

**SENATE BILL NO. 39**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-SECOND LEGISLATURE - FIRST SESSION

**BY SENATOR SHOWER**

**Introduced: 1/25/21**

**Referred: State Affairs, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to elections; relating to voter registration; relating to ballots and a**  
2 **system of tracking and accounting for ballots; establishing an election offense hotline;**  
3 **designating as a class A misdemeanor the collection of ballots from other voters;**  
4 **designating as a class C felony the intentional opening or tampering with a sealed ballot,**  
5 **certificate, or package of ballots without authorization from the director of the division**  
6 **of elections; and providing for an effective date."**

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

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

9 (a) Registration may be made

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

12 (2) by another individual on behalf of the voter if the voter has  
13 executed a written general power of attorney or a written special power of attorney

1 authorizing that other individual to register the voter;

2 (3) by mail;

3 (4) by facsimile transmission, scanning, or another method of  
4 electronic transmission that the director approves; or

5 (5) by **requesting to be registered as a voter by checking a box that**  
6 **clearly indicates that the applicant is requesting to be registered on**  
7 **[COMPLETING] a permanent fund dividend application form under AS 43.23.015.**

8 \* **Sec. 2.** AS 15.07.060(e) is amended to read:

9 (e) For an applicant requesting initial registration by mail, by **a form of**  
10 **[FACSIMILE OR OTHER] electronic transmission approved by the director under**  
11 **AS 15.07.050, or by requesting registration on [COMPLETING] a permanent fund**  
12 **dividend application form and including the information required under (a)(1) -**  
13 **(4) and (7) - (9) of this section,** the director shall verify the information provided in  
14 compliance with (a)(2) and (3) of this section through state agency records described  
15 in AS 15.07.055(e). If the applicant cannot comply with the requirement of (a)(2) of  
16 this section because the applicant has not been issued any of the listed numbers, the  
17 applicant may instead submit a copy of one of the following forms of identification: a  
18 driver's license, state identification card, current and valid photo identification, birth  
19 certificate, passport, or hunting or fishing license.

20 \* **Sec. 3.** AS 15.07.070(i) is amended to read:

21 (i) The division shall register voters **under (j) - (m) of this section** who  
22 **request to be registered on a permanent fund dividend application form**  
23 **submitted under AS 43.23.015 to the Department of Revenue. The director shall**  
24 **treat an eligible permanent fund dividend applicant who requests to be registered**  
25 **as a new or updated registered voter, unless the permanent fund dividend**  
26 **applicant does not provide the information required under AS 15.07.060(a)(1) -**  
27 **(4) and (7) - (9) [SUBMIT AN APPLICATION TO RECEIVE A PERMANENT**  
28 **FUND DIVIDEND IN ACCORDANCE WITH (j) - (m) OF THIS SECTION].**

29 \* **Sec. 4.** AS 15.07.070(k) is amended to read:

30 (k) Upon receipt of the registration information, the director shall, as soon as  
31 practicable and in accordance with a schedule established by the director by rule,

1 **process the registration information received and** notify, by United States mail and  
 2 any other means authorized by the director, each applicant **who requested**  
 3 **registration of the applicant's registration status** [NOT ALREADY REGISTERED  
 4 TO VOTE] at the address provided in the applicant's application

5 [(1) OF THE PROCESSES TO

6 (A) DECLINE TO BE REGISTERED AS A VOTER;

7 (B) MAINTAIN AN EXISTING VOTER REGISTRATION  
 8 OR BE NEWLY REGISTERED AT A VALID PLACE OF RESIDENCE  
 9 NOT PROVIDED IN THE APPLICANT'S APPLICATION; AND

10 (C) ADOPT A POLITICAL PARTY AFFILIATION; AND

11 (2) THAT FAILURE TO RESPOND TO THE NOTIFICATION  
 12 SHALL CONSTITUTE THE APPLICANT'S CONSENT TO CANCEL ANY  
 13 REGISTRATION TO VOTE IN ANOTHER JURISDICTION].

