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Klein
5/12/23

CS FOR SENATE BILL NO. 138(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to elections; relating to voters; relating to voting; relating to offices of**
2 **the Alaska Public Offices Commission; relating to the crime of unlawful interference**
3 **with voting in the first degree; relating to campaign signs; relating to the reporting of**
4 **financial and business interests by certain municipal officers and former officers and**
5 **candidates for municipal office; relating to the Redistricting Board; and providing for**
6 **an effective date."**

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
9 to read:

10 LEGISLATIVE INTENT: TRANSPARENCY. It is the intent of the legislature that
11 the division of elections, in order to increase transparency and ensure trust in the integrity of
12 the state's vote counting and tabulation process and to allow members of the public to verify
13 the accuracy of ranked-choice tabulations,

(1) in accordance with national best practices for reporting results of ranked-choice voting elections, include preliminary ranked-choice tabulations when releasing preliminary election results; and

(2) periodically throughout the vote counting process post updated cast vote record files that include anonymized records indicating the ranking order of each ballot cast.

* **Sec. 2.** AS 15.05.010 is amended to read:

Sec. 15.05.010. Voter qualification. A person may vote at any election who

(1) is a citizen of the United States;

(2) is 18 years of age or older;

(3) has been a resident of the state and of the house district in which the person seeks to vote for at least 30 days just before the election; and

(4) has registered [BEFORE THE ELECTION] as required under AS 15.07 and is not registered to vote in another jurisdiction.

* **Sec. 3.** AS 15.05.020 is amended to read:

Sec. 15.05.020. Rules for determining residence of voter. For the purpose of determining residence for voting, the place of residence is governed by the following rules:

(1) A person may not be considered to have gained a residence solely by reason of presence nor may a person lose it solely by reason of absence while in the civil or military service of this state or of the United States or of absence because of marriage to a person engaged in the civil or military service of this state or the United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of this state or the United States or of the high seas, while residing upon an Indian or military reservation, or while residing in the Alaska Pioneers' Home or the Alaska Veterans' Home.

(2) The residence of a person is that place in which the person's **physical** habitation is fixed, and to which, whenever absent, the person has **an articulable and reasonable plan** [THE INTENTION] to return. If a person resides in one place, but does business in another, the former is the person's place of residence. Temporary work sites do not constitute a dwelling place.

(3) [A CHANGE OF RESIDENCE IS MADE ONLY BY THE ACT OF REMOVAL JOINED WITH THE INTENT TO REMAIN IN ANOTHER PLACE.] There can only be one residence.

(4) A person does not lose residence if the person leaves home and goes to another country, state, or place in this state for temporary purposes only and with the intent of returning **to the person's residence**.

(5) A person does not gain residence in any place to which the person comes without the present intention to establish a permanent dwelling at that place.

(6) A person loses residence in this state if the person **establishes residence in another state or** votes in another state's election, either in person or by absentee ballot, and will not be eligible to vote in this state until again qualifying under AS 15.05.010.

(7) The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.

(8) The address of a voter as it appears on the official voter registration record is presumptive evidence of the person's voting residence. This presumption is negated [ONLY] if the voter notifies the director in writing of a change of voting residence. **When a voter's qualification is questioned under AS 15.15.210 or challenged in accordance with the procedure adopted in regulation under AS 15.20.215, the presumption may be rebutted by providing evidence to the division that the voter has established residence in another state or place in this state or evidence that the voter is not a resident under (2) - (7) of this section.**

* Sec. 4. AS 15.07.060(a) is amended to read:

(a) Each applicant who requests registration or reregistration shall supply the following information:

(1) the applicant's name and sex;

(2) if issued, the applicant's State of Alaska driver's license number or State of Alaska identification card number, or the last four digits of the applicant's social security number;

(3) the applicant's date of birth;

(4) the applicant's Alaska residence address;

(5) a statement of whether the applicant has previously been registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of the previous registration;

(6) a declaration that the applicant will be 18 years of age or older within 90 days after the date of registration;

(7) a declaration that the applicant is a citizen of the United States;

(8) the date of application;

(9) the applicant's signature or mark, or an electronic image of the applicant's signature submitted in the format and according to the process specified by the division in regulation;

(10) any former name under which the applicant was registered to vote in the state;

(11) an attestation that the information provided by the applicant in (1) - (10) of this subsection is true; and

(12) a certification that the applicant understands that a false statement on the application may make the applicant subject to prosecution for a misdemeanor under this title or AS 11.

* **Sec. 5.** AS 15.07.060 is amended by adding new subsections to read:

(g) The division shall provide an applicant the opportunity to designate, from among the written languages in which the division is required to print election materials under 52 U.S.C. 10503, as amended, the language in which the applicant prefers to receive ballots and other election materials printed for an election. The division shall provide the applicant with ballots and election materials in the applicant's designated language unless the applicant designates a language in which the division is not required to print ballots and election materials. The division shall notify an applicant when ballots and election materials printed in the designated language are not available and allow the applicant another opportunity to designate a language under this subsection. The division shall provide an applicant with ballots and election materials in the designated language until the earlier of the date that

(1) the applicant's voter registration is inactivated or cancelled; or

(2) the division is no longer required under 52 U.S.C. 10503, as

amended, to print ballots and election materials in the designated language.

