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Explanation of Changes

CS For House Bill No. 66 (STA)

Version 32-LS0322\N to 32-LS0322\D

Section 2, Page 2, Line 24 and Lines 27 – 28: Version D adds language to make a person who makes a false statement to register to vote subject to Alaska’s perjury statutes. Version D was also changed to require a person taking advantage of same-day voter registration to fill out “an affidavit, signed under penalty of perjury and witnessed by an election official.”

Section 4, Page 4, Lines 1 -17: Version D amends AS 15.07.070(c) to clean up existing statutory language to account for same-day voter registration, which is authorized by the Act. The language added to (c) reads that “a person submitting a completed registration form that does not meet the requirements of this subsection for placement on the master register for the next election but who complies with AS 15.07.060(a)(13) may vote an absentee in-person, special needs, or questioned ballot at the next election.

Section 5, Page 4, Lines 24 - 27: Version D includes clarifying language related to the same-day registration provisions of the Act. Specifically, Version D notes that the Division of Elections “may not reject the absentee in-person, special needs, or questioned ballot of a qualified voter who registers within 30 days before or on the day of an election on the grounds that the voter is not on the official registration list for the election.”

Section 6, Page 5, Lines 6 - 8: Version D amends AS 15.07070(h), which deals with the design of the voter’s certificate appearing on the envelope used for voting an

absentee in-person, special needs, or questioned ballot. The new language on lines 6 – 8 reads that “the form must include the instruction that a person registering to vote using the voter’s certificate who wishes to declare the person’s affiliation should complete the affiliation section on the certificate.”

Section 8, Page 5, Lines 27 - 30: This section deals with the transfer of a voter's registration from one precinct to another within a house district. Version D includes clarifying language related to the same-day registration provisions of the Act. Specifically, Version D notes that the Division of Elections “may not reject the absentee in-person, special needs, or questioned ballot of a qualified voter who transfers registration within 30 days before or on the day of an election on the grounds that the voter is not on the official registration list for the election.”

Section 9, Page 6, Lines 6 – 9: This section is focused on how to handle a person who claims to be a registered voter, but for whom no evidence of registration in the precinct can be found. Such a person may only vote an absentee in-person, special needs, or questioned ballot. These ballots are subject to review by the Division of Elections. Version D notes that the Division of Elections “may not reject the absentee in-person, special needs, or questioned ballot of a qualified voter who registers within 30 days before or on the day of an election on the grounds that the voter is not on the official registration list for the election.

Section 13, Page 7, Line 31: Version D requires the Division of Elections to post language on their website to voluntarily cancel their voter registration.

Section 14, Page 8, Line 7: Version D amends Sec. 15.10.090 – Notice of precinct boundary or polling place designation and modification. The change from Version N requires “two written notices” if a voting precinct is established or abolished. The public notice would also be required if the boundaries of a precinct are changed or if a polling place is changed.

Section 19, Pages 10, Lines 28 to 30: Version D includes a new Section 19 that amends AS 15.15.170 – Prohibition of political persuasion near election polls. Version D adds new language on lines 28 – 30 that prohibits a person who is in the polling place or within 200 feet of any entrance to the polling place to “physically display a photo, video, or other image of the person’s or another person’s marked ballot in an attempt to persuade a person to vote for or against a candidate, proposition, or question.” This change is part of an approved amendment in the House State Affairs Committee to authorize the use of ballot selfies.

Section 23, Page 12, Lines 7 – 11: Version D includes a new Section 23 that amends AS 15.15.280 – Prohibiting the exhibition of marked ballots. Version D removes the language “subject to AS 15.15.240” from AS 15.15.280. This change is part of an approved amendment in the House State Affairs Committee to authorize the use of ballot selfies.

Section 24, Page 12, Lines 12 – 17: Version D amends AS 15.15.280 to add a new subsection (b) that stipulates that this section does not apply to a voter who requests assistance under AS 15.15.240 or who shares a photo, video, or other image of the voter’s marked ballot with another person or with the public at a polling place or within 200 feet of an entrance to a polling place. This change is part of an approved amendment in the House State Affairs Committee to authorize the use of ballot selfies.

Section 26, Page 13, Line 6: Version N includes a new Section 26 that amends Sec. 15.15.470 to stipulate that the Director of the Division of Elections “shall” permit the inspection of election materials upon a call by the Congress, the state legislature, or a court of competent jurisdiction. Currently, Sec. 15.15.470 says the Director “may” permit inspection of election materials.

Section 28, Page 13, Lines 23 – 24: Version D amends 15.20.030 – Preparation of ballots, envelopes, and other material. On lines 23 and 24, language was added

requiring the voter's certificate to include "a space for recording the date that the voter signed the certificate." Section 28 was further changed to stipulate that the envelope used to return a by-mail ballot "may not identify a voter's party affiliation."