14 \* **Sec. 5.** AS 15.07.070(l) is amended to read:

15 (l) If an applicant **requests** [DOES NOT DECLINE] to be registered as a  
 16 voter, **the** [WITHIN 30 CALENDAR DAYS AFTER THE DIRECTOR ISSUES THE  
 17 NOTIFICATION, THE APPLICATION UNDER AS 43.23.015 WILL  
 18 CONSTITUTE A COMPLETED REGISTRATION FORM. THE] name of the  
 19 applicant shall be placed on the master register if the director determines that the  
 20 person is qualified to vote under AS 15.05.010, and the director shall forward to the  
 21 applicant a registration card. If registration is denied, the applicant shall immediately  
 22 be informed in writing that registration was denied and the reason for denial.

23 \* **Sec. 6.** AS 15.15 is amended by adding new sections to read:

24 **Sec. 15.15.055. Ballot security and chain of custody.** (a) The director shall  
 25 provide by regulation for a system to account for the original of each used and unused  
 26 ballot, absentee ballot certificate and envelope, and the paper record of an  
 27 electronically generated ballot under AS 15.15.032 through a redundant, secure, and  
 28 sealed system that tracks the location and entity that has custody of a ballot or record  
 29 from the time the ballot is printed or paper record produced, until 22 months after the  
 30 applicable election is certified under AS 15.15.450. The division shall continually  
 31 update the system adopted under this section to ensure that state election practices and

1 procedures are consistent with the best practices and procedures and protect the  
2 integrity of state elections held under this title.

3 (b) The system established in (a) of this section must provide that

4 (1) each ballot, absentee ballot certificate and envelope, and paper  
5 record of an electronically generated ballot under AS 15.15.032 for an election is  
6 tracked and accounted for at all times through a chain-of-custody protocol;

7 (2) each ballot, absentee ballot certificate and envelope, and paper  
8 record of an electronically generated ballot under AS 15.15.032 for an election is  
9 returned to a single point of receipt at a designated division location;

10 (3) immediately after the polls close, digital reports from an electronic  
11 voting machine are printed in paper form and tracked and accounted for under this  
12 section.

13 (c) Before certifying an election under AS 15.15.450, the director shall  
14 account for the original of each used or unused ballot, absentee ballot certificate and  
15 envelope, and the paper record of an electronically generated ballot under  
16 AS 15.15.032. The state ballot counting review board shall audit and certify the ballot  
17 accounting under this subsection in accordance with generally accepted accounting  
18 principles.

19 (d) If, under the system established in (a) of this section, the original of a used  
20 or unused ballot, absentee ballot certificate and envelope, or the paper record of an  
21 electronically generated ballot under AS 15.15.032 is not accounted for, there is a  
22 break in the scheduled chain of custody, there is a lapse in system security, or the  
23 director has reason to anticipate a break in the scheduled chain of custody or lapse in  
24 system security before an election is certified under AS 15.15.450, the director shall  
25 notify the attorney general, the lieutenant governor, each affected candidate, and each  
26 affected organization or organized group that sponsors or opposes an initiative,  
27 referendum, or recall. The director shall provide an affected candidate or affected  
28 organization or organized group a minimum of 24 hours' notice to appoint a watcher  
29 under AS 15.10.170 and ensure the watcher is present before any further ballots in the  
30 election are counted or collected.

31 (e) An election official or watcher who has reasonable cause to believe that a

1 voting machine, election ballot, record, certificate, or package of ballots has been  
 2 opened or otherwise tampered with, or that another irregularity relating to election  
 3 materials has occurred, shall immediately notify the director and call for an audit of  
 4 the affected election materials following the closing of the polls. If an election official  
 5 or watcher at a precinct calls for an audit under this subsection, the director shall  
 6 require an audit of the affected election materials before the materials are mailed under  
 7 AS 15.15.370.