(h) An applicant who requests registration within 30 days before an election shall supply a declaration stating whether the applicant established residency at least 30 days before the date of the election in

(1) the state;

(2) the house district in which the applicant seeks to vote at the election.

* **Sec. 6.** AS 15.07.070(c) is amended to read:

(c) The names of persons submitting completed registration forms by mail that are postmarked at least 30 days before the next election, or submitting completed registration forms by facsimile or other electronic transmission approved by the director under AS 15.07.050 that are received at least 30 days before the next election, shall be placed on the official registration list for that election. If a registration form received by mail less than 30 days before an election does not have a legible and dated postmark, the name of the person submitting the form shall be placed on the official registration list for that election if the form was signed and dated by the person at least 30 days before the election and if the form is received by the director or election supervisor at least 25 days before the election. The name of a person submitting a completed registration form by mail or by facsimile or other electronic transmission that does not meet the applicable requirements of this subsection may not be placed on the official registration list for that election but shall be placed on the master register after that election. **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(h) may vote an absentee, special needs, or questioned ballot at that election.**

* **Sec. 7.** AS 15.07.070(d) is amended to read:

(d) Qualified voters may register in person before a registration official or through a voter registration agency at any time throughout the year. **A qualified voter who registers** [, EXCEPT THAT A PERSON REGISTERING] within 30 days **before or on the day of an election may vote only an absentee, special needs, or questioned ballot** [PRECEDING AN ELECTION IS NOT ELIGIBLE TO VOTE] at

that election. The division 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. Upon receipt and approval of the registration forms, the director or the election supervisor shall forward to the voter an acknowledgment in the form of a registration card, and the voter's name shall immediately be placed on the master register. Names of persons registering 30 or more days before an election shall be placed on the official registration list for that election.

* Sec. 8. AS 15.07.090(b) is amended to read:

(b) A voter shall reregister if the voter's registration is cancelled as provided in AS 15.07.130. A person reregistering under this subsection may vote only an absentee, special needs, or questioned ballot until [THE REREGISTRATION IS EFFECTIVE FOR] the next election that occurs at least 30 days after the date of reregistration. The division may not reject the absentee, special needs, or questioned ballot of a qualified voter who reregisters 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.

* Sec. 9. AS 15.07.090(c) is amended to read:

(c) The director shall transfer the registration of a voter from one precinct to another within a house district when requested by the voter. If a [THE] request is [SHALL BE] made within 30 [OR MORE] days before [THE] election day or on election day, a person transferring registration to a new precinct may vote only an absentee, special needs, or questioned ballot. The division may not reject the absentee, 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. The director shall transfer the registration of a voter from one house district to another when requested by the voter. The voter must reside in the new house district for at least 30 days in order to vote a ballot for that district.

* Sec. 10. AS 15.07.090(d) is amended to read:

(d) A person who claims to be a registered voter, but for whom no evidence of

1 registration in the precinct can be found, may vote only an absentee, special needs,
2 or questioned ballot. The division may not reject the absentee, special needs, or
3 questioned ballot of a qualified voter who registers within 30 days before or on
4 the day of an election on the grounds that the voter is not on the official
5 registration list for the election [SHALL BE GRANTED THE RIGHT TO VOTE
6 IN THE SAME MANNER AS THAT OF A QUESTIONED VOTER AND THE
7 BALLOT SHALL BE TREATED IN THE SAME MANNER. THE BALLOT
8 SHALL BE CONSIDERED TO BE A "QUESTIONED BALLOT" AND SHALL BE
9 SO DESIGNATED. THE DIRECTOR OR THE DIRECTOR'S REPRESENTATIVE
10 SHALL DETERMINE WHETHER THE VOTER IS REGISTERED IN THE HOUSE
11 DISTRICT BEFORE COUNTING THE BALLOT. A VOTER WHO HAS FAILED
12 TO OBTAIN A TRANSFER AS PROVIDED IN (c) OF THIS SECTION SHALL
13 VOTE A "QUESTIONED BALLOT" IN THE PRECINCT IN WHICH THE VOTER
14 RESIDES].

