

ALASKA STATE LEGISLATURE

Senate State Affairs Committee



SEN. SCOTT KAWASAKI
Chair
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Sen. Matt Claman, Vice-Chair
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SB 138 (STA) Sectional Analysis

ELECTIONS; VOTER REG.; CAMPAIGNS

"An Act relating to elections; relating to voters; relating to voting; relating to the crime of unlawful interference with voting in the first degree; relating to campaign signs; relating to the reporting of financial and business interests by certain municipal officers and former officers and candidates for municipal office; relating to the Redistricting Board; and providing for an effective date."

Section 1: is a conforming section reflecting the amendments made in sections 5-9 allowing voters to register to vote within 30 days of an election.

Section 2: clarifies the residency requirements to define a residence as a place where a voter has a definite, articulable, and reasonable plan to return to whenever they are absent. It also provides that the presumption that a voter's registered address is correct may be rebutted by evidence that the voter has established residency at a different location.

Section 3: allows voters to submit an electronic image of their signatures when registering to vote and requires voter registration forms to require voters to certify that they understand the state will notify jurisdiction where they were previously registered.

Section 4: allows voters registering to vote to designate a language to receive election materials in from the languages that the Division of Elections (division) is required to provide language assistance in.

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Section 5: states that a person registering to vote within 30 days of an election, and who meets the qualifications to register, may vote an absentee, special needs, or questioned ballot for that election.

Section 6: states that a person who registers to vote within 30 days of an election may only vote an absentee, special needs, or questioned ballot in that election and their ballot may not be rejected solely because they do not appear on the official registration list.

Section 7: states that if a person whose registration was previously cancelled for inactivity reregisters to vote within 30 days of an election, they may only vote an absentee, special needs, or questioned ballot in that election and their ballot may not be rejected solely because they do not appear on the official registration list.

Section 8: states that when a person registers to vote in a new precinct within 30 days of an election, they may only vote an absentee, special needs, or questioned ballot in that election and their ballot may not be rejected solely because they do not appear on the official registration list.

Section 9: states that a person who is not already registered to vote within 30 days of an election, they may only vote an absentee, special needs, or questioned ballot in that election and their ballot may not be rejected solely because they do not appear on the official registration list.

Section 10: requires the director to develop a process for voters to cancel their registrations and require that instructions for how to cancel one's registration be prominently posted at polling places.

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Section 11: allows candidates and ballot question campaigns to appoint poll watchers and ballot review observers and allows campaigns to have observers present at all locations where ballots or envelopes are being reviewed in a precinct or counting center.

Section 12: allows international election observers to be present at precincts and counting centers if they are part of a mission of an international organization of which the United States is a member and invited by the U.S. State Department to observe the election and provides that international election observers may not question ballots or challenge ballot review decisions.

Section 13: requires the division to provide language assistance at polling places as required by federal law and to post information at each polling place about the language assistance available.

Section 14: prohibits displaying an image of a marked ballot to persuade a voter within a polling place or within 200 feet of the entrance to a polling place.

Section 15: is a conforming section to remove language that is made unnecessary by the amendments in Section 16.

Section 16: clarifies that it is not illegal for a voter to share an image of their marked ballot if it is not done to persuade another person.

Section 17: clarifies how the division should handle ballots when a voter attempts to vote more than once. If a voter votes in person at their polling place and by another means, the in-person vote shall be the one that is counted. If a voter attempts to vote multiple times through absentee, special needs, or questioned

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ballots the first ballot to be reviewed shall be the one that is counted. The voter's vote will only be counted if the division does not determine the voter intentionally voted more than once.

Section 18: requires the division to conduct risk limiting audits prior to certifying election results.

Subsection (a) requires that risk limiting audits take place after counting is completed and before certification, and that they be designed using statistical methods to limit the risk of certifying an incorrect result.

Subsection (b) requires the director to adopt regulations for risk limiting audits.

Subsection (c) allows candidates to have observers witness the audits.

Section 19: requires that the division provide paid return postage for absentee by-mail ballots, requires absentee envelopes have a space for the date the voter signed the ballot, prohibit absentee envelopes from displaying a voter's party affiliation, and has a conforming amendment to reflect the repeal of the witness signature requirement in Section 21.

Section 20: provides that the division may not reject an otherwise valid special needs ballot because of an error by a poll worker or representative.

