

HOUSE BILL NO. 150

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KREISS-TOMKINS

Introduced: 5/1/19

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring state elections and local elections that the state is responsible for**
2 **conducting to be conducted by mail; requiring certain vote-by-mail ballots and election**
3 **materials to be provided in certain written languages other than English; establishing an**
4 **online ballot tracking and registration verification system; establishing voting centers**
5 **and ballot drop boxes; eliminating the use of polling places, absentee ballots, and**
6 **questioned ballots in certain elections; and providing for an effective date."**

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

8 * **Section 1.** AS 15.07.060 is amended by adding a new subsection to read:

9 (g) The director shall provide every applicant for registration or reregistration
10 the opportunity to designate, from among the written languages in which the division
11 is required to print election materials under 52 U.S.C. 10503, as amended, in which
12 language the applicant prefers to receive ballots and other election materials printed
13 for an election held under AS 15.20.800 - 15.20.895. If an applicant requests that

1 ballots and election materials be printed in an applicable language, the director shall
 2 provide the applicant ballots and election materials in the applicant's selected language
 3 under AS 15.20.805. If an applicant requests ballots and election materials in a written
 4 language in which the division is not required under 52 U.S.C. 10503, as amended, to
 5 print ballots and election materials, the director shall notify the applicant that ballots
 6 and election materials printed in that language are not available and allow the
 7 applicant another opportunity to select a language under this subsection. An applicant
 8 who does not indicate a language preference shall be provided ballots and election
 9 materials printed in English. The division shall provide to an applicant who has made
 10 a request under this subsection ballots and election materials in the applicant's selected
 11 language until the earlier of the date that the

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

13 (2) division is no longer required under 52 U.S.C. 10503, as amended,
 14 to print ballots and election materials in the requested language.

15 * **Sec. 2.** AS 15.20.800 is repealed and reenacted to read:

16 **Sec. 15.20.800. Voting by mail.** On and after August 16, 2022, the director
 17 shall, consistent with AS 15.20.805 - 15.20.895, conduct by mail

18 (1) a state primary, general, special, or special runoff election to

19 (A) select, nominate, or elect a governor, a lieutenant governor,
 20 an acting governor, a state senator, or a state representative;

21 (B) retain or reject a justice or judge seeking retention in office
 22 under art. IV, Constitution of the State of Alaska, and AS 15.35;

23 (C) determine whether a constitutional convention shall be
 24 called and to select, nominate, or elect delegates to a constitutional convention;

25 (D) approve or reject an initiative submitted under art. XI,
 26 Constitution of the State of Alaska, and AS 15.45.010 - 15.45.245;

27 (E) approve or reject a referendum submitted under art. XI,
 28 Constitution of the State of Alaska, and AS 15.45.250 - 15.45.465;

29 (F) recall an official identified in (A) of this paragraph when
 30 authorized by art. XI, Constitution of the State of Alaska, and AS 15.45.470 -
 31 15.45.720;

1 (G) approve or reject a proposed amendment to the
 2 Constitution of the State of Alaska submitted under AS 15.50;

3 (H) ratify or reject a state general obligation bond under
 4 AS 37.15; or

5 (I) administer an advisory vote when authorized by the
 6 legislature by law; and

7 (2) other elections that the state is required by law to conduct,
 8 including

9 (A) a special election authorized by AS 04.11.507(c) calling for
 10 a local option, change in local option, or removal of local option unless the
 11 petition of the residents of the established village asks that the provisions of
 12 this section not apply to that special election;

13 (B) an election authorized by AS 14.08.071 unless the regional
 14 educational attendance area board adopts a resolution for the purpose that is
 15 approved by the voters and filed with the office of the director determining that
 16 the provisions of this section do not apply;

17 (C) an election authorized by AS 29.05.110, whether conducted
 18 separately or in combination with an election under AS 29.05.120, or an
 19 election authorized by AS 29.06.140 or 29.06.510, unless the Local Boundary
 20 Commission recommends to the director that the provisions of this section not
 21 apply to the election;

22 (D) an election authorized

23 (i) by AS 30.13.010 to establish a regional resource
 24 development authority or to elect the initial members of the board of
 25 governors of the authority unless petitioners request that the provisions
 26 of this section not apply; or

27 (ii) by AS 30.13.020 unless the board of governors of
 28 the regional resource development authority adopts a resolution stating
 29 that the provisions of this section do not apply and the resolution is
 30 ratified by the voters of the development area and filed with the office
 31 of the director.

