

SENATE BILL NO. 209

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATOR KAWASAKI

Introduced: 2/22/22

Referred: State Affairs, Finance

A BILL**FOR AN ACT ENTITLED**

1 **"An Act relating to elections; and providing for an effective date."**

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

3 * **Section 1.** AS 15.20.030 is amended to read:

4 **Sec. 15.20.030. Preparation of ballots, envelopes, and other material.** The
5 director shall provide ballots for use as absentee ballots in all districts. The director
6 shall provide a secrecy sleeve in which the voter shall initially place the marked ballot,
7 and shall provide a postage-paid return [AN] envelope with the prescribed voter's
8 certificate on it, in which the secrecy sleeve with ballot enclosed shall be placed. The
9 director shall prescribe the form of and prepare the voter's certificate, envelopes, and
10 other material used in absentee voting. The voter's certificate shall include a
11 declaration, for use when required, that the voter is a qualified voter in all respects, a
12 blank for the voter's signature, a certification that the affiant properly executed the
13 marking of the ballot and gave the voter's identity, blanks for the attesting official or
14 witness, and a place for recording the date the envelope was sealed and witnessed. The
15 envelope with the voter's certificate must include a notice that false statements made

1 by the voter or by the attesting official or witness on the certificate are punishable by
2 law.

3 * **Sec. 2.** AS 15.20.081 is amended by adding a new subsection to read:

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

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

9 or

10 (2) a previous absentee ballot sent to the voter by the division under
11 this section was returned to the division as undeliverable.

12 * **Sec. 3.** AS 15.20.203(a) is amended to read:

13 (a) The district absentee ballot counting board shall examine each absentee
14 ballot envelope and shall determine whether the absentee voter is qualified to vote at
15 the election, whether the signature on the certificate is consistent with the voter's
16 signature in voter registration records, and whether the absentee ballot has been
17 properly cast.

18 * **Sec. 4.** AS 15.20.203(b) is amended to read:

19 (b) An absentee ballot may not be counted if

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

21 (2) an official or the witnesses authorized by law to attest the voter's
22 certificate fail to execute the certificate, except that an absentee ballot cast in person
23 and accepted by an absentee voting official or election supervisor may be counted
24 despite failure of the absentee voting official or election supervisor to properly sign
25 and date the voter's certificate as attesting official as required under AS 15.20.061(c);

26 (3) the ballot is not attested on or before the date of the election;

27 (4) the ballot, if postmarked, is not postmarked on or before the date of
28 the election;

29 (5) after the day of election, the ballot was delivered by a means other
30 than mail; [OR]

31 (6) the voter voted

1 (A) in person and is a

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

9 (ii) voter other than one described in (i) of this
10 subparagraph, did not provide identification described in
11 AS 15.15.225(a), was not personally known by the election official,
12 and has not provided the identifiers required in AS 15.07.060(a)(2) and
13 (3); or

14 (B) by mail or electronic transmission, is a first-time voter who
15 initially registered by mail or by facsimile or other electronic transmission
16 approved by the director under AS 15.07.050 to vote, has not met the
17 identification requirements set out in AS 15.07.060, and does not submit with
18 the ballot a copy of a

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

22 **(7) the signature on the certificate is inconsistent with the voter's**
23 **signature in voter registration records**

24 [(ii) CURRENT UTILITY BILL, BANK
25 STATEMENT, PAYCHECK, GOVERNMENT CHECK, OR OTHER
26 GOVERNMENT DOCUMENT; AN ITEM DESCRIBED IN THIS
27 SUB-SUBPARAGRAPH MUST SHOW THE NAME AND
28 CURRENT ADDRESS OF THE VOTER].

29 * **Sec. 5.** AS 15.20.203 is amended by adding a new subsection to read:

30 (k) The district absentee ballot counting board shall determine whether a
31 voter's signature on the certificate is consistent with the voter's signature in voter

1 registration records under (a) of this section using a signature verification process that
 2 includes signature comparison software according to a procedure provided in
 3 regulations adopted by the director.

4 * **Sec. 6.** AS 15.20 is amended by adding new sections to read:

5 **Sec. 15.20.221. Ballot tracking system.** (a) The director shall establish a free
 6 online system, available through the division's Internet website, through which a voter
 7 may

- 8 (1) confirm that the voter's ballot has been sent by the division;
- 9 (2) track the date of the ballot's delivery to the voter;
- 10 (3) confirm the division's receipt of the voter's ballot;
- 11 (4) determine whether the voter's certificate has been reviewed; and
- 12 (5) determine whether the voter's ballot has been counted.