Section 21: repeals the requirement for a witness signature for absentee by-mail ballots.

Section 22: provides that a by-mail ballot received after the election without a postmark, or postmarked after the date of the election, may be counted if it has a U.S. Postal Service tracking barcode that verify it was mailed on or before the date of the election.

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Section 23: contains two provisions related to absentee by-mail ballots.

Subsection (m) allows voters to register to continue to receive absentee by-mail ballots for future elections if they continue to vote at least once every four years.

Subsection (n) allows voters to request absentee by-mail ballots in any language for which the division is required to provide language assistance by federal law.

Section 24: requires the division to begin counting absentee ballots at least seven days before the election and to release the first tabulated results when polls close at 8pm on Election Day.

Section 25: contains conforming amendments to reflect the repeal of the witness signature requirement in Section 21, the tracking barcode provisions in Section 22, and the signature verification provisions in Section 26.

Section 26: requires signature verification for absentee by-mail ballots.

Section 27: requires the division to adopt procedures for challenging ballot review decisions by regulation and that these regulations must provide at least 24 hours to submit a challenge.

Section 28: provides that ballots that are properly cured under new AS 15.20.222 shall be counted during the state review board process if they were not previously counted.

Section 29: enacts two new sections of statutes:

New AS 15.20.221 requires the division to establish a ballot tracking system to allow a voter to track the status of their absentee by-mail ballot.

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New AS 15.20.222 provides for ballot curing for absentee ballots.

- Subsection (a) requires the division to notify voters if their signature cannot be verified, there is no signature on the envelope, the voter does not have a signature on file, or if the voter did not provide a sufficient identifier of the process to cure their ballot.
- Subsection (b) requires that these notices must explain the need for a signature for verification purposes and include a form for the voter to provide their signature and copy of the identification.
- Subsection (c) provides that a ballot may be cured and counted if the voter returns the form, confirms that they did in fact vote, and provides a signature and copy of their identification.
- Subsection (d) provides that a ballot shall not be counted, and the director will refer the matter to the attorney general for investigation, if the voter indicates they did not in fact vote the ballot.
- Subsection (e) states that the division shall update their records with the signature the voter provides on the ballot curing forms.

Section 30: requires the division to provide secure ballot drop boxes for elections conducted by mail in municipalities with 20,000 or more residents.

Section 31: clarifies that the return postage for absentee by-mail ballots required by Section 19 does not violate the prohibition on giving a thing of value in exchange for a person voting.

Section 32: provides that political campaign signs 32 square feet or smaller may be displayed on private property along state roads outside of highway rights-of-way.

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Section 33: removes the requirement that reports filed with the Alaska Public Offices Commission (APOC) be available at offices in every senate district and requires that they be available on APOC's website.

Section 34: clarifies that reports filed with APOC shall be available at the commission's offices and on their website.

Section 35: provides that in municipal elections, a voter who was not registered to vote in the municipality within 30 days of an election may only vote an absentee, special needs, or questioned ballot in that election and their ballot may not be rejected solely because they do not appear on the official registration list.

Section 36: makes technical corrections to the statutes for public official financial disclosure for municipal candidates and officials.

Section 37: requires Redistricting Board members to file annual public official financial disclosures with APOC.

Section 38: clarifies that the Redistricting Board is subject to the Open Meetings Act.

Section 39: repeals several provisions:

- AS 25.10.170(b) providing for poll watchers and ballot review observers for candidates in primary elections, which is made unnecessary by the amendments in Section 11.
- AS 15.20.203(i) requiring the division to mail notices to voters whose ballots were rejected, which is being replaced by the provisions of new AS 15.20.222 created by Section 29.

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- AS 15.20.203(j) requiring the division provide a system for absentee voters to check the status of their ballot which is being replaced by new AS 15.20.221 created by Section 29.

- AS 29.26.050(a)(3) requiring a voter be registered in a municipality 30 days before a municipal election in order to vote in that election.

Section 40: is an applicability section stating that the amendment in Section 31 to the definition of “other thing of value” only applies to offenses committed after the effective date of that section.

Section 41: allows APOC and the Division of Elections to adopt regulations to implement the provisions of this bill.

Section 42: provides an immediate effective date for Section 41.

Section 43: provides an effective of January 1, 2024 for the rest of the bill.