Section 40, Page 17, Lines 27 - 28: Version D includes language allowing the use of "a Division of Elections ballot tracking barcode" to verify that a ballot was mailed on or before the day of the election. This is in addition to the language already in the bill allowing the use of a United States Postal Service tracking barcode to verify that a ballot was mailed on or before the day of the election.

Section 43, Page 19, Lines 4 – 5 and 8 – 9: Version D requires the Absentee Ballot Counting Board to reject an absentee ballot if the ballot "envelope and certificate" is delivered by mail after the day of the election unless it has a United States Postal Service tracking barcode or a "Division of Elections ballot tracking barcode" verifying that the ballot was mailed after the date of the election.

Section 43, Page 20, Lines 9 – 11: Version N amends AS 15.20.203(b) to require a district absentee ballot counting board to reject an absentee ballot if "the voter did not vote absentee in-person and the signature on the certificate is not consistent with the voter's signature in voter registration records." This change clarifies that signature verification occurs for mail absentee ballots, not in-person absentee ballots. Signature verification is unnecessary for in-person absentee ballots because those voters are already showing voter IDs to election officials.

Section 46, Page 22, Lines 12 – 13: Version D changes the ballot curing provisions in Section 46 to avoid redundancy. The new version deleted the phrase "for verification" on line 11 of Version N. This change avoids ambiguity because conducting a second signature check potentially recreates the problem that led to the original cure notice.

Section 46, Page 21, Lines 24 – 30: Version N changes the notification requirements to cure a rejected mail absentee ballot. Version N stipulates that the Division of Elections shall, within 24 hours attempt to begin sending notices of the deficiency by electronic mail to the voter’s electronic mail address if the voter has provided an electronic mail address. If the voter has provided a telephone number, the director shall, within 24 hours, attempt to notify the voter of the deficiency by telephone call and text message. The director shall, within 48 hours, but no later than five days after election day, send a notice of deficiency by first-class, nonforwardable mail to the address in the voter’s registration record.

Section 47, Page 22, Lines 27 – 28: Version N changes the vote by mail provisions in the Act to only allow the Division of Elections to conduct an election by mail in an unincorporated community with a population of 750 or less if the Division of Elections determines that, “because of an inability to hire election workers,” facilitating organized in-person voting in the community is unreasonable.

Section 49, Page 23, Lines 21 – 22: Version D adds language that gives the Director of the Division of Elections the authority to approve a voting machine or vote tally system “that meets the criteria specified in this section” for use in the election in the state “based on” consideration of factors relevant to the administration of state elections.

Section 49, Page 23, Lines 29 – 31, and Page 24, Lines 1 – 7: Section 49 changes the standards for voting machines and vote tally systems to allow the use of open-source software technology. Version D changes this section of the Act to create a backup plan for the Division of Election if there are not federally certified open-source software systems at the time this provision goes into effect. Version D allows the Division of Elections to use other federally certified systems until an open-source system is certified. Specifically, Version D requires a voting machine or vote tally system to “meet the United States Election Assistance Commission’s voluntary voting system guidelines” and be certified by the Commission. Additionally, on page 24, lines 3 – 6, Version D requires the use of “only open-

source software technology or commercial off-the-shelf software and firmware if a voting machine or vote tally system, as applicable, using only open-source software technology or commercial off-the-shelf software and firmware is available.”

Section 54, Page 27, Lines 13 - 14: In Version D, the words absentee were removed from subsection 5. The subsection makes a person guilty of the crime of unlawful interference with an election if the person intentionally opens or tampers with a signed ballot certificate, sealed ballot envelope, or package of ballots without express authorization from the Director of the Division of Elections.

Section 61, Page 29, Lines 26 – 29: This section amends AS 29.26.050, which deals with municipal elections. Version N stipulates that a “municipality may not reject the absentee, special needs, or questioned ballot of a qualified voter who registers within 30 days before or on the day of an election on the grounds that the voter is not on the official registration list for the election.”

Section 63, Page 30, Lines 3 - 12: Section 63 of Version D is a new section that requires the Division of Elections to provide a report to the Alaska State Legislature by November 1, 2023, recommending options for expanding early voting in rural communities and low-income neighborhoods. The new section defines a “low-income neighborhood” as a neighborhood where the median family income is below 80 percent of the statewide median family income. The new section defines a “rural community” as a community with a population of 7,500 or less that is not connected by road or rail to Anchorage or Fairbanks or a community with a population of 3,500 or less that is connected by road or rail to Anchorage or Fairbanks.

Section 66, Page 30, Line 26: The effective date for the requirement in Sections 49 and 50 to use open-source software technology or commercial off-the-shelf

software and firmware was changed from January 1, 2024, to January 1, 2025. This change prevents the potential for the implementation of a system using open-source software technology during a Presidential election year.