15 * **Sec. 11.** AS 15.07.130(a) is amended to read:

16 (a) Periodically, at times of the director's choosing, but not [NO] less
17 frequently than in January of each calendar year, the director shall examine the master
18 register maintained under AS 15.07.120 and shall send, by forwardable
19 [NONFORWARDABLE] mail to the voter's registration mailing address, and to the
20 voter's electronic mail address, if available, a notice requesting address
21 confirmation or correction. The notice must explain that the voter's registration
22 will be inactivated unless the voter responds to the notice within 45 days after the
23 date the notice is sent. The director shall send the notice to each voter

24 (1) whose mail from the division has been returned to the division in
25 the two years immediately preceding the examination of the register;

26 (2) who has not contacted the division in the two years immediately
27 preceding the examination of the register and [; OR (3)] who has not voted or
28 appeared to vote in the two years [GENERAL ELECTIONS] immediately preceding
29 the examination of the register; or

30 (3) who, after registering to vote in this state and in the two years
31 immediately preceding the examination of the register, has

1 (A) registered to vote in another state;

2 (B) received a driver's license from another state;

3 (C) registered a vehicle in another state;

4 (D) received public assistance from another state;

5 (E) served on a jury in another state;

6 (F) obtained a resident hunting or fishing license in another
7 state;

8 (G) paid the state resident tuition rate for a public
9 university in another state;

10 (H) received a homestead or residential property tax
11 exemption in another state; or

12 (I) received a benefit available only to residents of another
13 state.

14 * Sec. 12. AS 15.07.130(b) is amended to read:

15 (b) If a registered voter does [HAS] not respond to a notice sent under (a) of
16 this section within 45 days after the date the notice is sent, the director shall
17 inactivate the voter's registration [, WITHIN THE PRECEDING FOUR
18 CALENDAR YEARS, CONTACTED THE DIVISION AND HAS NEITHER
19 VOTED NOR APPEARED TO VOTE IN A LOCAL, REGIONAL SCHOOL
20 BOARD, PRIMARY, SPECIAL, OR GENERAL ELECTION DURING THE LAST
21 FOUR CALENDAR YEARS AND A NOTICE SENT TO THE VOTER UNDER (a)
22 OF THIS SECTION WAS RETURNED AS UNDELIVERABLE, THE VOTER
23 SHALL BE ADVISED BY A NOTICE SENT BY FORWARDABLE MAIL TO THE
24 VOTER'S LAST KNOWN ADDRESS THAT REGISTRATION WILL BE
25 INACTIVATED UNLESS THE VOTER RESPONDS TO THE NOTICE NO
26 LATER THAN 45 DAYS AFTER THE DATE OF THE NOTICE SENT UNDER
27 THIS SECTION]. The director shall maintain on the master register the name of a
28 voter whose registration is inactivated. The director shall cancel a voter's inactive
29 registration in accordance with the procedures set out in 42 U.S.C. 1973gg-6 (sec. 8,
30 National Voter Registration Act of 1993) after the second general election that occurs
31 after the registration becomes inactive if the voter does not contact the division or vote

or appear to vote.

* **Sec. 13.** AS 15.07.130(d) is amended to read:

(d) The notice sent under (a) [(b)] of this section must include a postage prepaid and pre-addressed return card on which the voter may state the voter's current address. The notice must indicate

(1) that the voter should return the card not later than 45 days after the date of the notice if the voter did not change residence;

(2) that failure to return the card by the 45-day deadline could result in removal of the voter's name from the official registration list for a subsequent election;

(3) that the voter's registration will be cancelled if the voter does not contact the division during, or vote or appear to vote in an election held during, the period beginning on the date of the notice and ending on the day after the last day of the fourth calendar year that occurs after the date of notice; and

(4) how the voter can continue to be eligible to vote if the voter has changed residence.

* **Sec. 14.** AS 15.07 is amended by adding a new section to read:

Sec. 15.07.133. Process to cancel registration. The director shall develop a process to allow a voter to cancel the voter's registration in person before an election official or electronically. The director shall prominently display instructions at each polling place and on the division's Internet website for a voter to cancel the voter's registration.

* **Sec. 15.** AS 15.10.170(a) is amended to read:

(a) The precinct party committee, where an organized precinct committee exists, or the party district committee where no organized precinct committee exists, or the state party chairperson where neither a precinct nor a party district committee exists, may appoint one or more [PERSONS AS] watchers in each precinct and counting center for any election. A [EACH] candidate may appoint one or more watchers for each precinct or counting center in the candidate's respective district or the state for any election. An [ANY] organization or organized group that sponsors or opposes a ballot proposition [AN INITIATIVE, REFERENDUM,] or question [RECALL] may have one or more [PERSONS AS] watchers at the polls and counting

centers after first obtaining authorization from the director. **A candidate, or an organization or organized group with authorization from the director, may appoint at least one watcher for each location where ballots or envelopes are reviewed or counted in a precinct or counting center.** A state party chairperson, a precinct party committee, a party district committee, or a candidate may not have more than one watcher on duty at a time in any precinct or counting center. A watcher must be a United States citizen. The watcher may be present at a position inside the place of voting or counting that affords a full view of all action of the election officials taken from the time the polls are opened until the ballots are finally counted and the results certified by the election board or the data processing review board. The election board or the data processing review board may require each watcher to present written proof showing appointment by the precinct party committee, the party district committee, the organization or organized group, or the candidate the watcher represents **and that is signed by the respective chairperson or chairperson's designee of the precinct party committee or party district committee, the state party chairperson, the organization or organized group, or the candidate or candidate's designee.**