8 **Sec. 15.15.057. Election offense hotline.** (a) The director shall establish a toll-  
 9 free election offense hotline to receive telephone calls reporting election offenses  
 10 under this chapter. The director shall publicize the availability of the toll-free hotline  
 11 and encourage the public to provide information to the division related to voter  
 12 misconduct or other election offenses under this chapter. The director shall ensure the  
 13 hotline is continuously staffed during the hours an absentee voting station is open  
 14 under AS 15.20.045, during the hours an early voting location is open under  
 15 AS 15.20.064, and for 24 hours after the time the polls open on election day. From 24  
 16 hours after the polls open until all election results are certified under AS 15.15.450,  
 17 the director shall ensure an election official is continuously available to respond to  
 18 calls made to the hotline.

19 (b) The director shall have the election offense hotline number printed on a  
 20 sticker and placed on voting machines, ballot envelopes, and other election materials  
 21 in a manner the director determines will provide maximum public notice of the  
 22 election offense hotline established under (a) of this section.

23 \* **Sec. 7.** AS 15.15.060 is amended by adding a new subsection to read:

24 (f) The director shall provide each election board in the state with notices  
 25 containing the election offense hotline telephone number. The election board shall  
 26 post at least two of the notices in each polling place. The election board shall post the  
 27 notices so that they are conspicuous to voters.

28 \* **Sec. 8.** AS 15.15.250 is amended to read:

29 **Sec. 15.15.250. Spoiled ballots [DISPOSITION OF SPOILED BALLOT].**

30 If a voter improperly marks, damages, or otherwise spoils a ballot, the voter may  
 31 request and the election board shall provide another ballot, with a maximum of three.

1 The board shall record on the precinct register that there was a spoiled ballot, **mark**  
 2 **the spoiled ballot void,** and **seal** [DESTROY] the spoiled ballot immediately without  
 3 examining it.

4 \* **Sec. 9.** AS 15.15 is amended by adding a new section to read:

5 **Sec. 15.15.374. Notice of voter disqualification.** If a voter's vote for or  
 6 against a candidate, proposition, or question is not counted because the voter is not  
 7 qualified under AS 15.05.010(3), the director shall notify the voter by mail of the  
 8 reason the vote was not counted and action the voter may take to avoid the issue in a  
 9 future election. The director shall mail the explanation not later than

10 (1) 10 days after completion of the review of ballots by the state  
 11 review board for a primary election or a special primary election under AS 15.40.140;

12 (2) 60 days after certification of the results of a general election or  
 13 special election other than a special primary election described in (1) of this section.

14 \* **Sec. 10.** AS 15.15.450 is amended by adding a new subsection to read:

15 (b) The director or lieutenant governor may not certify the results of an  
 16 election under (a) of this section until each original ballot and paper record is  
 17 accounted for under AS 15.15.055(c).

18 \* **Sec. 11.** AS 15.15.470 is amended to read:

19 **Sec. 15.15.470. Preservation and destruction of election ballots, papers,**  
 20 **and materials.** The director shall preserve all precinct election certificates, tallies, and  
 21 registers for four years after the election. All ballots and stubs for elections [OTHER  
 22 THAN NATIONAL ELECTIONS] may be destroyed **22 months** [30 DAYS] after the  
 23 certification of the state ballot counting review unless an application for recount has  
 24 been filed and not completed, or unless their destruction is stayed by an order of the  
 25 court. All ballots for national elections may be destroyed in accordance with federal  
 26 law. The director may permit the inspection of election materials upon call by the  
 27 Congress, the state legislature, or a court of competent jurisdiction. **The originals of**  
 28 **used and unused ballots and absentee ballot certificates and envelopes and the**  
 29 **paper records of electronically generated ballots under AS 15.15.032 must be**  
 30 **destroyed at a single location designated by the division. The director or the**  
 31 **director's designee shall witness the destruction. The director shall then certify**

1           **before a notary public that the ballots, absentee ballot certificates and envelopes,**  
 2           **and paper records have been destroyed.**

3           \* **Sec. 12.** AS 15.20.066(a) is amended to read:

