



SB 138

Omnibus Elections Bill

Senate State Affairs Committee
Senator Scott Kawasaki, Chair



Signature Verification for Absentee By-Mail Ballots

Signature Verification Will Protect the Integrity of By-Mail Ballots

- Signatures on absentee ballot envelopes would be compared to the voter's signature on file with the division of elections.
- Signatures can be verified electronically, and reviewers will be trained to identify handwriting patterns to manually verify signatures.
- The Municipality of Anchorage has successfully employed signature verification since 2018.
- Voters would have the opportunity to cure their ballots if their signature cannot be verified.



Repealing the Witness Signature Requirement

The requirement for a witness signature for by-mail ballots disenfranchises Alaskans


- In the 2022 special primary election, 2,724 ballots were rejected because of a missing witness signature- 1.7% of all ballots cast.
- Witness signature rejections disproportionately effected rural Alaska.
- In District 38, 10.9% of all ballots cast were rejected for missing witness signatures.
- There is no indication of any misconduct with these rejected ballots.

The witness signature requirement provides no meaningful election integrity protection

- The Division of Elections has testified that they do not have any way to verify that witness signatures meet the statutory requirement that they be from a person at least 18.
- The Division accepts as valid any mark made in the witness signature portion of the envelope.
- The absentee by-mail envelope does not even provide space for the witness to print their name or provide their date of birth.



Ballot Curing



A voter will be able to cure their ballot and have it counted if it would be rejected because:

The voter did not sign the ballot envelope.

The voter's signature cannot be verified.

The voter did not provide an identifier that can be verified.

The Ballot Curing Process

- Within 24 hours of receiving the ballot, the Division mails a deficiency notice with curing instructions.
- If the voter has a phone number on file, the Division will call and text them as well.
- The voter returns the cure form confirming they voted the ballot with a copy of their ID and a signature.
- The cure process may be done electronically.
- A properly cured ballot will be counted if it is otherwise valid.
- If the voter responds that they did not vote the ballot, it will be referred to the Attorney General.



Voter Registration Within 30 Days of an Election

Allows voters who register within 30 days of an election to vote

- Currently a voter must register in the state and district in which they are voting 30 days before the election.
- This means an Alaska resident who moves within 30 of the election might not be able to validly vote in any district.
- The Division already conducts same day registration for presidential elections, but these votes are only counted for president.
- Voters registering within 30 days will only be able to vote absentee, early, or questioned ballots which will be reviewed to ensure the voter is eligible.



Voter Registration Cancellation Process

Creates a statutory procedure for voters to cancel their registration

- Currently the Division of Elections will cancel a voter's registration if they request, but it is not required by statute.
- Voters would be allowed to cancel their registration in person or electronically.
- The process for cancelling a registration would be posted at polling places.