* Sec. 16. AS 15.13.020(j) is amended to read:

(j) The commission shall establish **offices** [AN OFFICE, WHICH MAY BE CALLED A REGIONAL OFFICE, IN EACH SENATE DISTRICT IN THE STATE TO KEEP ON FILE FOR PUBLIC INSPECTION COPIES OF ALL REPORTS FILED WITH THE COMMISSION BY CANDIDATES FOR STATEWIDE OFFICE AND BY CANDIDATES FOR LEGISLATIVE OFFICE IN THAT DISTRICT; HOWEVER, WHERE ONE MUNICIPALITY CONTAINS MORE THAN ONE HOUSE DISTRICT, ONLY ONE COMMISSION OFFICE SHALL BE ESTABLISHED IN THAT MUNICIPALITY. THE REGIONAL OFFICE SHALL MAKE ALL FORMS AND PERTINENT MATERIAL AVAILABLE TO CANDIDATES. ALL REPORTS SHALL BE FILED BY CANDIDATES, GROUPS, AND INDIVIDUALS DIRECTLY WITH THE COMMISSION'S CENTRAL DISTRICT OFFICE. THE COMMISSION SHALL ENSURE THAT COPIES OF ALL REPORTS BY STATEWIDE AND LEGISLATIVE CANDIDATES IN EACH SENATE DISTRICT ARE FORWARDED PROMPTLY TO THAT DISTRICT OR

REGIONAL OFFICE].

* **Sec. 17.** AS 15.15.060 is amended by adding a new subsection to read:

(f) At each polling place, the division shall provide language assistance as required under 52 U.S.C. 10503. An election supervisor shall post at each polling place information regarding the availability of language assistance in English and all other languages for which language assistance is required to be provided in the jurisdiction under federal law.

* **Sec. 18.** AS 15.15 is amended by adding a new section to read:

Sec. 15.15.205. Questioning of voter who requested absentee ballot. If a voter appears on the official registration list as having received or voted an absentee ballot, the election official shall affirmatively advise the voter that the voter may surrender the absentee ballot for destruction or cast a questioned ballot. If the voter does not surrender the absentee ballot, the voter shall be allowed to vote a questioned ballot.

* **Sec. 19.** AS 15.15.370 is amended to read:

Sec. 15.15.370. Completion of ballot count; certificate. When the count of ballots is completed, and in no event later than the day after the election, the election board shall make a certificate in duplicate of the results. The certificate includes the number of votes cast for each candidate, including, for a candidate in a general election, the number of votes at each ranking [ROUND OF THE RANKED-CHOICE TABULATION PROCESS] under AS 15.15.350, the number of votes for and against each proposition, yes or no on each question, and any additional information prescribed by the director. The election board shall, immediately upon completion of the certificate or as soon thereafter as the local mail service permits, send in one sealed package to the director one copy of the certificate and the register. In addition, all ballots properly cast shall be mailed to the director in a separate, sealed package. Both packages, in addition to an address on the outside, shall clearly indicate the precinct from which they come. Each board shall, immediately upon completion of the certification and as soon thereafter as the local mail service permits, send the duplicate certificate to the respective election supervisor. The director may authorize election boards in precincts in those areas of the state where distance and weather make mail

communication unreliable to forward their election results by telephone or radio. The director may authorize the unofficial totaling of votes on a regional basis by election supervisors, tallying the votes as indicated on duplicate certificates. To ensure adequate protection, the director shall prescribe the manner in which the ballots, registers, and all other election records and materials are thereafter preserved, transferred, and destroyed.

* **Sec. 20.** AS 15.15.370 is amended by adding a new subsection to read:

(b) Each day the director releases unofficial totals of election results for a general election, the director shall also release an updated ranked-choice tabulation.

* **Sec. 21.** AS 15.15 is amended by adding a new section to read:

Sec. 15.15.455. Risk-limiting audits. (a) In addition to the ballot counting review conducted under AS 15.15.420 - 15.15.440, after each state election but before the certification of the ballot counting review under AS 15.15.450, the director shall conduct a risk-limiting audit of selected election results. The audit must be designed using statistical methods to limit the risk of certification of an election result that is inconsistent with the result that would be obtained by conducting a recount.

(b) The director shall adopt regulations necessary to implement and administer (a) of this section. The regulations must include a procedure for selecting which election results to audit and for notifying a candidate in a race subject to a risk-limiting audit of the audit. In adopting regulations under this subsection, the director shall consult recognized statistical experts, equipment vendors, and municipal clerks and shall consider best practices for conducting risk-limiting audits.

(c) A candidate and an organization or organized group that sponsors or opposes a ballot proposition or question seeking to protect the direct interests of the candidate, organization, or organized group during a risk-limiting audit may provide, at the candidate's, organization's, or organized group's own expense, one or more observers to witness the audit.