13 (b) The online system established under (a) of this section must indicate to a
 14 voter

15 (1) if the signature on the voter's ballot is missing or is determined not
 16 to match the signature in the voter's registration record under AS 15.20.203(k), the
 17 process by which the voter may cure the lack of signature or verify the voter's identity;
 18 and

19 (2) if the voter's ballot was not counted, the reason the ballot was not
 20 counted.

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

23 (1) named on the master register, including a person whose voter
 24 registration is inactivated under AS 15.07.130(b); and

25 (2) whose names are placed on the official registration list under
 26 AS 15.07.070(c) or (d).

27 (d) In establishing the online system under (a) of this section, the director shall
 28 ensure that the design of the system allows a voter to access information easily under
 29 (a) and (b) of this section through a mobile electronic device.

30 **Sec. 15.20.222. Procedure for curing uncounted ballot.** (a) If a voter returns
 31 a ballot and the voter does not have a signature stored in voter registration records, the

certificate is missing a signature, or the signature on the certificate is determined under AS 15.20.203(k) not to match the signature in voter registration records, the director shall, within 48 hours, but in no event later than two days after election day, send a notification by first class, nonforwardable mail to the address indicated in the voter's registration record and, if provided, by electronic mail to the voter's electronic mail address or by telephone call or text message to the voter's telephone number.

(b) The notification provided to the voter under (a) of this section must include an explanation of the need for a signature for verification purposes and provide the voter a form and instructions for the voter to, within the period specified in (c)(1) of this section,

(1) confirm that the voter returned a ballot to the division;

(2) provide a copy of a form of identification accepted by the division under AS 15.07.060(e); and

(3) provide a signature for verification.

(c) A voter's ballot that is not counted for a reason set out in (a) of this section may be counted only if

(1) the division receives the form sent to the voter under (b) of this section from the voter within 14 days after election day and the form confirms that the voter returned a ballot to the division;

(2) the voter provides a signature for verification and includes a copy of a form of identification accepted by the division under AS 15.07.060(e); and

(3) the ballot is otherwise valid.

(d) A voter's ballot may not be counted and the director shall, if applicable, send copies of the signature on the voter's return envelope and the signature stored in voter registration records to the attorney general for investigation if

(1) the voter returns the form received under (b) of this section and the form indicates that the voter did not return a ballot to the division; or

(2) the voter does not return the form received under (b) of this section within 14 days after election day.

(e) An election official may not determine that the signature on a voter's return envelope does not match the signature stored in the voter's registration record solely

1 based on substitution of initials or use of a common nickname.

2 (f) The director shall provide training in signature comparison and the use of
3 signature comparison software to election officials who compare signatures under this
4 section.

5 (g) The division shall update the signature stored in voter registration records
6 if the voter, after providing a copy of a form of identification accepted by the division
7 under AS 15.07.060(e), either provides a signature for the voter's missing signature or
8 cures a nonmatching signature under this section.

9 * **Sec. 7.** AS 15.56.035(a) is amended to read:

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

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

15 (2) makes, or knowingly has in possession, a counterfeit of an official
16 election ballot;

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

19 (4) as a registration official

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

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

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

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

30 (7) knowingly submits or encourages or assists another person to
31 submit an absentee ballot application to an intermediary who could control or delay

the submission of the application to the division of elections or who could gather data from the application form as prohibited by AS 15.20.081(a); or

(8) knowingly possesses a ballot provided to another voter under this title unless the person is

(A) a family member of the voter;

(B) a caregiver of the voter;

(C) engaged in official duties as an election official or a worker for the United States Postal Service or a private commercial delivery service; or

(D) collecting a ballot on behalf of a charitable or educational organization in the state that is exempt from taxation under 26 U.S.C. 501(c)(3) (Internal Revenue Code), and is

(i) a registered voter; or

(ii) an employee of the organization.

* **Sec. 8.** AS 15.20.203(j), 15.20.207(k), and 15.20.211(f) are repealed.

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

APPLICABILITY. AS 15.56.035(a), as amended by sec. 7 of this Act, applies to offenses committed on or after the effective date of sec. 7 of this Act.

* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The director of elections may adopt regulations 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. 11.** Section 10 of this Act takes effect immediately under AS 01.10.070(c).

* **Sec. 12.** Except as provided in sec. 11 of this Act, this Act takes effect January 1, 2023.