Poll Watchers and Ballot Review Observers for Candidates and Question Campaigns

Ensures all campaigns may have observers at polling places and counting centers

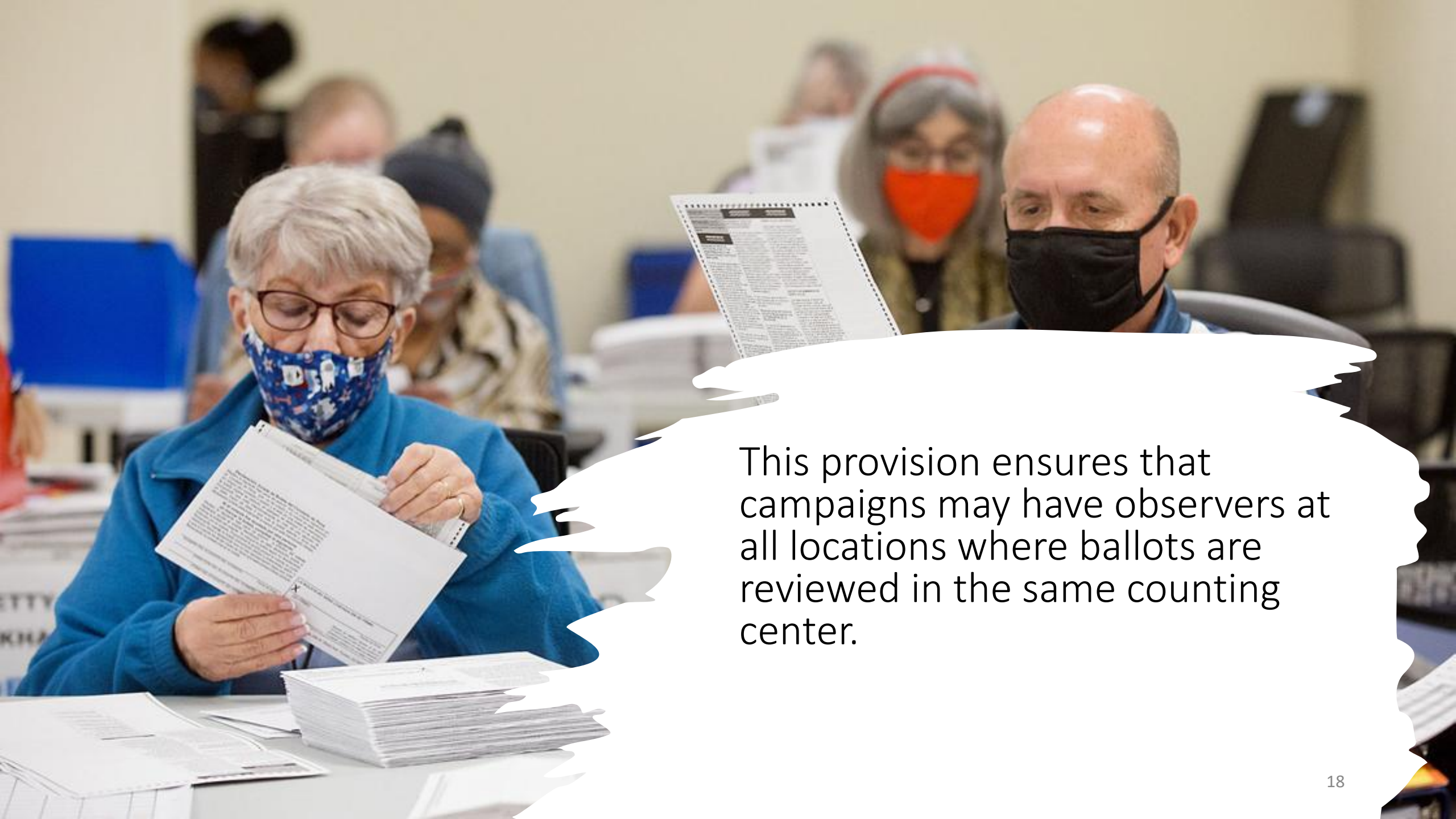
Currently statutes only provide for observers for political parties, initiatives, referenda, and recalls.

This provision clarifies that candidates and ballot question campaigns may have observers.

Ballot questions include constitutional amendments, judicial retention, bond propositions, and advisory votes.



Allow Ballot Review Observers at All Review Tables



This provision ensures that campaigns may have observers at all locations where ballots are reviewed in the same counting center.



Allow International Election Observers


Allow international election observers at polling places and counting centers

- Only international organizations that the United States belong to may have observers.
- Observation missions must be invited by the U.S. State Department.
- International observers will not be allowed to make challenges.
- The Organization for Security and Cooperation is the only organization the State Department regularly invites to observe elections.



Repeal Requirement for APOC to Have Offices in Every Senate District

Current law requires the Alaska Public Offices Commission to have offices in every Senate district. They have never been given the funding necessary to comply with this requirement.



This bill replaces the requirement for Senate district offices with a requirement that reports filed with APOC be available online.



Clarifying How to Handle When a Voter Votes More Than Once

Creates a consistent standard for when a voter votes more than once

- Currently, depending on how a voter votes multiple times, they will have either one or counted or all their votes will be rejected.
- This bill clarifies that if a voter votes in person and by another means, the in-person vote shall count. Otherwise, the first ballot to be reviewed shall be the one that is counted.
- Under no circumstances will a voter have more than one vote counted.
- General multiple voting is the result of honest mistakes by voters with memory issues, but all cases of multiple voting must be referred to the Attorney General.



Risk-Limiting Audits

Risk-limiting audits are designed to reduce the risk of certifying an incorrect result

- These audits take place after counting is completed and before the election is certified.
- Risk-limiting audits are used in at least 16 states.
- The Division shall develop statistical methods to determine what results to audit.
- Campaigns will be able to observe the audit process.



Postage Paid Return Envelopes for Absentee Ballots

Requires return postage to be paid for absentee ballot envelopes to facilitate voting.