* **Sec. 22.** AS 15.20.030 is amended to read:

Sec. 15.20.030. Preparation of ballots, envelopes, and other material. The director shall provide ballots for use as absentee ballots in all districts. The director shall provide a secrecy sleeve in which the voter shall initially place the marked ballot,

1 and shall provide a postage-paid return [AN] envelope with the prescribed voter's
2 certificate on it, in which the secrecy sleeve with ballot enclosed shall be placed. The
3 director shall prescribe the form of and prepare the voter's certificate, envelopes, and
4 other material used in absentee voting. The voter's certificate shall include a
5 declaration, for use when required, that the voter is a qualified voter in all respects, a
6 blank for the voter's signature, and a space for recording the date that the voter
7 executed the certificate. An envelope may not identify a voter's party affiliation [,
8 A CERTIFICATION THAT THE AFFIANT PROPERLY EXECUTED THE
9 MARKING OF THE BALLOT AND GAVE THE VOTER'S IDENTITY, BLANKS
10 FOR THE ATTESTING OFFICIAL OR WITNESS, AND A PLACE FOR
11 RECORDING THE DATE THE ENVELOPE WAS SEALED AND WITNESSED].
12 The envelope with the voter's certificate must include a notice that false statements
13 made by the voter [OR BY THE ATTESTING OFFICIAL OR WITNESS] on the
14 certificate are punishable by law.

15 * **Sec. 23.** AS 15.20.072 is amended by adding a new subsection to read:

16 (h) If a voter satisfies the requirements of (d) of this section, the division may
17 not reject a voter's special needs ballot based on an error by an election official or
18 representative on the register under (c) or an error by a representative under (d) of this
19 section.

20 * **Sec. 24.** AS 15.20.081(d) is amended to read:

21 (d) Upon receipt of an absentee ballot by mail, the voter [, IN THE
22 PRESENCE OF A NOTARY PUBLIC, COMMISSIONED OFFICER OF THE
23 ARMED FORCES INCLUDING THE NATIONAL GUARD, DISTRICT JUDGE
24 OR MAGISTRATE, UNITED STATES POSTAL OFFICIAL, REGISTRATION
25 OFFICIAL, OR OTHER PERSON QUALIFIED TO ADMINISTER OATHS,] may
26 proceed to mark the ballot in secret, to place the ballot in the secrecy sleeve, to place
27 the secrecy sleeve in the envelope provided, and to sign the voter's certificate on the
28 envelope. The [IN THE PRESENCE OF AN OFFICIAL LISTED IN THIS
29 SUBSECTION WHO SHALL SIGN AS ATTESTING OFFICIAL AND SHALL
30 DATE THE SIGNATURE. IF NONE OF THE OFFICIALS LISTED IN THIS
31 SUBSECTION IS REASONABLY ACCESSIBLE, AN ABSENTEE VOTER

1 SHALL SIGN THE VOTER'S CERTIFICATE IN THE PRESENCE OF AN
2 INDIVIDUAL WHO IS 18 YEARS OF AGE OR OLDER, WHO SHALL SIGN AS
3 A WITNESS AND ATTEST TO THE DATE ON WHICH THE VOTER SIGNED
4 THE CERTIFICATE IN THE INDIVIDUAL'S PRESENCE, AND, IN ADDITION,
5 THE] voter shall certify, as prescribed in AS 09.63.020, under penalty of perjury, that
6 the statements in the voter's certification are true.

7 * **Sec. 25.** AS 15.20.081(e) is amended to read:

8 (e) An absentee ballot must be marked on or before the date of the election.
9 Except as provided in (h) of this section, a voter who returns the absentee ballot by
10 mail, whether provided to the voter by mail or by electronic transmission, shall use a
11 mail service at least equal to first class and mail the ballot not later than the day of the
12 election to the election supervisor for the house district in which the voter seeks to
13 vote. Except as provided in AS 15.20.480, the ballot may not be counted unless it is
14 received by the close of business on the 10th day after the election. [IF THE BALLOT
15 IS POSTMARKED, IT MUST BE POSTMARKED ON OR BEFORE ELECTION
16 DAY.] After the day of the election, ballots may not be accepted unless received by
17 mail. **A ballot received after the day of the election that is not postmarked or is**
18 **postmarked after the day of the election may not be counted unless the ballot**
19 **envelope is marked with a United States Postal Service tracking barcode**
20 **sufficient to verify that the ballot was mailed on or before the day of the election**
21 **or with a division of elections ballot tracking barcode sufficient to verify that the**
22 **ballot was mailed on or before the day of the election.**

23 * **Sec. 26.** AS 15.20.081 is amended by adding new subsections to read:

24 (m) An absentee ballot application must include an option for a qualified voter
25 to choose to receive absentee ballots by mail for future regularly scheduled state
26 elections. The division may not require a voter who chooses this option to reapply for
27 an absentee ballot by mail unless

- 28 (1) the voter has not voted an absentee ballot for a period of four years;
29 or
30 (2) the voter's previous absentee ballot sent under this section was
31 returned to the division as undeliverable.