4                   (a) The director shall adopt regulations applicable to the delivery of absentee  
 5           ballots by electronic transmission in a state election and to the use of electronic  
 6           transmission absentee voting in a state election by qualified voters. The regulations  
 7           must

8                           (1) require the voter to comply with the same time deadlines as for  
 9           voting in person on or before the closing hour of the polls;

10                          (2) ensure the accuracy and, to the greatest degree possible, the  
 11           integrity and secrecy of the ballot process;

12                           **(3) prohibit absentee voting by facsimile in a state election.**

13           \* **Sec. 13.** AS 15.20.081(a) is amended to read:

14                   (a) A qualified voter may apply in person, by mail, or by facsimile, scanning,  
 15           or other electronic transmission to the director for an absentee ballot under this  
 16           section. Another individual may apply for an absentee ballot on behalf of a qualified  
 17           voter if that individual is designated to act on behalf of the voter in a written general  
 18           power of attorney or a written special power of attorney that authorizes the other  
 19           individual to apply for an absentee ballot on behalf of the voter. The application must  
 20           include the address or, if the application requests delivery of an absentee ballot by  
 21           electronic transmission, the [TELEPHONE] electronic **mail address**  
 22           [TRANSMISSION NUMBER,] to which the absentee ballot is to be returned, the  
 23           applicant's full Alaska residence address, and the applicant's signature. However, a  
 24           person residing outside the United States and applying to vote absentee in federal  
 25           elections in accordance with AS 15.05.011 need not include an Alaska residence  
 26           address in the application. A person may supply to a voter an absentee ballot  
 27           application form with a political party or group affiliation indicated only if the voter is  
 28           already registered as affiliated with the political party or group indicated. The  
 29           application must be made on a form prescribed or approved by the director. The voter  
 30           or registration official shall submit the application directly to the division of elections.  
 31           For purposes of this subsection, "directly to the division of elections" means that an

1 application may not be submitted to any intermediary that could control or delay the  
 2 submission of the application to the division or gather data on the applicant from the  
 3 application form. However, nothing in this subsection is intended to prohibit a voter  
 4 from giving a completed absentee ballot application to a friend, relative, or associate  
 5 for transfer to the United States Postal Service or a private commercial delivery  
 6 service for delivery to the division.

7 \* **Sec. 14.** AS 15.20.081(d) is amended to read:

8 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a  
 9 notary public, commissioned officer of the armed forces including the National Guard,  
 10 district judge or magistrate, United States postal official, registration official, or other  
 11 person qualified to administer oaths, may proceed to mark the ballot in secret, to place  
 12 the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided,  
 13 and to sign the voter's certificate on the envelope in the presence of an official listed in  
 14 this subsection who shall sign as attesting official and shall date the signature. If none  
 15 of the officials listed in this subsection is reasonably accessible, an absentee voter  
 16 shall sign the voter's certificate in the presence of an individual who is 18 years of age  
 17 or older, who shall sign as a witness and attest to the date on which the voter signed  
 18 the certificate in the individual's presence, and, in addition, the voter shall certify, as  
 19 prescribed in AS 09.63.020, under penalty of perjury, that the statements in the voter's  
 20 certification are true. **If, during an emergency declared under AS 26.23, a court**  
 21 **order invalidates the requirement to obtain a witness signature under this**  
 22 **subsection, the division shall resume enforcement of the witness requirement**  
 23 **after the emergency declaration expires.**

24 \* **Sec. 15.** AS 15.20.081(e) is amended to read:

25 (e) An absentee ballot must be marked on or before the date of the election.  
 26 Except as provided in (h) of this section, a voter who returns the absentee ballot by  
 27 mail, whether provided to the voter by mail or by electronic transmission, shall use a  
 28 mail service at least equal to first class and mail the ballot not later than the day of the  
 29 election to the election supervisor for the house district in which the voter seeks to  
 30 vote. Except as provided in AS 15.20.480, the ballot may not be counted unless it is  
 31 received by the close of business on the 10th day after the election. If the ballot is

1 **received after the day of the election** [POSTMARKED], it must be postmarked on  
2 or before election day. After the day of the election, ballots may not be accepted  
3 unless received by mail.