1 * **Sec. 3.** AS 15.20 is amended by adding new sections to read:

2 **Sec. 15.20.805. Procedures for conducting an election by mail.** (a) For each
3 election held under AS 15.20.800 - 15.20.895, the director shall send an official ballot
4 to each person whose name appears on the official registration list prepared under
5 AS 15.07.125 for that election. Except as provided in (b) of this section, the director
6 shall send the ballot, along with a voter's certificate, secrecy sleeve, and return
7 identification envelope with postage prepaid by first class, nonforwardable mail, to the
8 address stated on the official registration list unless

9 (1) the voter has notified the director or a district election supervisor of
10 a different address to which the ballot should be sent; or

11 (2) a previous mailing to the address on the official registration list has
12 been returned to the division as undeliverable.

13 (b) The director shall prepare the voter's certificate, secrecy sleeve, return
14 identification envelope, and other material used in an election held under
15 AS 15.20.800 - 15.20.895. The voter's certificate must include a space for a voter to
16 declare, when required, that the voter is a qualified voter, and a space for the voter's
17 signature. The voter's certificate must include a notice that a false statement made by
18 the voter on the certificate is punishable by law. If the division uses ballot counting
19 technology that preserves the confidentiality of a voter's information and ballot
20 choices, the director may mail to a voter a ballot without including a secrecy sleeve.

21 (c) The director shall send ballots under this section not later than 29 days
22 preceding the date of the election. However, the director shall send a special advance
23 ballot prepared under (d) of this section to a person not later than 45 days preceding
24 the date of the election if the person

25 (1) is an absent uniformed services voter or is an overseas voter
26 qualified under AS 15.05.011; or

27 (2) notified the director in writing at least 60 days before the election
28 that the voter expects to be living, working, or traveling outside the United States at
29 the time of the election or expects to be living, working, or traveling in a remote area
30 of the state where distance, terrain, or other natural conditions deny the voter
31 reasonable access to a polling place at the time of the election.

(d) The director shall prepare special advance ballots for use under (c) of this section in a state primary, general, special, or special runoff election. A ballot prepared for use under this subsection must contain each judicial retention election and ballot proposition or question scheduled to appear on the particular ballot. The director shall list on the ballot the different races to be voted on at the particular election on a statewide basis. If the names of the candidates in a general, special, or special runoff election are not certified before the ballot must be prepared, the director shall prepare a ballot without the names of the candidates that permits a voter to vote for all the candidates of a particular political party that expects to have candidates appearing on the ballot and provide on the ballot party boxes and a blank line for each office to be voted on in that election. The director shall also provide the voter with the names of each candidate appearing on the primary election ballot and the names of any candidates who have qualified by petition to appear on the general election ballot. The voter may vote for a candidate for that office by writing in the name of a person and filling in the oval to the right of that name, or the voter may mark one of the party boxes. If the voter puts a mark in a party box for that office, the director shall count the mark as a vote cast for the candidate for that office nominated by that political party.

(e) A return identification envelope for an absent uniformed services voter or an overseas voter must allow the voter to return the ballot free of postage if required under 39 U.S.C. 3406.

(f) If a voter requests under AS 15.07.060(g) or, at least 45 days before an election, requests in writing 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. 15.20.810. Completion and return of ballot. (a) Upon receiving an official ballot, a voter shall mark the ballot, sign the voter's certificate printed on the return identification envelope supplied with the ballot, place the ballot in the secrecy sleeve, insert both into the return identification envelope, complying with the

1 instructions provided with the ballot, and return the ballot to the district election
 2 supervisor for the voter's precinct by mail, or by depositing the ballot at a voting
 3 center established under AS 15.20.830 or ballot drop box designated by the director
 4 under AS 15.20.835.

5 (b) A ballot may not be mailed or deposited at a voting center or ballot drop
 6 box by an intermediary who is paid by or who volunteers for a political party, political
 7 group, or business or organization to provide that service. However, nothing in this
 8 subsection prohibits a voter from giving a completed ballot to a friend, relative, or
 9 associate to mail by way of the United States Postal Service or for deposit at a voting
 10 center or ballot drop box.

11 **Sec. 15.20.812. Ballot tracking and registration verification system.** (a) The
 12 director shall establish a free online system, available through the division's Internet
 13 website, through which an election official or a voter may track and confirm the
 14 division's receipt of an election ballot.

15 (b) The online system established under (a) of this section must also allow a
 16 voter to see whether the voter's ballot was counted and, if not, the reason the ballot
 17 was not counted. The director shall make the information required by this subsection
 18 available through the online system within

19 (1) 10 days after the date the results of a primary election or special
 20 election under AS 15.40.140 are certified, when the election is followed by a special
 21 runoff election; and

22 (2) 30 days after the date the results of a general or special election are
 23 certified, other than a special election described in (1) of this subsection.