(n) If a voter requests under AS 15.07.060(g) or, at least 45 days before an election, requests in writing or by other means designated in regulations adopted by the director to receive a ballot in a language other than English in which the division is required to print election materials under 52 U.S.C. 10503, as amended, the director shall provide the voter with a ballot and election materials under this section in the language requested.

* **Sec. 27.** AS 15.20.201(b) is amended to read:

(b) Counting of absentee ballots that have been reviewed shall begin **not fewer than seven days preceding** [AT 8:00 P.M., LOCAL TIME, ON] the day of the election at places designated by each election supervisor and shall continue until all absentee ballots reviewed and eligible for counting have been counted. The counting teams shall report the **first** count of absentee ballots to the district absentee ballot counting board **not later than** [. AN ELECTION SUPERVISOR OR AN ELECTION OFFICIAL MAY NOT COUNT ABSENTEE BALLOTS BEFORE] 8:00 p.m., local time, on the day of the election. Counting of the absentee ballots shall continue at times designated by the election supervisor until all absentee ballots are counted.

* **Sec. 28.** AS 15.20.203(b) is amended to read:

(b) An absentee ballot **must be rejected** [MAY NOT BE COUNTED] if

(1) the voter has failed to properly execute the certificate;

(2) [AN OFFICIAL OR THE WITNESSES AUTHORIZED BY LAW TO ATTEST THE VOTER'S CERTIFICATE FAIL TO EXECUTE THE CERTIFICATE, EXCEPT THAT AN ABSENTEE BALLOT CAST IN PERSON AND ACCEPTED BY AN ABSENTEE VOTING OFFICIAL OR ELECTION SUPERVISOR MAY BE COUNTED DESPITE FAILURE OF THE ABSENTEE VOTING OFFICIAL OR ELECTION SUPERVISOR TO PROPERLY SIGN AND DATE THE VOTER'S CERTIFICATE AS ATTESTING OFFICIAL AS REQUIRED UNDER AS 15.20.061(c);

(3) THE BALLOT IS NOT ATTESTED ON OR BEFORE THE DATE OF THE ELECTION;

(4)] the ballot **envelope and certificate**, if **delivered by mail after the day of the election** [POSTMARKED],

1 (A) is not postmarked **or is postmarked after** [ON OR
2 BEFORE] the date of the election **and is not marked with a United States**
3 **Postal Service tracking barcode sufficient to verify that the ballot was**
4 **mailed on or before the day of the election or with a division of elections**
5 **ballot tracking barcode sufficient to verify that the ballot was mailed on or**
6 **before the day of the election;**

7 (B) has a United States Postal Service tracking barcode
8 verifying that the ballot was mailed after the date of the election or a
9 division of elections ballot tracking barcode verifying that the ballot was
10 mailed after the date of the election; or

11 (C) is executed after the date of the election;

12 (3) [(5)] after the day of election, the ballot was delivered by a means
13 other than mail;

14 (4) [OR (6)] the voter voted

15 (A) in person and is a

16 (i) first-time voter who initially registered by mail or by
17 facsimile or other electronic transmission approved by the director
18 under AS 15.07.050, has not provided the identification required by
19 AS 15.15.225(a), was not eligible for waiver of the identification
20 requirement under AS 15.15.225(b), and has not provided the
21 identifiers required in AS 15.07.060(a)(2) and (3) that can be verified
22 through state agency records described in AS 15.07.055(e); or

23 (ii) voter other than one described in (i) of this
24 subparagraph, did not provide identification described in
25 AS 15.15.225(a), was not personally known by the election official,
26 and has not provided the identifiers required in AS 15.07.060(a)(2) and
27 (3); or

28 (B) by mail or electronic transmission, is a first-time voter who
29 initially registered by mail or by facsimile or other electronic transmission
30 approved by the director under AS 15.07.050 to vote, has not met the
31 identification requirements set out in AS 15.07.060, and does not submit with

the ballot a copy of a

(i) driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license; or

(ii) current utility bill, bank statement, paycheck, government check, or other government document; an item described in this sub-subparagraph must show the name and current address of the voter; or

(5) 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.

* **Sec. 29.** AS 15.20.203 is amended by adding a new subsection to read:

(k) Except for a voter who voted absentee in-person, the district absentee counting board shall determine whether a voter's signature on the certificate is consistent with the voter's signature in voter registration records using a signature verification process that includes signature comparison software, according to a procedure provided in regulations adopted by the director. An election official may not determine that the signature on a voter's return envelope does not match the signature stored in the voter's registration record solely based on substitution of initials or use of a common nickname. The director shall provide training in signature comparison and the use of signature comparison software to election officials who compare signatures under this section.

* **Sec. 30.** AS 15.20 is amended by adding a new section to read:

Sec. 15.20.215. Rules for challenging ballot. The director shall adopt by regulation a procedure and time frame for a person present at the ballot counting review to challenge the decision of whether to count an absentee, special needs, or questioned ballot. The procedure must provide a reasonable amount of time to submit a challenge.

