

# SB 138

## Omnibus Elections Bill

Senate State Affairs Committee  
Senator Scott Kawasaki, Chair



# Signature Verification to 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.



# Repeals the witness signature requirement for by-mail ballots

- 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.



# Creating a 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.





# 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.



# Ballot tracking system for absentee ballots

- 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



# Voter registration list clean-up

- Reduces to two years the time for which someone not voting or updating their registration triggers a notice to verify their registration.
- Adds several indications of residency in another state to the list of factors that trigger notice.
- Voters who do not verify their registration are moved to inactive status, and their votes will be counted, and their registration reactivated if they vote or request an absentee ballot.



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

**BUSINESS REPLY MAIL**

FIRST-CLASS MAIL PERMIT NO. 1234 ALEXANDRIA, VA

POSTAGE WILL BE PAID BY ADDRESSEE

NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES





# 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.



# Create 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.



# Clarify rules for poll watchers and ballot review observers

- 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.
- This bill also clarifies that campaigns may have observers at all tables where ballots are being reviewed within a counting center.



# 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 in Europe is the only organization the State Department regularly invites to observe elections.



# Clear rules 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 a reasonable time to submit a challenge.



# Stop special needs ballots from being rejected because of mistakes by poll workers or voter 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.



# Repeal the 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 had the funding level to meet this requirement.
- This bill replaces this requirement with a requirement that they make reports available on their website.



# 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.
- Generally multiple voting is the result of honest mistakes by voters with memory issues, but all cases of multiple voting must still be referred to the Attorney General.



# Risk-limiting audits 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.



# Cybersecurity program

- Requires the division to adopt regulations for a cybersecurity program to protect records from hackers.
- The program will include cybersecurity training for elections officials.



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

2018 NOV -8 PM 4:21  
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;

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

Alaska's billboard law bans advertising along state roads. In a 2018 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.



# Require Public Official Financial Disclosures 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.



# 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.





## Requires secure drop boxes be provided for by-mail ballots

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- 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.





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

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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.





## **Begin Scanning Absentee Ballots 7 Days Before Election Day**

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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.



# BEST PRACTICES FOR RELEASING RCV ELECTION RESULTS

## Executive Summary

Ranked-choice voting (RCV) uses a round-by-round count of ballots to eliminate the candidates with the least support and to ensure that the candidate with majority support wins.<sup>1</sup> Ranked-choice voting reduces wasted votes and encourages people to vote sincerely, rather than strategically.

In any election, however, one thing remains the same: the public – voters, candidates, parties, and the media – will have an intense interest in learning the results. Because RCV uses a new method to identify who won, the process for releasing results in RCV races can be especially important to minimize confusion, to convey results in a way that gives people the information they need, and to ensure the outcome is trusted and understood.

FairVote and the Ranked Choice Voting Resource Center have analyzed results from hundreds of RCV contests. Based on that experience, we recommend the following tried and true tips:

1. Release a preliminary round-by-round tally on Election Night
2. Continue to release preliminary tallies as more votes are counted
3. Conduct vote total checks with each release of preliminary results
4. Publish the full ballot record so that anyone can verify the result
5. Make use of tools for visualizing RCV results
6. Clearly communicate expectations, timelines, and results

Following these best practices – to the extent permitted by state law – can help instill public confidence in the electoral process and its outcome.<sup>2</sup>

<sup>1</sup> RCV can also be used to elect multiple candidates in multi-winner elections, such as city council races. All of the best practices recommended in this report apply to multi-winner uses of RCV as well.

<sup>2</sup> For more information on administering RCV elections, we recommend two additional resources. For best practices in displaying results, see Best practices for ranked choice voting ballots and other materials, [Center for Civic Design](#) (2017). For an overview of reporting practices in RCV jurisdictions, see [Reporting the Results of Ranked-Choice Voting Elections: Successes and Pitfalls Across Forty-Six RCV Jurisdictions](#), Equal Democracy Project at Harvard Law School & Ranked Choice Voting Resource Center (forthcoming Fall 2022).

## Adopt best practices for reporting ranked-choice voting results

This bill adopts the national best practices identified by Fair Vote:

- Requires unofficial ranked-choice tabulations be released along with the unofficial first round results.
- Contains intent that updated cast vote record (CVRs) be released throughout the counting process, to allow for independent verification of the results.

This will provide greater transparency and reduce confusion about results.