Stop Special Needs Ballots from Being Rejected Because of Mistakes by Poll Workers or Representatives

Currently special needs ballots can be rejected because of mistakes by poll workers or voter representatives

- In the 2022 general election 8% of special needs ballots were rejected, compared with only 1.3% of by-mail ballots.
- This bill would prevent special needs ballots from being rejected if they meet the requirements for an absentee ballot to be counted.



Tracking Barcodes for Absentee Ballot Envelopes

Requires the Division to provide a ballot tracking system for voters

- The Division already offers ballot tracking and this bill places it into statute.
- Voters can check the status of their ballot online and see whether it has been counted or rejected.
- This bill requires a multi-factor authentication system to protect voters' privacy



Rules for Challenging Ballots

The Division must adopt regulations establishing procedures for challenging ballot review decisions

- Currently it is unclear how long campaigns have to file a challenge and campaigns often have to negotiate this with the regional counting centers.
- This bill requires regulations to explicitly address the challenge process.
- These regulations must allow at least 24 hours to submit a challenge.



Codifying the ACLU of Alaska v. State of Alaska Settlement Terms

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

AMERICAN CIVIL LIBERTIES UNION
OF ALASKA, DUNLEAVY FOR
ALASKA and ERIC SIEBELS,

Plaintiffs,

v.

STATE OF ALASKA, and the STATE OF
ALASKA DEPARTMENT OF
TRANSPORTATION & PUBLIC
FACILITIES,

Defendants.

Case No. 3AN-18-08845 CI

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CLERK TRIAL COURTS
BY:
DEPUTY CLERK

STIPULATED FINAL JUDGMENT AND ORDER #6

IT IS ORDERED, ADJUDGED, AND DECREED that judgment is entered as follows:

1. The State of Alaska and the Department of Transportation & Public Facilities ("DOT&PF") are permanently enjoined from enforcing Alaska Statute 19.25.075-.180 against small, temporary, political campaign signs no larger than 32 square feet in size located on private property outside of any highway rights-of-way that are displayed by the owners or residents of the property without compensation for such display;
2. DOT&PF may continue to enforce A.S. 19.25.105 by removing unauthorized signs from highway rights-of-way without notice to sign owners, but when doing so shall treat all signs in an equal, content-neutral manner;

In 2018, Alaska Settled a Lawsuit Over the Ban on Political Signs Along State Roads

Alaska's billboard law bans advertising along state roads. In this settlement the state agreed not to enforce this ban against political signs 32 square feet or smaller on private property if the sign is not in a highway right of way or displayed for compensation.

This provision updates the statutes to codify these settlement terms.



Financial Disclosure for Redistricting Board Members

Currently there are no financial disclosure requirements for Redistricting Board members

- Redistricting Board members would be added to the list of officials who must file public official financial disclosures with APOC.
- Financial disclosures allow the public to know of any potential conflicts of interest.
- Dozens of boards already require financial disclosures.



Redistricting Board is Subject to the Open Meetings Act

Clarifies the Open Meetings Act applies to the Redistricting Board

- The OMA requires public notice for meetings and that decisions be made in public.
- In two different redistricting cycles, courts have ruled against the board's argument that it was not subject to the OMA.
- This will make it crystal clear in statute that the board must follow the OMA.



Ballot Drop Boxes



Requires secure drop boxes be provided for elections conducted by mail

- The division has the authority to conduct certain elections by mail, like the 2023 special primary election.
- Drop boxes would be required, if practicable, at Division of Elections offices and within municipalities of at least 20,000 people.
- There would be at least one drop box for every 20,000 residents.
- The division shall establish criteria for choosing drop box locations by regulation.



Residency Clarifications



Clarifies the definition of residency and process to challenge a voter's residency

This bill clarifies that a voter's residence is a place where they have a definite, articulable, and reasonable plan to return to whenever they are absent.

It also establishes that the presumption a voter's registered address is accurate can be rebutted by evidence that they reside at another location.



Clarifying the Timing for Counting Absentee Ballots



Beginning Scanning Absentee Ballots 7 Days Before Election Day

This bill will allow election results to be available earlier by having the scanning of absentee ballots begin seven days before Election Day.

Tabulated results will not be released until the polls close at 8pm on Election Day.



Continuing Absentee By-Mail Voting

Allows voters to request to continue to receive absentee by-mail for future elections

- The Division currently allows this for military and overseas voters.
- This bill would allow voters to continue to receive by-mail if they vote at least once every four years.
- Every absentee ballot returned will continue to be reviewed to ensure it is valid.

