

Explanation of Changes

CS For House Bill No. 66 (STA)

Version 32-LS0322\I to 32-LS0322\O

Section 1 – Section 1 of Version O is identical to Section 1 of Version I. *(Page 1 of both versions)*

Section 2 – Section 2 of Version O corresponds to Section 2 of Version I. *(Pages 1-3 of both versions)*

- Version O clarifies that an electronic signature is an electronic image of the applicant’s signature submitted according to DOE regulations. *(Version O, page 2, lines 15-17)*
- Version O clarifies procedures for registration within 30 days of an election. *(Version O, page 2, lines 25-31 and page 3, lines 1-14)*
 - A person applying for registration within 30 days of the election must sign an affidavit, under penalty of perjury, of qualifying residence in the state and relevant house district. This replaces a declaration to the same effect in version I. *(Version O, page 2, lines 25-31)*
 - Version O requires a person applying for registration within 30 days of the election to provide a physical or electronic copy of identification showing the person’s Alaska residence address. This identification requirement is new and was not included in version I. *(Version O, page 3, lines 1-14)*

Section 3 – Section 3 of Version O corresponds to Section 3 of Version I. *(Version O, page 3, lines 15-31)*

- Version O moves language stipulating that regulations developed by the Alaska Division of Elections shall determine the process and format of submitting an electronic signature as part of Section 2.
- Version O includes new language stipulating that a voter registration applicant can designate a language preference for ballots and election materials from the written languages required for election materials under federal law.
 - Once a person designates a language preference, the Division of Elections will continue to provide the person with materials in that language until the person’s registration is inactivated or canceled, or language coverage expires under federal law.

Section 4 – Section 4 of Version O is identical to Section 4 of Version I. (*Version O, page 4, lines 1-11*)

Section 5 – Section 5 of Version O is identical to Section 5 of Version I. (*Version O, page 4, lines 12-22*)

Section 6 – Section 6 of Version O is identical to Section 6 of Version I. (*Version O, page 6, lines 23-28*)

Section 7 – Section 7 of Version O is identical to Section 7 of Version I. (*Version O, page 4, lines 29-31 and page 5, lines 1-5*)

Section 8 – Section 8 of Version O is identical to Section 8 of Version I. (*Version O, page 5, lines 6-18*)

Section 9 – Section 9 of Version O is identical to Section 9 of Version I. (*Version O, page 5, lines 19-26*)

Section 10 – Section 10 of Version O is new. (*Version O, page 5, lines 27-31 and page 6, lines 1-8*)

- Version O requires the Division of Elections to adopt regulations for regular review and updates of the master voter registration file, including review for data breaches, ineligible and deceased voters, and individuals registered in other states.
- The regulations must specify records and databases for review, including U.S. Postal Service records, information from other states' election departments, state motor vehicle records, and tax records.

Section 11 – Section 11 of Version O is new. (*Version O, page 6, lines 9-13*)

- Version O requires the Division of Elections to provide a process for voters to voluntarily cancel their voter registration, either in-person or electronically.
- The Division of Elections must prominently display instructions for the voter registration cancellation process at each polling place.

Section 12 – Section 12 of Version O corresponds to Section 10 of Version I. (*Version O, page 6, 14-31 and page 7, lines 1-16*)

- There were no substantive changes in version O.
- In version O “chair” was changed to “chairperson.” (*Version O, page 6, line 26*)
- In Version O “a ballot proposition” was replaced with “an initiative, referendum.” (*Version O, page 6, line 24*)

Section 13 – Section 13 of Version O corresponds to Section 11 of Version I.

(Version O, page 7, lines 17-27)

- In Version O “chair” was changed to “chairperson.” *(Version O, page 7, line 25)*

Section 14 – Section 14 of Version O is a new section. *(Version O, page 7, lines 28-31*

and page 8, line 1)

- Version O requires official ballots to include a watermark, seal, or another identifier, according to regulations issued by the Division of Elections.

Section 15 – Section 15 of Version O is a new section. *(Version O, page 8, lines 2-20)*

- Version O requires the Division of Elections to issue regulations regarding ballot security and chain of custody to account for the location and custody of all ballots, certificates, and envelopes from the time of printing until 22 months after the applicable election is certified. *(Version O, page 8, lines 3-16)*
- The Division of Elections is required to develop a process for voiding unused, spoiled, and unopened ballots following an election. *(Version O, page 8, lines 17-20)*
- The Division of Elections must also establish a toll-free election offense hotline for reporting election offenses and publicize the availability of this hotline. *(Version O, page 8, lines 21-25)*

Section 16 – Section 16 of Version O is a new section. *(Version O, page 8, lines 26-31*

and page 9, line 1)

- Version O requires the Division of Elections to provide language assistance at polling places for languages required by federal law.

