

SENATE BILL NO. 70

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/24/25

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to regional educational attendance area elections; relating to terms for**
2 **members of regional school boards; relating to voter residence; relating to voter**
3 **registration; relating to the inclusion of voter registration forms in permanent fund**
4 **dividend applications; relating to election administration; relating to ballot counting;**
5 **relating to absentee voting; relating to early voting; relating to voting by mail; relating**
6 **to publication of election pamphlets; and relating to confidential information in voter**
7 **registration records."**

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

9 *** Section 1.** AS 14.08.041(b) is amended to read:

10 (b) The qualified voters of the communities receiving educational services in
11 each regional educational attendance area shall elect a regional school board of not
12 less than five nor more than eleven members to be elected [FOR THE SAME TERM,]
13 in the same manner [,] and with the same qualifications as a city or borough school

district board under AS 14.12. The initial number of regional school board members shall be determined by the department in consultation with the local communities in the regional educational attendance areas. However, the qualified voters in a regional educational attendance area may increase or decrease the number of regional school board members established under this section by placing the question on the ballot at a regular school board election in the manner prescribed by law. A change in the number of school board members is not effective until the next regular school board election.

* **Sec. 2.** AS 14.08.061(a) is amended to read:

(a) Members elected to a regional school board shall serve staggered **four-year** [THREE-YEAR] terms. However,

(1) the term of office of all of the members of a regional school board elected from the same multi-member section may not expire at the same time; and

(2) for the first board elected, the term of office of each member shall be determined by lot, according to the following schedule:

(A) the members of the first five-member school board shall hold office for terms as follows: **three members** [ONE MEMBER FOR A ONE-YEAR TERM; TWO] for a two-year term and two for a **four-year** [THREE-YEAR] term;

(B) the members of the first seven-member school board hold office for terms as follows: **four** [TWO] members for a [ONE-YEAR TERM; TWO FOR A] two-year term and three for a **four-year** [THREE-YEAR] term;

(C) the members of the first nine-member school board hold office for terms as follows: **five members** [THREE] for a [ONE-YEAR TERM; THREE FOR A] two-year term and **four** [THREE] for a **four-year** [THREE-YEAR] term;

(D) the members of the first 11-member school board hold office for terms as follows: **six members** [THREE FOR A ONE-YEAR TERM, FOUR] for a two-year term and **five** [FOUR] for a **four-year** [THREE-YEAR] term.

* **Sec. 3.** AS 14.08.071(b) is amended to read:

(b) Except for the first election of regional school board members under (a) of this section, elections shall be held biennially [ANNUALLY] on the first Tuesday in October in odd numbered years. Elections shall be supervised by the director of elections in the office of the lieutenant governor, but shall be administered within second class cities as part of the regular municipal election. The lieutenant governor shall adopt regulations for the conduct of the election of regional school board members comparable, as far as practicable, to those prescribed for election of school board members under AS 14.12 and AS 29.20.300 except that the majority election requirements of AS 29.26.060 do not apply to, nor may the regulations require runoff elections for, the first election of regional school board members under (a) of this section or, if a school board by resolution so requests, to subsequent elections in the regional educational attendance area served by that school board.

* **Sec. 4.** AS 14.08.071(e) is amended to read:

(e) The lieutenant governor may provide for the election of an advisory school board established under AS 14.08.115. An election conducted under this subsection shall be held on the first Tuesday in October in odd numbered years. The lieutenant governor may adopt regulations governing an election conducted under this subsection.

* **Sec. 5.** AS 15.05.020 is amended to read:

Sec. 15.05.020. Rules for determining residence of voter. For the purpose of determining residence for voting, the place of residence is governed by the following rules:

(1) A person may not be considered to have gained a residence solely by reason of presence nor may a person lose it solely by reason of absence while in the civil or military service of this state or of the United States or of absence because of marriage to a person engaged in the civil or military service of this state or the United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of this state or the United States or of the high seas, while residing upon an Indian or military reservation, or while residing in the Alaska Pioneers' Home or the Alaska Veterans' Home.