24 (c) The online system established under (a) of this section must allow an
 25 election official access to the names and political affiliations of all persons

26 (1) named on the master register, including those persons whose voter
 27 registrations are inactive under AS 15.07.130(b); and

28 (2) whose names must be placed on the list under AS 15.07.070(c) or
 29 (d).

30 **Sec. 15.20.815. Replacement ballots.** (a) A voter may obtain an official
 31 replacement ballot if a ballot is destroyed, spoiled, or lost, or if, for any other reason,

1 the ballot has not been received or cannot be used by the voter.

2 (b) To vote a replacement ballot, the voter shall complete and sign a
3 replacement ballot request on a form prescribed for that purpose by the division. The
4 form must allow a voter to request any ballot the voter is eligible to vote under
5 AS 15.20.843. A request for a replacement ballot may be made electronically, by
6 telephone, in writing, in person, at a voting center established under AS 15.20.830, or
7 by other means designated in regulations adopted by the director.

8 (c) Upon receiving a replacement ballot request, the director or, when
9 applicable, the district election supervisor, shall

10 (1) verify the voter's registration and ensure that another ballot has not
11 been returned by the voter;

12 (2) indicate on the ballot's return identification envelope that the
13 envelope contains a replacement ballot;

14 (3) issue the replacement ballot in person at a voting center established
15 under AS 15.20.830, by mail, or by other means; and

16 (4) take reasonable measures to ensure that a voter requesting a
17 replacement ballot is not able to vote more than once.

18 (d) Upon receiving a voted replacement ballot, the district election supervisor
19 shall verify that a completed and signed replacement ballot request form has been
20 received by the director or is included with the voted replacement ballot. If a request
21 form has been completed and signed by the voter and received by the director or
22 district election supervisor, the district election supervisor shall process the
23 replacement ballot.

24 (e) The director or the district election supervisor, as applicable, may delegate
25 a duty assigned in this section to an election official in the district.

26 **Sec. 15.20.820. Time of district ballot counting review.** (a) Not less than 10
27 days before the date of the election, the district election supervisor, in the presence and
28 with the assistance of the district ballot counting board, shall review all voter
29 certificates received by that date. The review of certificates shall continue at times
30 designated by the district election supervisor until completed. A ballot may not be
31 counted until the accompanying voter certificate has been reviewed.

(b) Counting of ballots shall begin 10 days before the date of the election at places designated by each district election supervisor and shall continue until all ballots have been counted. The counting teams shall report the count of ballots to the district election board.

(c) Not later than the 15th day after the date of the election, the district ballot counting board shall certify the ballot count.

(d) A ballot received in the office of a district election supervisor after the completion of the district ballot counting review shall be forwarded immediately to the director by the most expeditious service.

Sec. 15.20.823. Procedure for district counting review. (a) The district ballot counting board established under AS 15.20.845(c) shall examine each return identification envelope for a ballot cast by mail, at a voting center, or deposited at a ballot drop box and shall determine whether the voter is qualified to vote at the election and whether the ballot has been properly cast.

(b) A ballot may be counted only if

(1) the voter has properly executed the voter's certificate;

(2) the voter's signature on the return identification envelope matches the signature in that voter's registration record;

(3) the ballot,

(A) if postmarked, is postmarked on or before the date of the election and received by the district election supervisor not later than the seventh day after the election;

(B) if cast at a voting center or deposited at a ballot drop box, was cast or deposited before the time the voting center or deposit box was closed on election day;

(4) for a voter who voted

(A) in person at a voting center and is a

(i) first-time voter who initially registered to vote by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050, the voter has provided the identification required by AS 15.15.225(a), was eligible for waiver of the

1 identification requirement under AS 15.15.225(b), or has provided the
 2 identifiers required in AS 15.07.060(a)(2) and (3) that can be verified
 3 through state agency records described in AS 15.07.055(e); or

4 (ii) voter other than one described in (i) of this
 5 subparagraph, the voter has provided identification described in
 6 AS 15.15.225(a), was personally known by the election official, or has
 7 provided the identifiers required in AS 15.07.060(a)(2) and (3); or

8 (B) by mail and is a first-time voter who initially registered to
 9 vote by mail or by facsimile or other electronic transmission approved by the
 10 director under AS 15.07.050, the voter has met the identification requirements
 11 set out in AS 15.07.060 or has submitted with the ballot a copy of a

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

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

19 (c) The district election supervisor shall verify a voter's signature on the return
 20 identification envelope with the signature on that voter's registration record under
 21 (b)(2) of this section according to a procedure provided in regulations adopted by the
 22 director.

