

AMENDMENT #8

OFFERED IN THE HOUSE
TO: CSHB 234(STA)

BY REPRESENTATIVE EASTMAN

1 Page 1, line 1:

2 Following "Act": *(title amendment)*

3 Insert "relating to elections;"

4 Following "contributions;"

5 Insert "relating to counting ballots;"

6

7 Page 1, following line 2:

8 Insert new bill sections to read:

9 **** Section 1.** AS 15.07.060(a) is amended to read:

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

12 (1) the applicant's name and sex;

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

16 (3) the applicant's date of birth;

17 (4) the applicant's Alaska residence address;

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

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

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

- 1 (8) the date of application;
- 2 (9) the applicant's signature or mark;
- 3 (10) any former name under which the applicant was registered to vote
- 4 in the state;
- 5 (11) an attestation that the information provided by the applicant in (1)
- 6 - (10) of this subsection is true; [AND]
- 7 (12) a certification that the applicant understands that a false statement
- 8 on the application may make the applicant subject to prosecution for a misdemeanor
- 9 under this title or AS 11; **and**
- 10 **(13) a declaration whether the applicant requests a hand count of**
- 11 **the applicant's ballot.**

12 * **Sec. 2.** AS 15.07.070(f) is amended to read:

13 (f) Incomplete or inaccurate registration forms may not be accepted. A person

14 who submitted an incomplete or inaccurate registration form may register by

15 reexecuting and resubmitting a registration form in person, by mail, or by facsimile or

16 other electronic transmission approved by the director under AS 15.07.050. The

17 requirements of (c) or (d) of this section apply to a registration form resubmitted under

18 this subsection. Notwithstanding the foregoing, an application made under

19 AS 43.23.015 that contains the information required by AS 15.07.060(a)(1) - (4),₂

20 [AND] (7) - (9), **and (13)**, and an attestation that such information is true, shall not be

21 deemed an incomplete registration form and shall be accepted in accordance with

22 AS 15.07.070(i).

23 * **Sec. 3.** AS 15.07.070(j) is amended to read:

24 (j) The division shall cooperate with the Department of Revenue under

25 AS 43.23.101 to ensure that the permanent fund dividend application form furnished

26 by the Department of Revenue under AS 43.23.015 allows an applicant, a person who

27 is designated in a power of attorney to act on behalf of an applicant, or a person acting

28 on behalf of a physically disabled applicant to submit voter registration information

29 required under AS 15.07.060(a)(1) - (4),₂ [AND] (7) - (9), **and (13)**, and an attestation

30 that such information is true. The director may require proof of identification of the

31 applicant, if not already in the Department of Revenue's possession, as required by

1 regulations adopted by the director under AS 44.62 (Administrative Procedure Act)."

2

3 Page 1, line 3:

4 Delete "Section 1"

5 Insert "Sec. 4"

6

7 Renumber the following bill sections accordingly.

8

9 Page 3, following line 7:

10 Insert new bill sections to read:

11 "** Sec. 11. AS 15.15.032(c) is amended to read:

12 (c) The director shall provide for a paper record of each electronically
13 generated ballot that can be

14 (1) reviewed and corrected by the voter at the time the vote is cast;

15 [AND]

16 (2) used for a recount of the votes cast at an election in which
17 electronically generated ballots were used;

18 (3) used as the official ballot for a vote count in a hand-count
19 district.

20 * Sec. 12. AS 15.15 is amended by adding a new section to read:

21 **Sec. 15.15.345. Hand-count districts.** (a) When 25 percent or more of the
22 voters in a house district, senate district, or the state request under AS 15.07.060(a)
23 that the division count their ballots by hand, the division shall count the ballots in that
24 house district, senate district, or the state, respectively, by hand. The director shall, 60
25 days before the day of the election,

26 (1) determine whether a house district, senate district, or the state is a
27 hand-count district; and

28 (2) provide public notice identifying each hand-count district for the
29 election.

30 (b) The division shall count ballots voted in a hand-count district by hand.
31 When counting a ballot generated electronically under AS 15.15.032 or an absentee

1 ballot voted by electronic transmission under AS 15.20.066, an election official
2 counting ballots voted in a hand-count district shall count the official paper record. An
3 election official may not scan a ballot voted for a hand-count district before the
4 conclusion of the statewide ballot count. If an election official scans a ballot in a hand-
5 count district, the division shall publish the ballot on the division's Internet website not
6 later than 24 hours after the election official scanned the ballot.

