SENATE BILL NO. 93

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY SENATOR MCGUIRE

Introduced: 3/27/15
Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to absentee voting, voting, and voter registration; establishing a means of registering to vote online; relating to early voting locations at which persons may vote absentee ballots; and providing for an effective date."

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

*** Section 1.** 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. 2.** AS 15.07.050(a) is amended to read:

(a) Registration may be made

(1) in person before a registration official or through a voter registration agency;

(2) by another individual on behalf of the voter if the voter has executed a written general power of attorney or a written special power of attorney authorizing that other individual to register the voter;

(3) by mail; [OR]

(4) **on the state's Internet website; or**

(5) by facsimile transmission, scanning, or another method of electronic transmission that the director approves.

*** Sec. 3.** AS 15.07.055(e) is amended to read:

(e) The director shall enter into an agreement with the Department of Administration and the Department of Revenue to match identifying information provided by a voter who initially registers **online,** by mail**,** or by facsimile or other electronic transmission approved by the director under AS 15.07.050 with existing identification records

(1) maintained by the administrative component of the Department of Administration that administers motor vehicle and driver's license laws and by the administrative component of the Department of Revenue that administers the permanent fund dividend laws; and

(2) bearing the same identifying number, name, and date of birth provided on the registration.

*** 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**, electronic signature,** or mark;

(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(e) is amended to read:

(e) For an applicant requesting initial registration by mail**, online,** or by facsimile or other electronic transmission approved by the director under AS 15.07.050, the director shall verify the information provided in compliance with (a)(2) and (3) of this section through state agency records described in AS 15.07.055(e). If the applicant cannot comply with the requirement of (a)(2) of this section because the applicant has not been issued any of the listed numbers, the applicant may instead submit a copy of one of the following forms of identification: a driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license.

*** Sec. 6.** AS 15.07 is amended by adding a new section to read:

Sec. 15.07.062. Registering to vote on state Internet website. The division shall provide a means for a person to register or reregister to vote on the state's Internet website.

*** Sec. 7.** AS 15.07.064(b) is amended to read:

(b) In determining the sufficiency of the registration information provided by the voter in an application to register, the director may consider

(1) whether the voter is applying in person, **online, by facsimile or other electronic transmission approved by the director under AS 15.07.050,** by mail from a location within the state, or by mail from a location outside the state;

(2) the location, size, or density of the population within the municipality, established village, or geographic area in which the voter claims residence;

(3) whether the municipality, established village, or geographic area has been divided into precincts or local or regional election subdivisions;

(4) whether specific locations within the municipality, established village, or geographic area have been identified by street name, subdivisions, or other commonly known official descriptions; or

(5) other circumstances considered significant by the director.

*** Sec. 8.** AS 15.07.070(b) is amended to read:

(b) To register **online,** by mail**,** or by facsimile, scanning, or other electronic transmission approved by the director under AS 15.07.050, the director, the area election supervisor, or a voter registration agency shall furnish, at no cost to the voter, forms prepared by the director on which the registration information required under AS 15.07.060 shall be inserted by the voter, by a person on behalf of the voter if that person is designated to act on behalf of the voter in a power of attorney, or by a person on behalf of the voter if the voter is physically incapacitated. The director may require proof of identification of the applicant as required by regulations adopted by the director under AS 44.62 (Administrative Procedure Act). Upon receipt and approval of the completed registration forms, the director or the election supervisor shall forward to the voter an acknowledgment, and the voter's name shall immediately be placed on the master register. If the registration is denied, the voter shall immediately be informed in writing that registration was denied and the reason for denial. When identifying information has been provided by the voter as required by this chapter, the election supervisor shall forward to the voter a registration card.

*** Sec. 9.** 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 **online or** 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 **online,** 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.

*** Sec. 10.** 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 preceding an election **or on the day of an election shall vote a questioned ballot** [IS NOT ELIGIBLE TO VOTE] at that 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. 11.** AS 15.07.070(f) is amended to read:

(f) Incomplete or inaccurate registration forms may not be accepted. A person who submitted an incomplete or inaccurate registration form may register by reexecuting and resubmitting a registration form in person, **online,** by mail, or by facsimile or other electronic transmission approved by the director under AS 15.07.050. The requirements of (c) or (d) of this section apply to a registration form resubmitted under this subsection.