23 (d) Any person present at the district ballot counting review may challenge the
 24 name of a voter when read from the voter's certificate on the return identification
 25 envelope if the person has good reason to suspect that the challenged voter is not
 26 qualified to vote, is disqualified, or has voted at the same election. The person making
 27 the challenge shall specify the basis of the challenge in writing. The district ballot
 28 counting board by majority vote may refuse to accept and count the ballot of a person
 29 properly challenged on grounds listed in (b) of this section.

30 (e) The district election supervisor shall place all rejected ballots in a separate
 31 envelope with the statements of challenge. The envelope shall be labeled "rejected

1 ballots" and shall be forwarded to the director with the election certificates and other
2 returns.

3 (f) If a ballot is accepted, the return identification envelope shall be opened
4 and the secrecy sleeve, unless omitted under AS 15.20.805(b), containing the ballot
5 shall be placed in a container and mixed with other secrecy sleeves.

6 (g) The secrecy sleeves shall be drawn from the container, the ballots shall be
7 removed from the secrecy sleeves, unless omitted under AS 15.20.805(b), and the
8 ballots counted at the times specified in AS 15.20.820 and according to the rules for
9 determining properly marked ballots in AS 15.15.360.

10 (h) Upon completion of the ballot review, the district election supervisor shall
11 prepare an election certificate for execution by the district ballot counting board and
12 shall forward the original certificate and other returns to the director not later than the
13 16th day following the election.

14 (i) The director shall prepare and mail to each voter whose ballot was rejected
15 under this section a summary of the reason that the challenge to the ballot was upheld
16 and the ballot was rejected.

17 (j) The director shall mail the materials described in (i) of this section to the
18 voter not later than

19 (1) 10 days after completion of the review of ballots by the state
20 review board for a primary election or for a special election under AS 15.40.140 that is
21 followed by a special runoff election;

22 (2) 60 days after certification of the results of a general election,
23 special runoff election, or special election other than a special election described in (1)
24 of this subsection.

25 **Sec. 15.20.825. Counting of votes cast by former residents of a district and**
26 **of ballots deposited outside of voters' election districts.** (a) A person who meets all
27 voter qualifications except the requirement in AS 15.05.010(3) is qualified to vote a
28 ballot in the house district in which the person formerly resided if the person lived in
29 that house district for at least 30 days immediately before changing residence, except
30 that the person may vote only for

31 (1) statewide ballot measures and questions;

- (2) candidates for federal or statewide offices;
- (3) candidates for the state senate if the voter's former residence and present residence are in the same senate district; and
- (4) candidates for judicial retention if the voter's former residence and present residence are in the same judicial district.

(b) The director shall adopt regulations relating to the casting of a ballot at a voting center or ballot drop box by a voter who is registered to vote in the state but not in the election district for which the vote was cast. The regulations must require that the voter's ballot be forwarded to the district election board in the district in which the voter is registered to vote before the completion of the district ballot count.

Sec. 15.20.830. Voting centers. (a) For the 10 days immediately preceding an election under AS 15.20.800 - 15.20.895 and on election day, a qualified voter may cast a completed ballot or replacement ballot at a voting center designated by the director under this section. The director shall provide as many voting centers in each house district as the director considers necessary to ensure that each voter in the district may effectively cast or deposit a completed ballot, receive assistance under AS 15.15.240, and, if necessary, obtain a replacement ballot under AS 15.20.815.

(b) In establishing a voting center, the director shall prioritize the convenience of the location for voters. In selecting a voting center location, the director shall consider

- (1) the proximity of a location to public transportation and availability of public parking near the location;
- (2) geographic and climatic factors that may affect a voter's access to the location;
- (3) the characteristics of the house district and the distribution and densities of its population;
- (4) the accessibility of the location to voters with disabilities;
- (5) whether the location has historically served a significant number of voters as a polling place;
- (6) whether the location is a public building that is known to voters and whether the use of the building will result in cost savings in comparison to other

1 possible locations; and

2 (7) whether effective methods and standards to ensure the security of
3 voting can be implemented at the location.

4 (c) The director shall ensure that at each voting center a qualified voter may

5 (1) deposit a completed ballot for collection;

6 (2) change the voter's residence address or voter registration;

7 (3) cast a replacement ballot;

8 (4) at a primary election, cast a political party ballot for a party that the
9 voter is not affiliated with if the bylaws of the party do not restrict a voter's
10 participation in the party's primary election; and

11 (5) receive voting assistance under AS 15.15.240.

12 (d) Except as provided in (e) of this section, a voting center must be equipped
13 to allow an election official secure electronic access to the online ballot tracking and
14 registration verification system established under AS 15.20.812.