(2) The residence of a person is that place in which the person's habitation is fixed [, AND TO WHICH, WHENEVER ABSENT, THE PERSON HAS THE INTENTION TO RETURN]. If a person resides in one place, but does business in another, the former is the person's place of residence. Temporary work sites do not constitute a dwelling place.

(3) A change of residence is made only by the act of removal joined with the intent to remain in another place. There can only be one residence.

(4) A person does not lose residence if the person leaves home and goes to another country, state, or place in this state for temporary purposes only [AND WITH THE INTENT OF RETURNING].

(5) A person does not gain residence in any place to which the person comes without the present intention to establish a permanent dwelling at that place.

(6) A person loses residence in this state if the person votes in another state's election, either in person or by absentee ballot, and will not be eligible to vote in this state until again qualifying under AS 15.05.010.

(7) The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.

(8) The address of a voter as it appears on the official voter registration record is presumptive evidence of the person's voting residence. This presumption is negated only if the voter notifies the director in writing of a change of voting residence.

* **Sec. 6.** AS 15.07.050(a) is amended to read:

(a) Registration may be made

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

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

(3) by mail; or

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

(5) BY COMPLETING A PERMANENT FUND DIVIDEND APPLICATION UNDER AS 43.23.015].

* **Sec. 7.** AS 15.07.060(e) is amended to read:

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

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

(f) Incomplete or inaccurate registration forms may not be accepted. A person who submitted an incomplete or inaccurate registration form may register by reexecuting and resubmitting a registration form in person, by mail, or by facsimile or other electronic transmission approved by the director under AS 15.07.050. The requirements of (c) or (d) of this section apply to a registration form resubmitted under this subsection. [NOTWITHSTANDING THE FOREGOING, AN APPLICATION MADE UNDER AS 43.23.015 THAT CONTAINS THE INFORMATION REQUIRED BY AS 15.07.060(a)(1) - (4) AND (7) - (9), AND AN ATTESTATION THAT SUCH INFORMATION IS TRUE, SHALL NOT BE DEEMED AN INCOMPLETE REGISTRATION FORM AND SHALL BE ACCEPTED IN ACCORDANCE WITH AS 15.07.070(i)].

* **Sec. 9.** AS 15.07.130(a) is amended to read:

(a) Periodically, at times of the director's choosing, but no less frequently than in January of each calendar year, the director shall examine the master register maintained under AS 15.07.120 and shall send, by **forwardable** [NONFORWARDABLE] mail to the voter's registration mailing address, a notice requesting address confirmation or correction. **The notice must explain that the**

1 voter's registration will be inactivated unless the voter responds to the notice
 2 within 45 days after the date the notice is sent. The director shall send the notice
 3 to each voter

4 (1) whose mail from the division has been returned to the division in
 5 the two years immediately preceding the examination of the register;

6 (2) who has not contacted the division in the two years immediately
 7 preceding the examination of the register; [OR]

8 (3) who has not voted or appeared to vote in the two general elections
 9 immediately preceding the examination of the register;

10 (4) who became ineligible to receive a permanent fund dividend
 11 under AS 43.23.005 in the two years immediately preceding the examination of
 12 the register; or

13 (5) who received a driver's license in another state in the two years
 14 immediately preceding the examination of the register.

15 * Sec. 10. AS 15.07.130(b) is amended to read:

16 (b) If a registered voter does not respond to a notice sent under (a) of this
 17 section within 45 days after the date the notice is sent, the director shall
 18 inactivate the voter's registration [HAS NOT, WITHIN THE PRECEDING FOUR
 19 CALENDAR YEARS, CONTACTED THE DIVISION AND HAS NEITHER
 20 VOTED NOR APPEARED TO VOTE IN A LOCAL, REGIONAL SCHOOL
 21 BOARD, PRIMARY, SPECIAL, OR GENERAL ELECTION DURING THE LAST
 22 FOUR CALENDAR YEARS AND A NOTICE SENT TO THE VOTER UNDER (a)
 23 OF THIS SECTION WAS RETURNED AS UNDELIVERABLE, THE VOTER
 24 SHALL BE ADVISED BY A NOTICE SENT BY FORWARDABLE MAIL TO THE
 25 VOTER'S LAST KNOWN ADDRESS THAT REGISTRATION WILL BE
 26 INACTIVATED UNLESS THE VOTER RESPONDS TO THE NOTICE NO
 27 LATER THAN 45 DAYS AFTER THE DATE OF THE NOTICE SENT UNDER
 28 THIS SECTION]. The director shall maintain on the master register the name of a
 29 voter whose registration is inactivated. The director shall cancel a voter's inactive
 30 registration in accordance with the procedures set out in 52 U.S.C. 20507 [42 U.S.C.
 31 1973GG-6] (sec. 8, National Voter Registration Act of 1993) after the second general

election that occurs after the registration becomes inactive if the voter does not contact the division or vote or appear to vote.