* **Sec. 31.** AS 15.20.220(b) is amended to read:

(b) The state review board shall review and count absentee ballots under AS 15.20.081(e) and (h), **absentee ballots properly cured under AS 15.20.222,** and

questioned ballots that have been forwarded to the director and that have not been reviewed or counted by a district counting board.

* **Sec. 32.** AS 15.20 is amended by adding new sections to read:

Sec. 15.20.221. Ballot-tracking system. (a) The director shall establish an online ballot-tracking system. The director may procure the system from a third party. The system must be designed to allow a voter to easily use the system through a mobile electronic device. The system must allow a voter to

- (1) confirm that the voter's ballot has been sent by the division;
- (2) track the date of the ballot's delivery to the voter;
- (3) confirm the division's receipt of the voter's ballot;
- (4) determine whether the voter's certificate has been reviewed;
- (5) determine whether the voter's ballot has been counted; and
- (6) provide the information necessary to cure a rejected ballot.

(b) The online ballot-tracking system must

- (1) verify a voter's identity; and
- (2) indicate to a voter

(A) the process by which the voter may cure the lack of signature or verify the voter's identity, if the signature on the voter's ballot was missing; and

(B) the reason the voter's ballot was not counted, if the ballot was not counted.

(c) The division may not charge a voter a fee to use the online ballot-tracking system.

Sec. 15.20.222. Procedure for curing uncounted ballot. (a) If a voter returns a ballot that is rejected because the voter does not have a signature stored in voter registration records, the certificate is missing a signature, the signature on the certificate is determined under AS 15.20.203 to not match the signature in voter registration records, or the voter provided insufficient voter identification, the director shall immediately make a reasonable effort to contact the voter, explain the ballot deficiency, explain how the deficiency may be cured, and inform the voter of the deadline to cure the ballot. The director shall, within 24 hours, send a notice of

1 deficiency by electronic mail to the voter's electronic mail address if the voter has
2 provided an electronic mail address. If the voter has provided a telephone number, the
3 director shall, within 24 hours, attempt to notify the voter of the deficiency by
4 telephone call and text message. The director shall, within 48 hours, but not later than
5 five days after election day, send a notice of deficiency by first class, nonforwardable
6 mail to the address in the voter's registration record.

7 (b) A notice of deficiency must include an explanation of the need for a
8 signature for verification purposes. The notice must include a form for the voter to
9 confirm that the voter returned a ballot to the division, provide a copy of a form of
10 identification accepted by the division under AS 15.15.225(a), and provide a signature
11 for verification. The director shall provide a printed copy of the form with the notice
12 of deficiency mailed to the voter. The director shall also make the form available in a
13 format that can be completed and returned electronically.

14 (c) The rejected ballot of a voter who received a notice of deficiency may be
15 counted only if

16 (1) the voter returns the completed form sent with the notice of
17 deficiency, the division receives the form within 14 days after election day, and the
18 form confirms that the voter returned a ballot to the division;

19 (2) the voter provides a signature and includes a copy of a form of
20 identification accepted by the division under AS 15.15.225(a); and

21 (3) the ballot is otherwise valid.

22 (d) A voter's rejected ballot may not be counted and the director shall, if
23 applicable, send copies of the signature on the voter's return envelope and the
24 signature stored in voter registration records to the attorney general for investigation if
25 the voter returns the form and the form indicates that the voter did not return a ballot
26 to the division.

27 (e) The division shall update the signature stored in voter registration records
28 if the voter, after providing a copy of a form of identification accepted by the division
29 under AS 15.15.225(a), either provides a signature for the voter's missing signature or
30 cures a nonmatching signature under this section.

31 * **Sec. 33.** AS 15.56.030(d) is amended to read:

(d) For purposes of (a)(2) and (3) of this section, "other valuable thing"

(1) includes

(A) an entry in a game of chance in which a prize of money or other present or future pecuniary gain or advantage may be awarded to a participant wherein the total of the prizes offered is greater than \$2 per participant with a maximum of \$100; and

(B) government employment or benefits;

(2) does not include

(A) materials having a nominal value bearing the name, likeness, or other identification of a candidate, political party, political group, party district committee, or organization, or stating a position on a ballot proposition or question;

(B) food and refreshments provided incidental to an activity that is nonpartisan in nature and directed at encouraging persons to vote, or incidental to a gathering in support of or in opposition to a candidate, political party, political group, party district committee, organization, or ballot question or proposition;

(C) care of the voter's dependents provided in connection with the absence of a voter from home for the purpose of voting;

(D) services provided by a person acting as a representative under AS 15.20.072;

(E) services provided by an election official as defined in AS 15.80.010; [AND]

(F) transportation of a voter to or from the polls without charge; and

(G) postage-paid return envelopes required in AS 15.20.030.