# Allows voters to request to continue to sign-up 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.



# Legalize voters photographing their ballots

- It is currently illegal for voters to share photos of their voted ballots.
- This bill clarifies they may not share a photo of a ballot to persuade someone within 200 feet of the polling place.
- Bans against ballot photos have been challenged as potentially violating the First Amendment, although it appears not court has issued a final ruling on that issue.

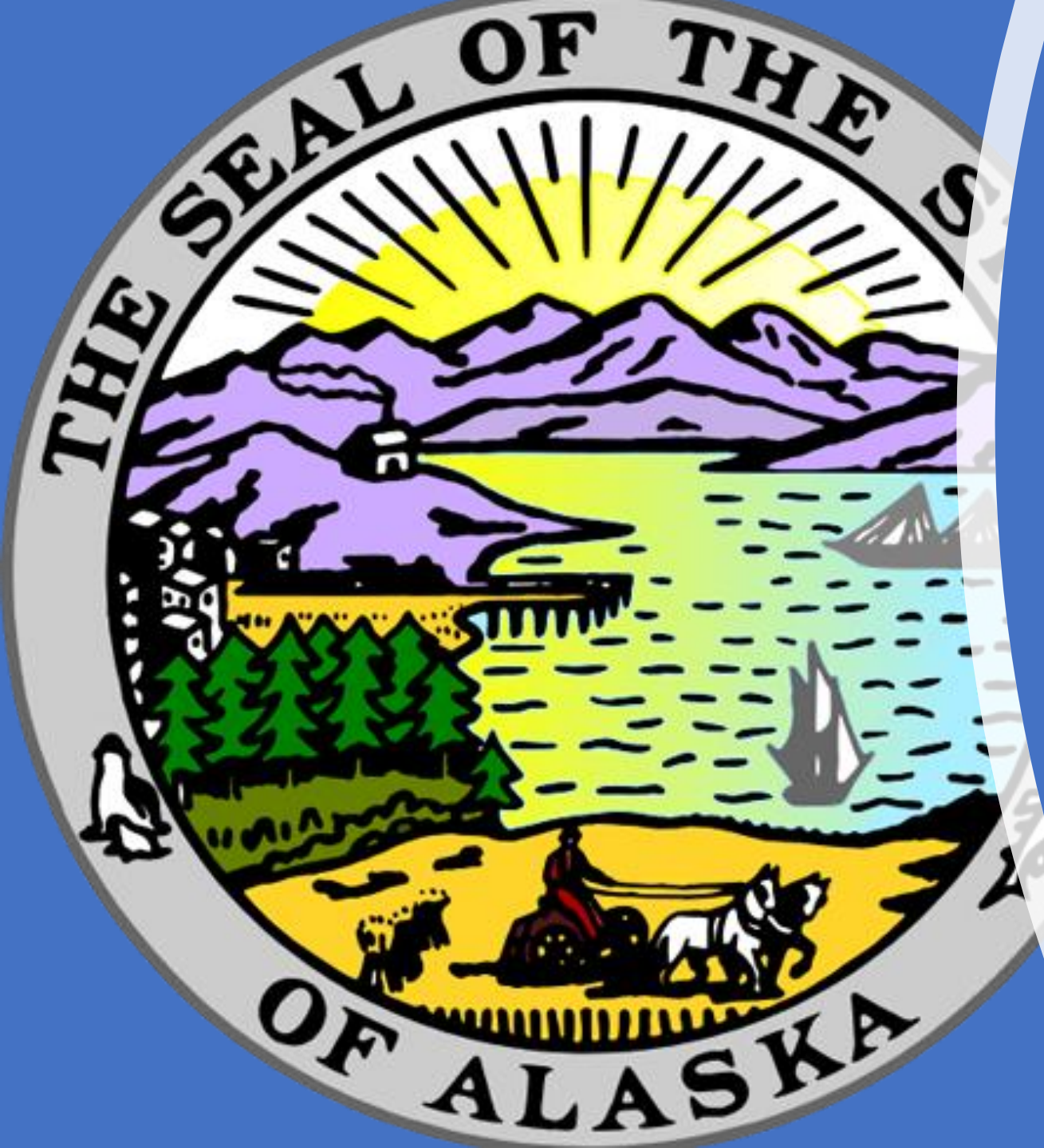


# Codify language assistance requirements



- 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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