- The availability of language assistance shall be publicized at polling places.

Section 17 – Section 17 of Version O is identical to Section 12 in Version I. (*Version O, page 9, lines 2-19*)

Section 18 – Section 18 of Version O corresponds to Section 13 in Version I. (*Version O, page 9, lines 20-27*)

- Version O removes the phrase “for a misdemeanor” from page 9, line 25.

Section 19 – Section 19 of Version O is identical to Section 14 in Version I. (*Version O, page 9, lines 28-31 and page 10, lines 1-6*)

Section 20 – Section 20 of Version O is a new section. (*Version O, page 10, lines 7-18*)

- Version O requires the Division of Elections to conduct a risk-limiting audit of results for each state election prior to certification.
- The Division of Election shall adopt regulations for implementing and administering risk-limiting audits, in consultation with experts.

Section 21 – Section 21 of Version O is a new section. (*Version O, page 10, lines 19-23*)

- Version O requires the Division of Elections to make instructions regarding the online system for tracking absentee ballots available to absentee voters.

Section 22 – Section 22 of Version O corresponds to Section 15 in Version I. *(Version O, page 10, lines 24-31 and page 11, lines 1-7)*

- Version O deletes language in Version I that reads: “For state and local elections, the voter's certificate must include a declaration identifying the voter's place of residence for the 30 days immediately preceding the election.” *(Version I, page 8, lines 3-5)*
 - This declaration is unnecessary since the voter is receiving the ballot by mail at their voter registration address. Such a declaration provides an opportunity for voter error.

Section 23 – Section 23 of Version O corresponds to Section 16 in Version I. *(Version O, page 11, lines 8-21)*

- Version O deletes language from Version I that reads: “adopted under AS 44.62 (Administrative Procedure Act)” *(Version I, page 8, lines 9-10) (Version O, page 11, lines 9-10)*

Section 24 – Section 24 of Version O is identical to Section 17 in Version I. *(Version O, lines 22-28)*

Section 25 – Section 25 of Version O is a new section. *(Version O, page 11, lines 29-31 and page 12, lines 1-2)*

- Version O requires the Division of Election to appoint at least one registration official to serve in each early voting station during early voting hours.
 - Appointed election officials are allowed to also serve as registration officials.

Section 26 – Section 26 of Version O is identical to Section 18 in Version I. (*Version O, page 12, lines 3-9*)

Section 27 – Section 27 of Version O is identical to Section 19 in Version I. (*Version O, page 12, lines 10-22*)

Section 28 – Section 28 of Version O is identical to Section 20 in Version I. (*Version O, page 12, lines 23-29*)

Section 29 – Section 29 of Version O is identical to Section 21 in Version I. (*Version O, page 12, lines 30-31 and page 13, lines 1-2*)

Section 30 – Section 30 of Version O is a new section. (*Version O, page 13, lines 3-12*)

- Version O provides that an absentee ballot application may be provided by mail only when an eligible voter requests an application.
 - Such applications must be sent to a voter only by U.S. mail and only by the Division of Elections, an officially registered candidate, a recognized political party, or a group sponsoring a ballot measure.
 - Absentee ballot applications may not be pre-filled out for the voter.
 - An application must prominently identify its sender and display “Application only/Not a ballot” on the exterior of the envelope.

Section 31 – Section 31 of Version O is identical to Section 22 of Version I. (*Version O, page 13, lines 13-23*)

Section 32 – Section 32 of Version O is identical to Section 23 of Version I. (*Version O, page 13, lines 24-31 and page 14, lines 1-6*)

Section 33 – Section 33 of Version O corresponds to Section 24 of Version I. (*Version O, page 14, lines 7-24*)

- Version O deletes the phrase “and date” from page 14, line 14 which corresponds to page 10, line 30 of Version I.
- Requiring the voter to date the certificate is unnecessary with intelligent mail barcode tracking technology and creates the potential for voter error.

Section 34 – Section 34 of Version O is a new section. (*Version O, page 14, lines -25-31 and page 15, lines 1-7*)

- Version O allows a ballot received after election day to be accepted if U.S. Postal Service barcode tracking information verifies that the ballot was mailed on or before election day, notwithstanding the absence of a postmark or a postmark from after election day.

Section 35 – Section 35 of Version O corresponds to Section 25 of Version I. (*Version O, page 15, lines 8-22*)

- Version O adds a new subsection (n), which provides that if a voter requests to receive a mail ballot in a language other than English required by federal law, the Division of Elections shall provide the ballot and election materials in the language requested. (*Version O, page 15, lines 17-22*)

Section 36 – Section 36 of Version O is a new section. (*Version O, page 15, lines 23-29*)

- Version O allows absentee ballot certificates and envelopes to be reviewed beginning 10 days before election day, as opposed to 7 days before election day under current law.
 - Version O clarifies that an absentee ballot may not be counted until the accompanying voter certificate has been reviewed.