* **Sec. 34.** AS 15.80 is amended by adding a new section to read:

Sec. 15.80.006. Cybersecurity. The director shall, by regulation, develop a cybersecurity program to defend the voter registration records kept by the division against cyber attacks and data breaches and enable the division to detect and recover

1 from cyber attacks. The program must include cybersecurity training for election
2 officials.

3 * **Sec. 35.** AS 19.25.105(a) is amended to read:

4 (a) Outdoor advertising may not be erected or maintained within 660 feet of
5 the nearest edge of the right-of-way and visible from the main-traveled way of the
6 interstate, primary, or secondary highways in this state except the following:

7 (1) directional and other official signs and notices **that** [WHICH]
8 include [, BUT ARE NOT LIMITED TO,] signs and notices pertaining to natural
9 wonders, scenic and historic attractions, which are required or authorized by law, and
10 which shall conform to federal standards for interstate and primary systems;

11 (2) signs, displays, and devices advertising the sale or lease of property
12 upon which they are located or advertising activities conducted on the property;

13 (3) signs determined by the state, subject to concurrence of the United
14 States Department of Transportation, to be landmark signs, including signs on farm
15 structures or natural surfaces of historic or artistic significance, the preservation of
16 which would be consistent with the provisions of this chapter;

17 (4) directional signs and notices pertaining to schools;

18 (5) advertising on bus benches or bus shelters, and adjacent trash
19 receptacles, if the state determines that the advertising conforms to local, state, and
20 federal standards for interstate and primary highways;

21 **(6) temporary political campaign signs not larger than 32 square**
22 **feet in size displayed on private property if the sign does not pose a risk to the**
23 **public and is outside of an interstate, primary, or secondary highway right-of-**
24 **way.**

25 * **Sec. 36.** AS 24.45.091 is amended to read:

26 **Sec. 24.45.091. Publication of reports.** Copies of the statements and reports
27 filed under this chapter shall be made available to the public at the commission's
28 **offices and on the commission's Internet website** [CENTRAL OFFICE, THE
29 OFFICE OF THE LIEUTENANT GOVERNOR, THE LEGISLATIVE REFERENCE
30 LIBRARY OF THE LEGISLATIVE AFFAIRS AGENCY, AND AT THE
31 COMMISSION'S DISTRICT OFFICES PRESCRIBED IN AS 15.13.020(j)] as soon

as practicable after each reporting period.

* **Sec. 37.** AS 24.45.111(b) is amended to read:

(b) The commission shall preserve the statements and reports required to be filed under this chapter for a period of six years from the date of filing. Copies [IF THE COMMISSION'S CENTRAL OFFICE IS NOT IN THE STATE CAPITAL, COPIES] of all statements and reports filed under this chapter shall be maintained in the commission's offices and be made available on the commission's Internet website [AN OFFICE ESTABLISHED BY THE COMMISSION IN THE STATE CAPITAL OR IN THE OFFICE OF THE LIEUTENANT GOVERNOR].

* **Sec. 38.** AS 29.26.050 is amended by adding a new subsection to read:

(d) Except as a municipality may require for elections held only in specific local election districts or service areas under (b) of this section, a person who has lived within the municipality for at least 30 days, but who has not registered to vote in state elections at a residence address within the municipality at least 30 days before a municipal election, may vote only an absentee, special needs, or questioned ballot in that election. The 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.

* **Sec. 39.** AS 39.50.020(b) is amended to read:

(b) A public official, [OR] former public official, or candidate for municipal office [OTHER THAN AN ELECTED OR APPOINTED MUNICIPAL OFFICER] shall file the statement with the Alaska Public Offices Commission. Candidates for the office of governor and lieutenant governor and, if the candidate is not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030. The Alaska Public Offices Commission shall provide copies of the statements filed by municipal [MUNICIPAL] officers, former municipal officers, and candidates for elective municipal office to [SHALL FILE WITH] the applicable municipal clerk or other municipal official designated to receive the statements [THEIR FILING FOR OFFICE]. All statements required to be filed under this chapter are public records.

* **Sec. 40.** AS 39.50.200(b) is amended by adding a new paragraph to read:

(65) Redistricting Board.

* **Sec. 41.** AS 44.62.310(h)(3) is amended to read:

(3) "public entity" means an entity of the state or of a political subdivision of the state including an agency, a board or commission, **the Redistricting Board**, the University of Alaska, a public authority or corporation, a municipality, a school district, and other governmental units of the state or a political subdivision of the state; it does not include the court system or the legislative branch of state government.

* **Sec. 42.** AS 15.10.170(b); AS 15.20.203(i), 15.20.203(j); and AS 29.26.050(a)(3) are repealed.

* **Sec. 43.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 15.56.030(d), as amended by sec. 33 of this Act, applies to offenses committed on or after the effective date of sec. 33 of this Act.

* **Sec. 44.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Alaska Public Offices Commission and the division of elections may adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulation.

* **Sec. 45.** Section 44 of this Act takes effect immediately under AS 01.10.070(c).

* **Sec. 46.** Except as provided in sec. 45 of this Act, this Act takes effect January 1, 2024.