15 (e) If the director finds that secure electronic access to the information
16 available under AS 15.20.812 is not practicable from a voting center, the division shall
17 adopt a procedure to allow access to the information by election officials from the
18 voting center by way of telephone or other means.

19 (f) A voting center and its facilities and voting equipment must comply with
20 the requirements of 42 U.S.C. 12101 - 12213 (Americans with Disabilities Act of
21 1990), as amended.

22 (g) If a qualified voter requests a replacement ballot at a voting center under
23 AS 15.20.815, the district election supervisor or election official shall verify under
24 AS 15.20.812(a), or as provided in (e) of this section, that the division has not already
25 received a ballot for the election from the voter. If the district election supervisor or
26 election official is unable to determine whether the voter has already cast a ballot for
27 the election, the district election supervisor or election official shall provide the voter
28 with a replacement ballot. A replacement ballot shall also be provided to a person who
29 claims to be a registered voter, but for whom no evidence of registration can be found.
30 The director or the director's representative shall determine whether the voter is
31 registered in the district before counting the ballot.

1 (h) The director shall provide materials, forms, and supplies for each voting
2 center, including information regarding the date of the election and hours the voting
3 center will be open, instructions on how to obtain a replacement ballot, instructions for
4 first-time voters who initially registered by mail, general information on voting rights,
5 prohibitions on acts of fraud and misrepresentation, and whom to contact to report
6 violations.

7 (i) On the day of an election, each district election board shall open the voting
8 center for which the board is responsible at 7:00 a.m., close the voting center at 8:00
9 p.m., and keep the voting center open during the time between those hours. The
10 district election board members shall report to the voting center at 6:30 a.m. on an
11 election day. For the 10 days preceding the date of the election, excluding Sundays, a
12 district election board shall open the voting center for which the board is responsible
13 at 9:00 a.m., close the voting center at 7:00 p.m., and keep the voting center open
14 during the time between those hours. On the 10 days preceding the date of an election,
15 the district election board members shall report to the voting center at 8:30 a.m.

16 (j) At each voting center, the division shall provide language assistance as
17 required under 52 U.S.C. 10503, as amended, in a manner that enables voters to
18 participate effectively in the electoral process. The district election supervisor shall
19 post at each voting center information regarding the availability of language assistance
20 in English and all other languages for which language assistance is required to be
21 provided in the jurisdiction under federal law.

22 (k) Before the initial opening of the voting center under (i) of this section, the
23 district election supervisor shall inspect the voting equipment to determine whether the
24 equipment has been properly prepared for voting.

25 (l) The director shall designate locations for voting centers established under
26 this section by June 1 of an election year.

27 **Sec. 15.20.835. Drop boxes for vote-by-mail ballots.** (a) The director shall
28 adopt regulations for the designation and location of ballot drop boxes. The
29 regulations must specify the dates and times the drop boxes will be open, where the
30 drop boxes will be located, and the security requirements for the drop boxes. At a
31 minimum, the regulations must require that at least one drop box be located at each

1 voting center established under AS 15.20.830 and that a drop box be open on the date
 2 of the election for a period of eight or more hours and stay open until 8:00 p.m. A
 3 district election supervisor shall prominently display a sign at each drop box location
 4 established under this subsection identifying the location as an official ballot drop box
 5 site.

6 (b) The district election supervisor shall ensure that ballots are removed from
 7 a ballot drop box frequently enough to allow additional ballots to be deposited
 8 securely. A team of at least two election officials shall remove ballots from a ballot
 9 drop box. A record must be kept of the date and time of each removal of ballots, the
 10 number of ballots removed from the drop box, and the names of the election officials
 11 who removed the ballots. The election officials responsible for removing ballots from
 12 a drop box shall place the ballots in a secured transport container along with a copy of
 13 the record kept under this subsection and deliver the ballots to the counting center,
 14 where another election official shall verify the record. All ballot drop boxes must be
 15 secured at 8:00 p.m. on the day of the election.

16 (c) The director shall designate ballot drop box locations established under
 17 this section by June 1 of an election year.

18 **Sec. 15.20.840. Special provisions applicable to voter qualification and**
 19 **registration.** (a) Notwithstanding AS 15.05.011(a), a person residing outside the
 20 United States who is qualified under AS 15.05.011 may register and vote by mail.

21 (b) For an election described in AS 15.05.014,
 22 (1) notwithstanding AS 15.05.014(1), registration and voting
 23 procedures, except as otherwise provided in this section, must be identical to
 24 procedures established in this title; and

25 (2) the provisions of AS 15.05.014(2) and (3) apply to the elections
 26 described in this subsection except that the authorization in AS 15.05.014(3) to vote
 27 by absentee ballot does not apply.