7 * **Sec. 13.** AS 15.15.350(a) is amended to read:

8 (a) The director may adopt regulations prescribing the manner in which the
9 precinct ballot count is accomplished so as to ensure accuracy in the count and to
10 expedite the process. The election board shall account for all ballots by completing a
11 ballot statement containing (1) the number of official ballots received; (2) the number
12 of official ballots voted; (3) the number of official ballots spoiled; (4) the number of
13 official ballots unused and either destroyed or returned for destruction to the elections
14 supervisor or the election supervisor's designee. The board shall count the number of
15 questioned ballots and compare that number to the number of questioned voters in the
16 register. Discrepancies shall be noted and the numbers included in the certificate
17 prescribed by AS 15.15.370. The election board, in a hand-count **precinct or a hand-**
18 **count district** [PRECINCTS], shall count the ballots in a manner that allows watchers
19 to see the ballots when opened and read. A person handling the ballot after it has been
20 taken from the ballot box and before it is placed in the envelope for mailing may not
21 have a marking device in hand or remove a ballot from the immediate vicinity of the
22 polls. In this subsection, "hand-count precinct" means a precinct within a
23 **machine-count district where the election board counts ballots by hand.**

24 * **Sec. 14.** AS 15.15.350(b) is amended to read:

25 (b) In a machine-count district, ballots [BALLOTS] may not be counted
26 before 8:00 p.m., local time, on the day of the election. In a hand-count district,
27 ballot counting may begin 14 days before an election. When counting ballots
28 before 8:00 p.m., local time, on the day of the election, election officials shall
29 count ballots in groups of 25 or more. An election official may not release the
30 result of a ballot count or scanned image of a ballot before 8:00 p.m., local time,
31 on the day of the election.

1 * **Sec. 15.** AS 15.15.470 is amended to read:

2 **Sec. 15.15.470. Preservation of election ballots, papers, and materials.** The
3 director shall preserve all precinct election certificates, tallies, and registers for four
4 years after the election. All ballots, images of scanned ballots, and stubs for elections
5 other than national elections may be destroyed 30 days after the certification of the
6 state ballot counting review unless an application for recount has been filed and not
7 completed, or unless their destruction is stayed by an order of the court. All ballots for
8 national elections may be destroyed in accordance with federal law. The director may
9 permit the inspection of election materials upon call by the Congress, the state
10 legislature, or a court of competent jurisdiction.

11 * **Sec. 16.** AS 15.15.480 is amended to read:

12 **Sec. 15.15.480. Security of ballots.** All official ballots and scanned images
13 of ballots in the possession of election officials, whether voted or not voted, shall be
14 kept in a secure manner until destroyed in accordance with law. The director shall
15 provide for the security of ballots during transportation and storage under AS 44.62
16 (Administrative Procedure Act).

17 * **Sec. 17.** AS 15.20.066 is amended by adding a new subsection to read:

18 (c) Before counting an absentee ballot of a voter who resides in a hand-count
19 district that is completed and returned by the voter by electronic transmission, an
20 election official shall print an official paper record of the ballot. The official paper
21 record is the counted ballot.

22 * **Sec. 18.** AS 15.20.201(a) is amended to read:

23 (a) In a machine-count district, not [NO] less than seven days preceding the
24 day of election, the election supervisor, in the presence and with the assistance of the
25 district absentee ballot counting board, shall review all voter certificates of absentee
26 ballots received by that date. In a hand-count district, not less than 21 days
27 preceding the day of election, the election supervisor, in the presence and with
28 the assistance of the district absentee ballot counting board, shall review all voter
29 certificates of absentee ballots received by that date. The review of absentee ballots
30 shall continue at times designated by the election supervisor until completed.