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

(e) For purposes of (b) and (d) of this section, a voter "appears to vote" if

(1) the voter is present at a polling place or at an **early** [ABSENTEE] voting station **designated under AS 15.20.045(b)** at a time when the polling place or **early** [ABSENTEE] voting station is operating, for the purpose of casting a vote;

(2) the voter applies to the division to obtain an absentee ballot; or

(3) in an election conducted by mail under AS 15.20.800, a voter who has not received a ballot by mail makes a timely request to the division for a ballot.

*** Sec. 13.** AS 15.20.045 is amended to read:

Sec. 15.20.045. Designation of absentee voting officials and early voting stations for voting absentee ballots. (a) The director or election supervisor may designate persons to act as absentee voting officials under AS 15.20.010 - 15.20.220 in areas where election supervisors do not have offices. Magistrates may, with the approval of the administrative director of the Alaska Court System, be designated under this section. At least 15 days before the election the director shall supply each absentee voting official with appropriate ballots.

(b) The director may designate by regulation adopted under AS 44.62 (Administrative Procedure Act) locations at which **early** [ABSENTEE] voting stations will be operated **for persons who vote absentee ballots** on or after the 15th day before an election up to and including the date of the election. The director shall supply **these** [ABSENTEE] voting stations with **absentee** ballots for all house districts in the state and shall designate absentee voting officials to serve at **the** [ABSENTEE] voting stations. **A designation as an early voting station under this subsection remains in effect unless**

(1) the location is no longer available for use as an early voting station; or

(2) the director determines that the location is no longer appropriate for use as an early voting station and makes that determination available to the public in writing.

(c) In a municipality in which the division will not be operating an **early** [ABSENTEE] voting station **under this section**, the director may designate the municipal clerk as an absentee voting official for the limited purpose of distributing absentee ballots to qualified voters under AS 15.20.061(a)(1) and qualified voters'

representatives under AS 15.20.072. At least 15 days before the election, the director shall supply municipal clerks designated under this subsection with absentee ballots.

*** Sec. 14.** AS 15.20.050 is amended to read:

Sec. 15.20.050. Requirement of full public notice. The director shall give full public notice of the dates and manner of voting absentee and may select any means of communication permitted to be used in giving notice of the date and time of the general election. The director shall give notice under this section of the location of **early** [ABSENTEE] voting stations **designated under AS 15.20.045(b)** at least 45 days before each election.

*** Sec. 15.** AS 15.20.061(a) is amended to read:

(a) A qualified voter may apply in person for an absentee ballot to the following election officials at the times specified:

(1) to an absentee voting official on or after the 15th day before an election up to and including the date of the election;

(2) to an election supervisor on or after the 15th day before an election up to and including the date of the election;

(3) to an absentee voting official at an **early** [ABSENTEE] voting station designated under AS 15.20.045(b) on or after the 15th day before an election up to and including the date of the election;

(4) to an absentee voting official in the precinct in which no volunteers can be located to serve on the election board on or after the 15th day before an election up to and including election day.

*** Sec. 16.** AS 15.20.072(b) is amended to read:

(b) The voter may, through a representative, request a special needs ballot from the following election officials at the times specified:

(1) from an absentee voting official on or after the 15th day before an election, up to and including election day;

(2) from an election supervisor on or after the 15th day before an election up to and including election day;

(3) from an absentee voting official at an **early** [ABSENTEE] voting station designated under AS 15.20.045(b) on or after the 15th day before an election

up to and including the date of the election; or

(4) from a member of the precinct election board on election day.

*** Sec. 17.** AS 15.20.081 is amended by adding a new subsection to read:

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

(1) the voter has not voted an absentee ballot for a period of four years; or

(2) the voter's previous absentee ballot sent under this section was returned to the division as undeliverable.

*** Sec. 18.** AS 15.80.010 is amended by adding a new paragraph to read:

(46) "electronic signature" has the meaning given in AS 09.80.190.

*** Sec. 19.** AS 29.20.380(c) is amended to read:

(c) The municipal clerk may act as an absentee voting official under AS 15.20.045(c) for the limited purpose of distributing absentee ballots to qualified voters or qualified voters' representatives under AS 15.20.072 in a municipality in which the division of elections will not be operating an **<u>early</u>** [ABSENTEE] voting station **<u>under AS 15.20.045(b)</u>**.

*** Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITIONAL PROVISIONS: REGULATIONS. The director of elections may adopt or amend regulations as 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 regulations.

*** Sec. 21.** This Act takes effect January 1, 2016.