28 (c) In an election to be conducted under AS 15.20.800 - 15.20.895, an election
 29 official appointed under AS 15.10 may serve as a registration official for purposes of
 30 AS 15.07.

31 (d) Notwithstanding AS 15.07.030(b), a person qualified under AS 15.05.011

1 to vote in a federal election is entitled to be registered as a voter in the house district in
2 which the person resided immediately before departure from the United States.

3 (e) For purposes of complying with AS 15.07.064, notwithstanding
4 AS 15.07.064(e)(1), the director may consider an application for registration within a
5 municipality or established village to comply with law based on other information
6 contained in the application, including evidence that the application was made in
7 person before a voting registrar or election official or other voting official appointed to
8 serve in the municipality or established village, if the application complies with
9 AS 15.07.064(e)(2) and (3).

10 (f) For purposes of AS 15.07.130(b) and (d), a voter "appears to vote" if a
11 voter who has not received a ballot by mail makes a timely request to the division for a
12 ballot.

13 (g) In addition to disclosure under AS 15.07.195(b)(1), a voter's residential
14 address may be disclosed to a watcher appointed under AS 15.20.850 and, in the case
15 of a watcher appointed by an organization or group sponsoring or opposing an
16 initiative, referendum, or recall group, authorized by the director.

17 **Sec. 15.20.843. Preparation of ballots for primary election; appropriate**
18 **ballot.** (a) Except in the case of a ballot on which blank lines are allowed as described
19 in AS 15.20.805(d), the director shall prepare primary election ballots for use under
20 AS 15.20.800 - 15.20.895 in the same manner as provided in AS 15.25.060(a). Except
21 as provided in (b) - (d) of this section, in mailing primary election ballots, the director
22 shall provide a voter with the primary election ballot for the political party or group
23 with which the voter is affiliated. For the purpose of determining which primary
24 election ballot to mail to a voter, the director shall consider a voter's party affiliation to
25 be the affiliation registered with the director on the 30th day before the primary
26 election. If a voter changes party affiliation within 30 days before the primary election,
27 the voter's previous party affiliation shall be used in making the determination under
28 this subsection.

29 (b) The director or district election supervisor shall provide a voter who is
30 registered as affiliated with a political party with a primary election ballot for a
31 different political party, on request, if

1 (1) the bylaws of that political party allow a voter registered as
2 affiliated with another political party to participate in that party's primary; and

3 (2) the request is made not later than 45 days before a ballot is mailed
4 to the voter under AS 15.20.805 or in a request for a replacement ballot under
5 AS 15.20.815.

6 (c) The director or a district election supervisor shall provide a voter who is
7 registered as nonpartisan or undeclared with a primary election ballot for a political
8 party if

9 (1) the bylaws of that political party do not restrict participation by
10 nonpartisan or undeclared voters in that party's primary; and

11 (2) the request is made not later than 45 days before a ballot is mailed
12 to the voter under AS 15.20.805 or when requesting a replacement ballot under
13 AS 15.20.815.

14 (d) Unless a voter registered as nonpartisan or undeclared requests a ballot for
15 a political party under (c) of this section, the director shall prepare, print, and mail the
16 voter a primary election ballot that includes only the ballot titles and propositions
17 required to appear on the ballot.

18 **Sec. 15.20.845. Vote-by-mail election administration.** (a) An election
19 supervisor shall appoint a district election board composed of at least three qualified
20 voters registered to vote in that district. The district election board shall supervise the
21 election in the district. If the election supervisor is unable to locate three qualified
22 individuals registered to vote in the district who are willing and able to serve on the
23 district election board, the election supervisor may appoint any qualified individual
24 registered to vote in this state. In addition to the three qualified voters registered to
25 vote in the district or state, an election supervisor may also appoint not more than two
26 members of the youth vote ambassador program, as provided in (d) of this section, to
27 serve on a district election board. The provisions of AS 15.10.120(b), (c), and (e)
28 apply to nominations and appointments under this subsection. The election supervisor
29 shall appoint a chair for the district election board. The decision of the majority of
30 district election board members determines the action that the district election board
31 shall take regarding any question that arises during the course of the election.

1 (b) Before assuming the duties of office, each election official shall take an
2 oath to honestly, faithfully, and promptly perform the duties of office. Any appointed
3 election official, including an appointed election official who has not personally
4 subscribed to the oath, may administer the oath to another election official. The chair
5 of the district election board appointed under (a) of this section shall rotate the time at
6 which election officials serving at a voting center may be relieved for meals.