31 * **Sec. 19.** AS 15.20.201(b) is amended to read:

1 (b) In a machine-count district, counting [COUNTING] of absentee ballots
 2 that have been reviewed shall begin at 8:00 p.m., local time, on the day of the election
 3 at places designated by each election supervisor and shall continue until all absentee
 4 ballots reviewed and eligible for counting have been counted. The counting teams
 5 shall report the count of absentee ballots to the district absentee ballot counting board.
 6 An election supervisor or an election official may not count absentee ballots before
 7 8:00 p.m., local time, on the day of the election. In a hand-count district, counting
 8 of absentee ballots that have been reviewed shall begin 14 days before the day of
 9 the election at places designated by each election supervisor and shall continue
 10 until all absentee ballots reviewed and eligible for counting have been counted.
 11 The counting teams shall report the count of absentee ballots to the district
 12 absentee ballot counting board. An election supervisor or an election official may
 13 not count absentee ballots earlier than 14 days before the day of the election.
 14 Counting of the absentee ballots shall continue at times designated by the election
 15 supervisor until all absentee ballots are counted.

16 * **Sec. 20.** AS 15.20.480 is amended to read:

17 **Sec. 15.20.480. Procedure for recount.** In conducting the recount, the director
 18 shall review all ballots, whether the ballots were counted at the precinct or by
 19 computer or by the district absentee counting board or the questioned ballot counting
 20 board, to determine which ballots, or part of ballots, were properly marked and which
 21 ballots are to be counted in the recount, and shall check the accuracy of the original
 22 count, the precinct certificate, and the review. The director shall count absentee ballots
 23 received before the completion of the recount. For administrative purposes, the
 24 director may join and include two or more applications in a single review and count of
 25 votes. The rules in AS 15.15.360 governing the counting of ballots shall be followed
 26 in the recount when a ballot is challenged on the basis of a question regarding the
 27 voter's intent to vote for the candidate, proposition, or question. The ballots and other
 28 election material must remain in the custody of the director during the recount, and the
 29 highest degree of care shall be exercised to protect the ballots against alteration or
 30 mutilation. In a hand-count district, a recount shall be conducted by hand count.
 31 The recount shall be completed within 10 days. The director may employ additional

1 personnel necessary to assist in the recount.

2 * **Sec. 21.** AS 15.20.900(a) is amended to read:

3 (a) Notwithstanding any other provisions of this title, the director may adopt
4 regulations **for machine-count districts** that provide procedures for the tabulation of
5 electronically generated ballots or optically scanned ballots, including procedures for

6 (1) tests of the counting programs developed for each precinct
7 tabulator to ensure that the system is functioning properly;

8 (2) security for the voting and tabulation of ballots;

9 (3) the transmission and accumulation of vote totals to assure the
10 integrity of the vote counting process;

11 (4) observation by the public of the counting process in the regional
12 offices; and

13 (5) the disposition of ballots.

14 * **Sec. 22.** AS 15.80.010 is amended by adding new paragraphs to read:

15 (47) "hand-count district" means a house district, senate district, or the
16 entire state when the division is required under AS 15.15.345(a) to count the voters'
17 ballots by hand;

18 (48) "machine-count district" means a house district, senate district, or
19 the entire state where the division is not required to count the voters' ballots by hand
20 under AS 15.15.345(a).

21 * **Sec. 23.** AS 43.23.015(b) is amended to read:

22 (b) The department shall prescribe and furnish an application form for
23 claiming a permanent fund dividend. The application must include

24 (1) notice of the penalties provided for under AS 43.23.270;

25 (2) a statement of eligibility and a certification of residency;

26 (3) the means for an applicant eligible to vote under AS 15.05, or a
27 person authorized to act on behalf of the applicant, to furnish information required by
28 AS 15.07.060(a)(1) - (4), [AND] (7) - (9), **and (13)**, and an attestation that such
29 information is true.

30 * **Sec. 24.** AS 43.23.101 is amended to read:

31 **Sec. 43.23.101. Voter registration.** The commissioner shall establish by rule a

1 schedule by which the commissioner will provide, and shall provide as soon as is
2 practicable the director of elections with

3 (1) electronic records from the permanent fund dividend applications
4 of the information required by AS 15.07.060(a)(1) - (4), [AND] (7) - (9), and (13),
5 and the attestation that such information is true, for each permanent fund dividend
6 applicant who

7 (A) is a citizen of the United States; and

8 (B) is at least 18 years of age or will be within 90 days of the
9 date of the application; and

10 (2) the mailing addresses for all permanent fund dividend applicants."

11

12 Renumber the following bill section accordingly.