Section 37 – Section 37 is identical to Section 26 in Version I. (*Version O, page 15, lines 30-31 and page 16, lines 1-8*)

Section 38 – Section 38 of Version O is a new section. (*Version O, page 16, lines 9-14*)

- Version O requires that absentee ballot envelopes be examined to ensure the signature on the certificate is consistent with the signature in the voter’s registration record.

Section 39 – Section 39 of Version O corresponds to Section 27 of Version I. (*Version O, page 16, lines 15-31 and page 17, lines 1-31, and page 18, line 1*)

- Version O deletes the phrase “and date” from page 16 line 17, which corresponds to page 11, line 31 of Version I.
 - Requiring the voter to date the certificate is unnecessary with intelligent mail barcode tracking technology and creates the potential for voter error.
- Version O deletes the phrase “the voter has failed to provide proof of identification as required by AS 15.20.081 (f)”, which corresponds to page 12, lines 2-3 of Version I.
- Version O clarifies that the “certificate”, not the “ballot” must be “signed.” This corresponds to page 16, line 26 of Version O, and page 12 line 11 of Version I.

- Version O clarifies that a mail ballot will be rejected as late if it is “delivered by mail after the day of the election” (*Version O, page 16, lines 28-29*) and is either not postmarked on or before election day, or “does not have a United States Postal Service tracking barcode sufficient to verify that the ballot was not mailed on or before the day of the election;” (*Version O, page 16, line 31 and page 17, lines 1-2*)
- Version O adds a provision that a mail ballot can be rejected if “the signature on the certificate is not consistent with the voter’s signature in voter registration records.” (*Version O, page 17 line 31, and page 18, line 1*)
- This addition is because the Act is making signature verification the method of verification for mail ballots.

Section 40 – Section 40 of Version O is a new section. (*Version O, page 18, lines 2-11*)

- Version O provides guidelines for signature verification on absentee ballot envelope certificates.
- Signature matching shall include signature comparison software, according to regulations adopted by the Director of Elections, as well as training of election officials on signature matching.

Section 41 – Section 41 of Version O corresponds to Section 31 in Version 1. (*Version O, page 18, lines 12-16*)

- Version O clarifies that ballot curing occurs under AS 15.20.222, not AS 15.20.204. (*Version O, page 18, line 14*) (*Version I, page 14, line 24*)

Section 42 – Section 42 of Version O is a new section. (*Version O, page 18, lines 17-31 and page 19, lines 1-12, and page 20, lines 1-18*)

- Version O requires the Division of Election to establish an online ballot tracking system, through which a voter may track the sending, delivery, and receipt of the voter’s ballot, determine if the ballot has been reviewed and counted, and receive instructions for curing the ballot. This replaces the tracking procedures set out in Section 29 of Version I.
- Version O establishes ballot curing procedures where a voter whose ballot is rejected due to a defect with the certificate envelope must be notified of the defect and provided an opportunity to cure the ballot defect by providing identification and a signature within 14 days of the election. This replaces the curing procedures set out in Sections 28 and 30 of Version I.

Section 43 – Section 43 of Version O is a new section. *(Version O, page 20, lines 19-31 and page 21, lines 1-17)*

- Version O authorizes the Division of Elections to conduct all-mail elections for elections other than a general, statewide, or federal election in certain smaller communities, or areas affected by a disaster during a disaster declaration.

Section 44 – Section 44 of Version O is a new section. *(Version O, page 21, lines 8-17)*

- Version O requires the Division of Election to conduct a forensic examination of each precinct tabulator before and after each election and to develop and apply strict chain-of-custody protocols for precinct tabulators and storage devices.
 - Precinct tabulators may not be connected to the Internet or a cellular network from 24 hours prior to polls opening until 14 days after the polls close. *(Version O, page 21, lines 11-15)*

Section 45 – Section 45 of Version O is a new section. (*Version O, page 21, lines 8-17*)

- Version O requires the Division of Election to only approve a voting machine or vote tally system that uses open-source software technology.

Section 46 – Section 46 of Version O is identical to Section 32 in Version I. (*Version O, page 21, line 1 and page 22, lines 1-27*)

Section 47 – Section 47 of Version O is a new section. (*Version O, page 22, lines 28-31 and page 23, lines 1-9*)

- Version O provides that a person commits voter misconduct in the first degree if the person votes or attempts to vote in the name of another person who is cognitively unable to express that person's vote.