7 (c) Thirty days before the date of an election, an election supervisor shall
8 appoint, in the same manner provided for the appointment of election officials
9 prescribed in AS 15.10, district ballot counting boards, each composed of at least four
10 members. At least one member of each board must be a member of the same political
11 party of which the governor is a member, and at least one member of each board must
12 be a member of the political party whose candidate for governor received the second
13 largest number of votes in the preceding gubernatorial election. The district election
14 board shall assist the election supervisor in counting the ballots cast under
15 AS 15.20.800 - 15.20.895 and a member of the district election board shall receive the
16 same compensation as an election board member under AS 15.15.380.

17 (d) An election supervisor may appoint a member of the youth vote
18 ambassador program established under AS 15.10.108 to serve on a district election
19 board appointed under (a) of this section. A program member who is appointed to
20 serve on a district election board under this subsection serves under the supervision of
21 the chair of that board.

22 (e) Notwithstanding the requirements of AS 15.15.070(b), (c), and (h), in
23 implementing the notice requirements of AS 15.15.070(a), the director shall

24 (1) give notice by publication at least twice in one or more newspapers
25 of general circulation in each of the four judicial districts; the printed notice must
26 include the date of election, notification that the election will be conducted by mail,
27 the dates and times voting centers will be open before the date of the election and on
28 election day, the locations of voting centers and ballot drop boxes, the offices to which
29 candidates are to be nominated or elected, and the subject of each proposition or
30 question to be voted on;

31 (2) post notices in communities that do not have newspapers of general

1 circulation where posting of notice is considered necessary by the director; the posted
 2 notice must include the date of election, notification that the election will be
 3 conducted by mail, the dates and times voting centers will be open before the date of
 4 the election and on election day, the locations of voting centers and ballot drop boxes,
 5 the offices to which candidates are to be nominated or elected, the subject of the
 6 propositions and questions to be voted on, and other information considered necessary
 7 by the director; and

8 (3) arrange for an abbreviated form of the notice published under (1) of
 9 this subsection to be broadcast on one or more radio or television stations in each of
 10 the four judicial districts; the broadcast notice must include, at a minimum, the date of
 11 the election, notification that the election will be conducted by mail, the dates and
 12 times voting centers will be open before the date of the election and on election day,
 13 the locations of voting centers and ballot drop boxes, and the address and telephone
 14 number of the election supervisor for the election district in which the notice is
 15 broadcast.

16 (f) Notwithstanding AS 15.15.380, the director shall pay each member of a
 17 district election board for time spent performing election duties, including the
 18 receiving of instructions. The chair of an election board and the chair and members of
 19 the state ballot counting review board shall be paid for time spent performing election
 20 duties. The director shall set the compensation to be paid under this section by
 21 regulation.

22 (g) In carrying out the duty under AS 15.15.420 to review the counting of
 23 ballots,

24 (1) the director shall conduct only

25 (A) a review of the tallies and ballots cast; and

26 (B) a hand count of ballots from one randomly selected election
 27 district; this subparagraph does not apply if the ballot for the election district
 28 contains only uncontested offices;

29 (2) if, following the ballot review set out in (1) of this subsection, the
 30 director finds a discrepancy of more than one percent between the results of the hand
 31 count under (1)(B) of this subsection and the count certified by the district election

1 board, the director shall conduct a hand recount of all ballots from that district;

2 (3) if the director finds an unexplained discrepancy in the ballot count
3 within a district, the director may conduct a hand count of all ballots from that district;
4 and

5 (4) the director shall certify in writing to the state ballot counting
6 review board and publish on the division's Internet website any changes resulting from
7 a count performed under (2) or (3) of this subsection.

8 (h) The state ballot counting review shall begin as soon as practicable after the
9 election is completed and not later than 15 days after the date of the election and shall
10 continue until completed. The director may designate the hours each day during which
11 the state ballot counting review board may conduct its ballot counting review.

12 (i) The director shall comply with AS 15.15.470 except that the director's
13 obligation under that section to preserve records applies to tallies and registers without
14 regard to precinct election certificates.

15 **Sec. 15.20.850. Party and candidate representatives.** A state party chair may
16 appoint one or more persons as watchers at each voting center established under
17 AS 15.20.830 and each counting center for an election held under AS 15.20.800 -
18 15.20.895. A candidate not representing a political party may appoint one or more
19 watchers for each voting center and counting center in the candidate's district or the
20 state for any election. An organization or organized group that sponsors or opposes an
21 initiative, referendum, or recall may appoint one or more watchers for each voting
22 center and counting center after first obtaining authorization from the director. A state
23 party or a candidate not representing a political party or organization or organized
24 group may not have more than one watcher on duty at a time in a voting center or
25 counting center. A watcher must be a United States citizen. A watcher at a counting
26 center may be present at a position that affords a full view of all action of the election
27 officials taken until the ballots are finally counted and the results certified by the
28 district election board or the data processing review board. The district election board
29 or the data processing review board may require a watcher at a counting center to
30 present written proof showing appointment by the party district committee, the
31 organization or organized group, or the candidate the watcher represents that is signed

1 by the chair of the party district committee, the state party chair, the organization or
2 organized group, or the candidate.

