absentee ballot envelope, or package of ballots without express**
13 **authorization from the director; or**

14 **(6) intentionally breaches, hacks, alters, or tampers with election**
15 **machinery, including a tabulator, a program, a system, a server, or software used**
16 **to verify identity, count or tabulate, or manage or control an election function.**

17 * **Sec. 49.** AS 15.56 is amended by adding a new section to read:

18 **Sec. 15.56.065. Election fraud.** (a) A person commits the crime of election
19 fraud if the person violates AS 15.56.060 and that violation changes the outcome of an
20 election.

21 (b) Election fraud is a class B felony.

22 * **Sec. 50.** AS 15.56.070(a) is amended to read:

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

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

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

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

31 **(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. 51.** AS 15.56.199(1) is amended to read:

(1) "election" includes a local election as defined in AS 15.80.010 in addition to **an** [A STATE] election **conducted by the division**;

* **Sec. 52.** AS 15.80 is amended by adding a new section to read:

Sec. 15.80.006. Cybersecurity. The director shall, by regulation, provide for a cybersecurity program to defend the voter registration records kept by the division against cyber attacks and data breaches and enable the division to detect and recover from cyber attacks. The program must include cybersecurity training for election officials.

* **Sec. 53.** AS 15.80 is amended by adding a new section to read:

Sec. 15.80.009. Election worker minimum compensation. The division shall pay not less than

(1) \$15.00 an hour to election board workers for time spent performing their election duties;

(2) \$15.50 an hour to election board chairs for time spent performing their election duties;

(3) \$15.00 an hour to district absentee ballot review boards, questioned ballot review boards, and absentee voting officials for time spent performing their election duties;

(4) \$15.50 an hour to absentee voting station officials at absentee stations for time spent performing their election duties;

(5) \$15.00 an hour to ballot tabulation coordinators, polling place field workers, individuals appointed as personal representatives, and absentee and questioned ballot processors for time spent performing their election duties;

(6) \$12.50 an hour to extra election day and election night workers and write-in counting team members for time spent performing their election duties.

* **Sec. 54.** AS 29.20.380(c) is amended to read:

(c) The municipal clerk may act as an absentee voting official under AS 15.20.045(c) for the limited purpose of distributing absentee ballots to qualified

1 voters or qualified voters' representatives under AS 15.20.072 in a municipality in
2 which the division of elections will not be operating an **early** [ABSENTEE] voting
3 station **under AS 15.20.045(b).**

4 * **Sec. 55.** AS 29.26.050 is amended by adding a new subsection to read:

5 (d) Except as a municipality may require for elections held only in specific
6 local election districts or service areas under (b) of this section, a person who has lived
7 within the municipality for at least 30 days, but who has not registered to vote in state
8 elections at a residence address within the municipality at least 30 days before a
9 municipal election, may vote only an absentee, special needs, or questioned ballot in
10 that election.

11 * **Sec. 56.** AS 15.20.203(j), 15.20.207(k), 15.20.211(f); and AS 29.26.050(a)(3) are
12 repealed.

13 * **Sec. 57.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 APPLICABILITY. AS 15.56.030(d), as amended by sec. 46 of this Act,
16 AS 15.56.040(a), as amended by sec. 47 of this Act, AS 15.56.060(a), as amended by sec. 48
17 of this Act, AS 15.56.065, enacted by sec. 49 of this Act, and AS 15.56.070(a), as amended
18 by sec. 50 of this Act, apply to offenses committed on or after the effective date of secs. 46 -
19 50 of this Act.

20 * **Sec. 58.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 TRANSITION: REGULATIONS. The Department of Revenue and the division of
23 elections may adopt regulations necessary to implement the changes made by this Act. The
24 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
25 effective date of the law implemented by the regulation.

26 * **Sec. 59.** Section 45 of this Act takes effect January 1, 2028.

27 * **Sec. 60.** Section 58 of this Act takes effect immediately under AS 01.10.070(c).

28 * **Sec. 61.** Except as provided in secs. 59 and 60 of this Act, this Act takes effect January 1,
29 2023.