Section 48 – Section 48 of Version O is a new section. (*Version O, page 23, lines 10-31 and page 24, lines 1-2*)

- Version O provides that a person commits the crime of unlawful interference with an election if the person intentionally opens or tampers with a signed absentee ballot certificate, sealed absentee ballot envelope, or package of ballots without express authorization from the Director of the Division of Elections, or intentionally breaches, hacks, or tampers with election machinery, including a tabulator, a program, a system, a server, or software used to verify identity, count or tabulate, or manage or control an election function.

Section 49 – Section 49 of Version O is a new section. (*Version O, page 24, lines 3-7*)

- Version O provides that a person commits the crime of election fraud if the person violates AS 15.56.060 and the violation changes the outcome of the election.

Section 50 – Section 50 of Version O is a new section. (*Version O, page 24, 8-19*)

- Version O provides that an election official commits the crime of election official misconduct in the first degree if they knowingly disclose election results or any confidential election data before the polls close to a person who is not an election official.

Section 51 – Section 51 of Version O is a new section. (*Version O, page 24, 20-22*)

- Version O specifies that the definition of “election” includes any election conducted by the Division of Elections, not just state elections.

Section 52 – Section 52 of Version O is a new section. (*Version O, page 24, lines 23-28*)

- Version O requires the Division of Elections to create a cybersecurity program to defend voter registration records against cyber-attacks and data breaches, detect and recover from cyber-attacks, and provide cybersecurity training for election officials.

Section 53 – Section 53 of Version O is identical to Section 33 in Version I. (*Version O, page 24, lines 29-31 and page 25, lines 1-14*)

Section 54 – Section 54 of Version O is identical to Section 35 in Version I. (*Version O, page 25, lines 15-20*)

Section 55 – Section 55 of Version O is identical to Section 36 in Version I. (*Version O, page 25, lines 21-27*)

Section 56 – Section 56 of Version O corresponds to Section 37 in Version I. (*Version O, page 25, line 28*)

- Version O repeals AS 15.20.203 (i) and 15.20.203 (j).
- These provisions relate to post-election notice for rejected absentee ballots and are unnecessary with the new ballot tracking system.

Section 57 – Section 57 of Version O is a new section. (*Version O, page 25, lines 29-31 and page 26, lines 1-4*)

- Version O provides that the provisions of the Act on election crimes, specifically Sections 46-50, apply to offenses committed on or after the effective date of the Act.

Section 58 – Section 58 of Version O is a new section. (*Version O, page 26, lines 5-10*)

- Section 58 authorizes the Department of Revenue and the Division of Election to adopt regulations necessary to implement the changes in the Act.
- The regulations take effect under the Administrative Procedures Act, but not before the effective date of the law implemented by the regulation.

Section 59 – Section 59 of Version O is a new section. (*Version O, page 26, line 11*)

- Version O specifies that Section 45 takes effect on January 1, 2028.

Section 60 – Section 60 of Version O is a new section. (*Version O, page 26, line 12*)

- Version O specifies that Section 58 takes effect immediately.

Section 61 – Section 61 of Version O corresponds to Section 38 of Version I.
(*Version O, page 26, lines 13-14*)

- Section 61 clarifies that the Act generally takes effect January 1, 2023, not January 1, 2022, and notes effective dates for specific provisions in Sections 59 and 60.

Deleted/Superseded Sections of Version I

Section 28 of Version I

- Section 28 of Version I would require the Director to mail notice of the ballot curing procedure within 3 days of rejection and no later than the 10th day after the election, and permits notice of rejection by telephone, e-mail, or text message.
- These provisions are superseded by Section 41 of Version O, which stipulates that voters must be provided notice of an absentee ballot deficiency and opportunities to cure it within 48 hours and no later than 2 days after the election by mail. The voter must also be notified by telephone, e-mail, and text message if an e-mail address or telephone number is on file.

Section 29 of Version I

- Section 29 of Version I requires the Division of Election to make a free access system available to voters to see if their ballot has been counted.
- The provisions of Section 29 are superseded by Section 42 of version O, which requires the Division of Elections to establish a broader online ballot tracking system, through which a voter may track the sending, delivery, and receipt of the voter's ballot.
- The new ballot tracking system will allow voters to determine if their ballot has been reviewed and counted and receive instructions for curing the ballot.

Section 30 of Version I

- Section 30 of Version I included procedures for curing absentee ballots. It requires ballot curing within 10 days after the election, in-person or by mail via proof of identification. Ballot curing is only permitted for failure to sign the certificate, date the certificate, or provide proof of identity. Cured absentee ballots should be forwarded immediately to the director.
- These provisions are superseded by Section 42 of Version O.

Section 34 of Version I

- Section 2 of Version O clarifies that an electronic signature is an electronic image of the applicant's signature.
- Because of this, an electronic signature does not need to be defined by reference to the Uniform Electronic Transactions Act.
- As a result, Section 34 of Version I is not needed.