3 **Sec. 15.20.855. Election recounts.** (a) The director and appointed party
4 representatives shall complete a review of ballots cast. The review of the ballot counts
5 certified by the district ballot counting boards shall be accomplished by reviewing the
6 tallies of the recorded vote to check for mathematical error and by comparing the
7 totals with the election certificate of results.

8 (b) A defeated candidate or 10 qualified voters who believe there has been a
9 mistake made by an election official or by the district ballot counting board in
10 counting the votes in an election may apply to the director within five days after the
11 completion of the state review under (a) of this section for a recount of the votes from
12 a house district or for a particular office, proposition, or question. However, an
13 application for a recount of votes cast for the offices of governor and lieutenant
14 governor must be filed within three days after completion of the state review following
15 the general election. As provided in AS 15.15.460, if there is a tie vote, the director
16 shall initiate the recount and give notice to the interested parties as provided in
17 AS 15.20.470. An application made under this subsection is subject to the
18 requirements of AS 15.20.430(b).

19 (c) An application filed under (b) of this section must state the basis of the
20 belief that a mistake has been made, the district for which the recount is to be held, or
21 the particular office, proposition, or question for which the recount is to be held. The
22 application must designate two persons to represent the applicant and assist at the
23 recount. Any person may be named representative, including the candidate or a person
24 signing the application. An application filed by 10 qualified voters must also include
25 the designation of one of the 10 voters as chair. The application must include the full
26 name and mailing address of each applicant. A recount initiated under this subsection
27 is subject to the requirements of AS 15.20.440(b).

28 (d) An application under this section must include a deposit in cash, by
29 certified check, or by bond with a surety approved by the director, as provided in
30 AS 15.20.450.

31 (e) In conducting a recount requested under this section, the director shall

review all ballots to determine which ballots, or parts of ballots, were properly marked and which ballots are to be counted in the recount and shall check the accuracy of the original count and the review. For administrative purposes, the director may join and include two or more applications in a single review and count of votes. The rules in AS 15.15.360 governing the counting of ballots shall be followed in the recount when a ballot is challenged based on a question regarding the voter's intent to vote for the candidate, proposition, or question. The ballots and other election material must remain in the custody of the director during the recount, and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within 10 days. The director may employ additional personnel as needed to assist in the recount.

Sec. 15.20.890. Provisions of title not applicable to voting by mail.

AS 15.07.010, 15.07.070(h), and 15.07.081; AS 15.10.108(c), 15.10.120(a), 15.10.120(d), and 15.10.125 - 15.10.170; AS 15.15.030(13), 15.15.032, 15.15.040(c), 15.15.050, 15.15.060, 15.15.080 - 15.15.210, 15.15.225(c), 15.15.230, 15.15.330 - 15.15.350, 15.15.370, 15.15.390, 15.15.430, and 15.15.440; AS 15.20.010 - 15.20.225, 15.20.430(a), 15.20.440(a), and 15.20.480; and AS 15.45.670 and AS 15.56.035(a)(1) do not apply in an election conducted under AS 15.20.800 - 15.20.895.

Sec. 15.20.895. Definition of "voter" in AS 15.20.800 - 15.20.895. In AS 15.20.800 - 15.20.895, notwithstanding AS 15.80.010, "voter" means a person whose name appears on the official registration list prepared under AS 15.07.125 for an election subject to the requirements of AS 15.20.800 - 15.20.895.

* **Sec. 4.** AS 15.45.680 is amended to read:

Sec. 15.45.680. Statement of official subject to recall; display of grounds for and against recall. The director shall provide each election board in the state or in the senate or house district of the person subject to recall with at least five copies of the statement of the grounds for recall included in the application and at least five copies of the statement of not more than 200 words made by the official subject to recall in justification of the official's conduct in office. The person subject to recall may provide the director with the statement within 10 days after the date the director

1 gave notification that the petition was properly filed. The election board shall post at
2 least one copy of the statements for and against recall in a conspicuous place in a
3 location where the election is held [THE POLLING PLACE].

4 * **Sec. 5.** AS 15.80.010(1) is amended to read:

5 (1) "absent uniformed services voter" has the meaning given in 52
6 U.S.C. 20310 [42 U.S.C. 1973ff-6];

7 * **Sec. 6.** This Act takes effect January 1, 2020.