4 \* **Sec. 16.** AS 15.20.201(b) is amended to read:

5 (b) Counting of absentee ballots that have been reviewed shall begin at 8:00  
6 p.m., local time, on the day of the election at places designated by each election  
7 supervisor and shall continue until all absentee ballots reviewed and eligible for  
8 counting have been counted. **The counting teams shall count reviewed absentee**  
9 **ballots as soon as possible after review and may not delay counting to determine**  
10 **whether a voter has voted more than once in the election.** The counting teams shall  
11 report the count of absentee ballots to the district absentee ballot counting board. An  
12 election supervisor or an election official may not count absentee ballots before 8:00  
13 p.m., local time, on the day of the election. Counting of the absentee ballots shall  
14 continue at times designated by the election supervisor until all absentee ballots are  
15 counted.

16 \* **Sec. 17.** AS 15.20.220(a) is amended to read:

17 (a) When the director and appointed party representatives have completed the  
18 review of ballots cast at the voting precincts, they shall proceed to review the absentee  
19 and questioned ballot votes certified by the district counting boards. The review of the  
20 absentee and questioned ballot vote certified by the district counting boards shall be  
21 accomplished by reviewing the tallies of the recorded vote to check for mathematical  
22 error, **comparing the names on all ballots to ensure that each person has voted**  
23 **only once in the election,** and [BY] comparing the totals with the election certificate  
24 of results.

25 \* **Sec. 18.** AS 15.56.035(a) is amended to read:

26 (a) A person commits the crime of unlawful interference with voting in the  
27 second degree if the person

28 (1) has an official ballot in possession outside of the voting room  
29 unless the person is an election official or other person authorized by law or local  
30 ordinance, or by the director or chief municipal elections official in a local election;

31 (2) makes, or knowingly has in possession, a counterfeit of an official

1 election ballot;

2 (3) knowingly solicits or encourages, directly or indirectly, a registered  
3 voter who is no longer qualified to vote under AS 15.05.010, to vote in an election;

4 (4) as a registration official

5 (A) knowingly refuses to register a person who is entitled to  
6 register under AS 15.07.030; or

7 (B) accepts a fee from an applicant applying for registration;

8 (5) violates AS 15.20.081(a) by knowingly supplying or encouraging  
9 or assisting another person to supply to a voter an absentee ballot application form  
10 with a political party or group affiliation indicated if the voter is not already registered  
11 as affiliated with that political party or group;

12 (6) knowingly designs, marks, or encourages or assists another person  
13 to design or mark an absentee ballot application in a manner that suggests choice of  
14 one ballot over another as prohibited by AS 15.20.081(a); [OR]

15 (7) knowingly submits or encourages or assists another person to  
16 submit an absentee ballot application to an intermediary who could control or delay  
17 the submission of the application to the division of elections or who could gather data  
18 from the application form as prohibited by AS 15.20.081(a); **or**

19 **(8) knowingly collects a ballot from another voter unless the**  
20 **person**

21 **(A) possesses only one other voter's ballot and the person is**  
22 **a family member, household member, or caregiver of the other voter; or**

23 **(B) is engaged in official duties as an election official, a**  
24 **United States Postal Service worker, or a private commercial delivery**  
25 **service.**

26 \* **Sec. 19.** AS 15.56.035 is amended by adding a new subsection to read:

27 (d) In this section,

28 (1) "caregiver" means a person who provides medical or health care  
29 assistance to the voter in a residence, nursing care institution, hospice facility, assisted  
30 living center, assisted living facility, assisted living home, residential care institution,  
31 adult day health care facility, or adult foster care home;

1 (2) "collects" means the action of gaining possession or control of a  
2 ballot;

3 (3) "family member" means a person who is related to the voter by  
4 blood, marriage, adoption, or legal guardianship;

5 (4) "household member" means a person who resides at the same  
6 residence as the voter.