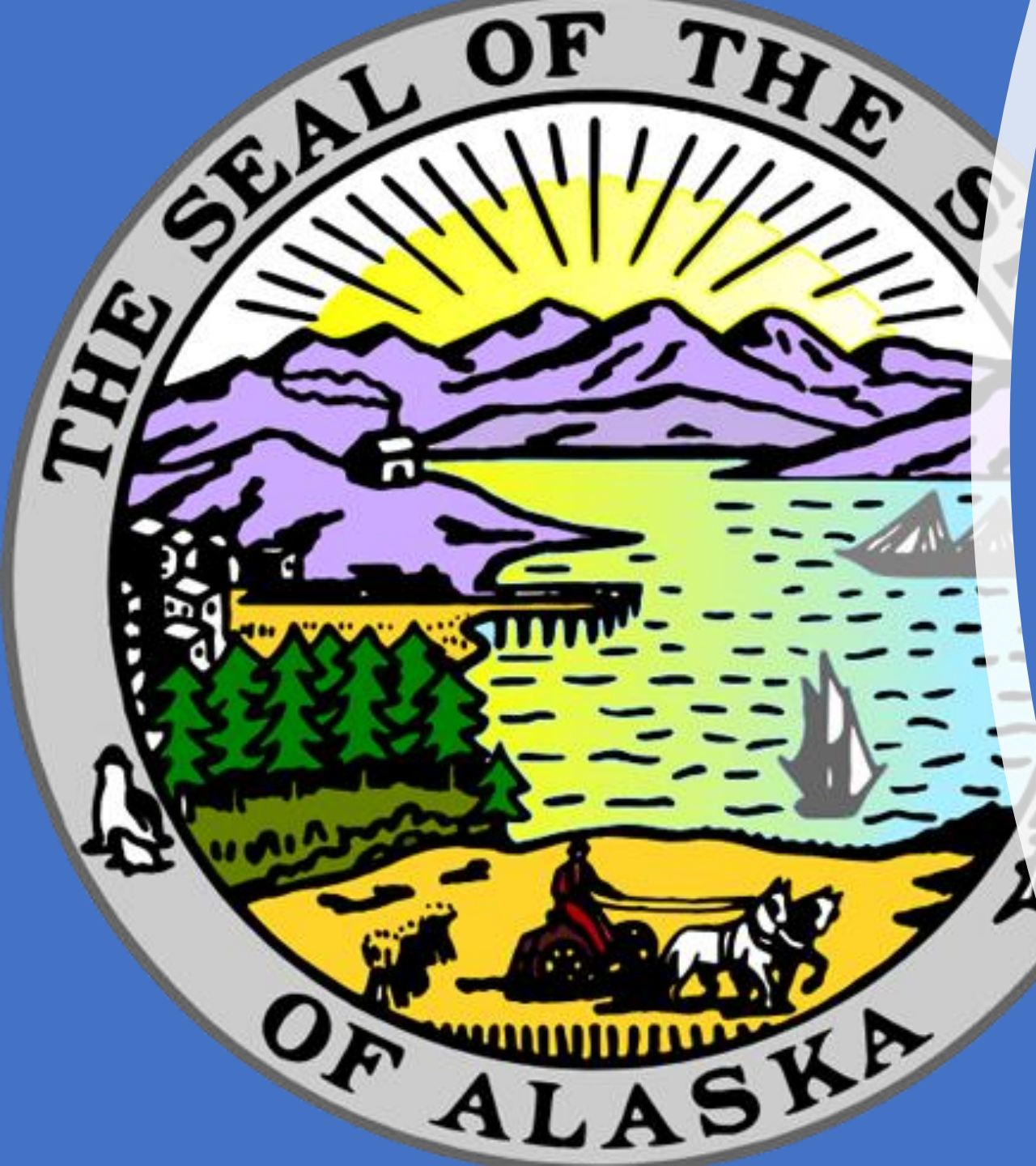


Language Assistance

Codifies language assistance requirements



- Federal law requires the state to provide language assistance for voting in certain languages.
- Currently Alaska provides assistance in 10 indigenous languages and dialects as well as Spanish and Tagalog.
- This bill requires that voters be able to request that election materials be mailed to them in any language for which the state is required to provide assistance.
- Information about the availability of language at polling where language assistance is available.



Questions?

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