* **Sec. 11.** AS 15.15.060(a) is amended to read:

(a) Immediately following the appointment of the election board, the election supervisor in conjunction with the election board chair shall secure polling places for holding the election, suitable ballot boxes that will assure security, and an adequate number of voting booths or screens, national flags, pens, and pencils. At every polling place, at least one voting booth shall be furnished and not less than one voting booth or screen shall be furnished for each 100 votes or fractional part of 100 votes cast in the previous election. [AT EVERY POLLING PLACE, AT LEAST ONE-HALF OF THE VOTING BOOTHS USED SHALL BE NOT LESS THAN SIX FEET IN HEIGHT, ENCLOSED ON THREE SIDES, AND PROVIDED WITH A CURTAIN EXTENDING FROM THE TOP OF THE VOTING BOOTH TO WITHIN APPROXIMATELY 30 INCHES OF THE FLOOR. THE CURTAIN OF THE VOTING BOOTH MUST CONCEAL THE VOTER WHILE VOTING.] The election supervisor and the election board chair may, in an emergency, secure an alternate location for a polling place.

* **Sec. 12.** AS 15.15.060(b) is amended to read:

(b) To assure administrative economy and to protect the secrecy of the ballot, the director may adopt regulations prescribing

- (1) the type of polling place for holding the election;
- (2) the requirements regarding ballot boxes, voting screens, national flags, and other supplies; and
- (3) [SUBJECT TO THE SPECIFICATIONS OF (a) OF THIS SECTION,] the requirements regarding voting booths.

* **Sec. 13.** AS 15.15.380 is amended to read:

Sec. 15.15.380. Payment of election board members. The director shall pay each election board member for time spent at election duties, including the receiving of instructions. Election board chairpersons and the chairperson and members of the absentee ballot, questioned ballot, and state ballot counting review boards shall be paid for time spent at their election duties. The director shall set the compensation to

1 be paid under this section [BY REGULATION].

2 * **Sec. 14.** AS 15.20.030 is amended to read:

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

17 * **Sec. 15.** AS 15.20.064(a) is amended to read:

18 (a) **On or after the 15th day before an election and up to five days before**
 19 **the date of the election** [FOR 15 DAYS BEFORE AN ELECTION AND ON
 20 ELECTION DAY], a qualified voter who meets the requirements set out in this
 21 section may vote in locations designated by the director.

22 * **Sec. 16.** AS 15.20.072 is amended by adding a new subsection to read:

23 (h) The division may not reject a voter's special needs ballot based on an error
 24 by an election official or representative on the register under (c) of this section or an
 25 error by a representative under (d) of this section.

26 * **Sec. 17.** AS 15.20.081(e) is amended to read:

27 (e) **A** [AN ABSENTEE BALLOT MUST BE MARKED ON OR BEFORE
 28 THE DATE OF THE ELECTION. EXCEPT AS PROVIDED IN (h) OF THIS
 29 SECTION, A] voter who returns **an** [THE] absentee ballot by mail, whether provided
 30 to the voter by mail or by electronic transmission, shall use a mail service at least
 31 equal to first class and mail the ballot [NOT LATER THAN THE DAY OF THE

ELECTION] to the election supervisor for the house district in which the voter seeks to vote. Except as provided in AS 15.20.480, the ballot may not be counted unless it is received by the close of business on or before election day [THE 10TH DAY AFTER THE ELECTION. IF THE BALLOT IS POSTMARKED, IT MUST BE POSTMARKED ON OR BEFORE ELECTION DAY. AFTER THE DAY OF THE ELECTION, BALLOTS MAY NOT BE ACCEPTED UNLESS RECEIVED BY MAIL].