7 \* **Sec. 20.** AS 15.56.060(a) is amended to read:

8 (a) A person commits the crime of unlawful interference with an election if  
9 the person

10 (1) induces or attempts to induce an election official to fail in the  
11 official's duty by force, threat, intimidation, or offers of reward;

12 (2) intentionally changes, attempts to change, or causes to be changed  
13 an official election document including ballots, tallies, and returns;

14 (3) intentionally delays, attempts to delay, or causes to be delayed the  
15 sending of the certificate, register, ballots, or other materials whether original or  
16 duplicate, required to be sent by AS 15.15.370;

17 **(4) intentionally opens or tampers with a sealed absentee ballot**  
18 **certificate and envelope or package of ballots without express authorization from**  
19 **the director;** or

20 **(5)** [(4)] is contracted or employed by the state to print or reproduce in  
21 any manner an official ballot, and the person knowingly

22 (A) personally appropriates, or gives or delivers to, or permits  
23 to be taken by anyone other than a person authorized by the director, official  
24 ballots; or

25 (B) prints or reproduces or has printed or reproduced official  
26 ballots in a form or with a content other than that prescribed by law or as  
27 directed by the director.

28 \* **Sec. 21.** AS 15.80 is amended by adding a new section to read:

29 **Sec. 15.80.009. Notification of security breach.** The lieutenant governor shall  
30 immediately notify the legislature of a security breach of a voter registration record or  
31 a voting machine.

1 \* **Sec. 22.** AS 29.26.010 is amended by adding a new subsection to read:

2 (c) A municipality may not mail a general or special election ballot to a voter  
3 unless the voter affirmatively requests to vote by mail in that election.

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

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

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

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

9 (3) the means for an applicant eligible to vote under AS 15.05, or a  
10 person authorized to act on behalf of the applicant, to **request that the applicant be**  
11 **registered as a voter, to** furnish information required by AS 15.07.060(a)(1) - (4) and  
12 (7) - (9), and **to attest** [AN ATTESTATION] that **the** [SUCH] information is true.

13 \* **Sec. 24.** AS 43.23.101 is amended to read:

14 **Sec. 43.23.101. Voter registration.** The commissioner shall establish by rule a  
15 schedule by which the commissioner [WILL PROVIDE, AND] shall provide as soon  
16 as [IS] practicable the director of elections with

17 (1) electronic records from the permanent fund dividend applications  
18 **with** [OF] the information required **under** [BY] AS 15.07.060(a)(1) - (4) and (7) - (9)  
19 [,] and the attestation that **the** [SUCH] information is true [,] for each permanent fund  
20 dividend applicant who **requested to be registered to vote and is**

21 (A) [IS] a citizen of the United States; and

22 (B) [IS] at least 18 years of age or will be within 90 days of the  
23 date of the application; and

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

25 \* **Sec. 25.** AS 15.07.130(e)(3) and AS 15.20.800 are repealed.

26 \* **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section to  
27 read:

28 APPLICABILITY: PERMANENT FUND DIVIDEND APPLICATIONS. The  
29 changes made by secs. 1 - 5, 23, and 24 of this Act apply to permanent fund dividend  
30 applications filed on or after January 1, 2022.

31 \* **Sec. 27.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 APPLICABILITY. AS 15.56.035(a)(8), enacted by sec. 18 of this Act, and  
3 AS 15.56.060(a)(4), enacted by sec. 20 of this Act, apply to offenses committed on or after  
4 the effective date of secs. 18 and 20 of this Act.

5 \* **Sec. 28.** The uncodified law of the State of Alaska is amended by adding a new section to  
6 read:

7 TRANSITION: REGULATIONS. The Department of Revenue and the division of  
8 elections may adopt regulations necessary to implement the changes made by this Act. The  
9 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the  
10 effective date of the law implemented by the regulation.

11 \* **Sec. 29.** Section 28 of this Act takes effect immediately under AS 01.10.070(c).

12 \* **Sec. 30.** Except as provided in sec. 29 of this Act, this Act takes effect January 1, 2022.