* **Sec. 18.** AS 15.20.170 is amended to read:

Sec. 15.20.170. Disposition of ballots. Each absentee voting official shall transmit the dated envelopes containing the marked ballots by the most expeditious mail service to the election supervisor for the district. In this section, "mail service" includes delivery by optical scanning and electronic transmission. [UPON RECEIPT OF THE ABSENTEE BALLOTS THE ELECTION SUPERVISOR SHALL STAMP ON THE ENVELOPE THE DATE ON WHICH THE BALLOT IS RECEIVED.]

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

(a) No less than **10** [SEVEN] days preceding the day of election, the election supervisor, in the presence and with the assistance of the district absentee ballot counting board, shall review all voter certificates of absentee ballots received by that date. The review of absentee ballots shall continue at times designated by the election supervisor until completed.

* **Sec. 20.** AS 15.20.220(b) is amended to read:

(b) The state review board shall review and count absentee ballots under AS 15.20.081(e) [AND (h)] and questioned ballots that have been forwarded to the director and that have not been reviewed or counted by a district counting board.

* **Sec. 21.** AS 15.20.480 is amended to read:

Sec. 15.20.480. Procedure for recount. In conducting the recount, the director shall review all ballots, whether the ballots were counted at the precinct or by computer or by the district absentee counting board or the questioned ballot counting board, to determine which ballots, or part of ballots, were properly marked and which ballots are to be counted in the recount, and shall check the accuracy of the original

count, the precinct certificate, and the review. [THE DIRECTOR SHALL COUNT ABSENTEE BALLOTS RECEIVED BEFORE THE COMPLETION OF THE RECOUNT.] 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 on the basis of 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 necessary to assist in the recount.

* **Sec. 22.** AS 15.20.800(a) is amended to read:

(a) The director may conduct an election by mail if it is

(1) held at a time other than when the general, party primary, or municipal election is held; or

(2) for a community with a population of 750 or less.

* **Sec. 23.** AS 15.58.010 is amended to read:

Sec. 15.58.010. Election pamphlet. Before each state general election, and before each state primary, special, or special primary election at which a ballot proposition is scheduled to appear on the ballot, the lieutenant governor shall prepare and publish an election pamphlet consistent with AS 15.58.020 [, PUBLISH, AND MAIL AT LEAST ONE ELECTION PAMPHLET TO EACH HOUSEHOLD IDENTIFIED FROM THE OFFICIAL REGISTRATION LIST]. The pamphlet shall be prepared and published on a regional basis as determined by the lieutenant governor.

* **Sec. 24.** AS 43.23.110(a) is amended to read:

(a) Information [EXCEPT AS PROVIDED IN (c) OF THIS SECTION, INFORMATION] on each permanent fund dividend application, except the applicant's name, is confidential. The department may only release information that is confidential under this section

(1) to a local, state, or federal government agency;

- 1 (2) in compliance with a court order;
- 2 (3) to the individual who or agency that files an application on behalf
- 3 of another;
- 4 (4) to a banking institution to verify the direct deposit of a permanent
- 5 fund dividend or correct an error in that deposit;
- 6 (5) as directed to do so by the applicant;
- 7 (6) to a contractor who has a contract with a person entitled to obtain
- 8 the information under (1) - (5) of this section to receive, store, or manage the
- 9 information on that person's behalf; a contractor receiving data under this paragraph
- 10 may only use the data as directed by and for the purposes of the person entitled to
- 11 obtain the information;
- 12 (7) to the division of elections [AS REQUIRED BY AS 43.23.101].

13 * **Sec. 25.** AS 15.07.070(i), 15.07.070(j), 15.07.070(k), 15.07.070(l); AS 15.20.081(h);

14 AS 43.23.015(b)(3), 43.23.101, and 43.23.110(c) are repealed.

15 * **Sec. 26.** The uncoded law of the State of Alaska is amended by adding a new section to

16 read:

17 TRANSITION. The terms of regional school board members serving on the effective

18 date of this Act are not affected by this Act. Their terms expire as provided before the

19 enactment of this Act.