

CS FOR SENATE BILL NO. 138(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 5/3/23

Referred: Finance

Sponsor(s): SENATE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to elections; relating to voters; relating to voting; relating to offices of**
2 **the Alaska Public Offices Commission; relating to the crime of unlawful interference**
3 **with voting in the first degree; relating to campaign signs; relating to the reporting of**
4 **financial and business interests by certain municipal officers and former officers and**
5 **candidates for municipal office; relating to the Redistricting Board; and providing for**
6 **an effective date."**

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

8 **"* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
9 to read:

10 **LEGISLATIVE INTENT: TRANSPARENCY.** It is the intent of the legislature that
11 the division of elections, in order to increase transparency and ensure trust in the integrity of
12 the state's vote counting and tabulation process and to allow members of the public to verify
13 the accuracy of ranked-choice tabulations,

1 (1) in accordance with national best practices for reporting results of ranked-
 2 choice voting elections, include preliminary ranked-choice tabulations when releasing
 3 preliminary election results; and

4 (2) periodically throughout the vote counting process post updated cast vote
 5 record files that include anonymized records indicating the ranking order of each ballot cast.

6 * **Sec. 2.** AS 15.05.010 is amended to read:

7 **Sec. 15.05.010. Voter qualification.** A person may vote at any election who

8 (1) is a citizen of the United States;

9 (2) is 18 years of age or older;

10 (3) has been a resident of the state and of the house district in which
 11 the person seeks to vote for at least 30 days just before the election; and

12 (4) has registered [BEFORE THE ELECTION] as required under
 13 AS 15.07 and is not registered to vote in another jurisdiction.

14 * **Sec. 3.** AS 15.05.020 is amended to read:

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

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

27 (2) The residence of a person is that place in which the person's
 28 **physical** habitation is fixed, and to which, whenever absent, the person has **a definite,**
 29 **articulable, and reasonable plan** [THE INTENTION] to return. If a person resides in
 30 one place, but does business in another, the former is the person's place of residence.
 31 Temporary work sites do not constitute a dwelling place.

1 (3) [A CHANGE OF RESIDENCE IS MADE ONLY BY THE ACT
2 OF REMOVAL JOINED WITH THE INTENT TO REMAIN IN ANOTHER
3 PLACE.] There can only be one residence.

4 (4) A person does not lose residence if the person leaves home and
5 goes to another country, state, or place in this state for temporary purposes only and
6 with the intent of returning **to the person's residence**.

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

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

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

15 (8) The address of a voter as it appears on the official voter registration
16 record is presumptive evidence of the person's voting residence. This presumption is
17 negated [ONLY] if the voter notifies the director in writing of a change of voting
18 residence. **When a voter's qualification is questioned under AS 15.15.210 or**
19 **challenged in accordance with the procedure adopted in regulation under**
20 **AS 15.20.215, the presumption may be rebutted by providing evidence to the**
21 **division that the voter has established residence in another state or place in this**
22 **state or evidence that the voter is not a resident under (2) - (7) of this section.**

23 * **Sec. 4.** AS 15.07.060(a) is amended to read:

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

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

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

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

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

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

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

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

7 (8) the date of application;

8 (9) the applicant's signature or mark, **or an electronic image of the**
 9 **applicant's signature submitted in the format and according to the process**
 10 **specified by the division in regulation;**

11 (10) any former name under which the applicant was registered to vote
 12 in the state;

13 (11) an attestation that the information provided by the applicant in (1)
 14 - (10) of this subsection is true; and

15 (12) a certification that the applicant understands that a false statement
 16 on the application may make the applicant subject to prosecution [FOR A
 17 MISDEMEANOR] under this title or **for perjury under** AS 11.

18 * **Sec. 5.** AS 15.07.060 is amended by adding new subsections to read:

19 (g) The division shall provide an applicant the opportunity to designate, from
 20 among the written languages in which the division is required to print election
 21 materials under 52 U.S.C. 10503, as amended, the language in which the applicant
 22 prefers to receive ballots and other election materials printed for an election. The
 23 division shall provide the applicant with ballots and election materials in the
 24 applicant's designated language unless the applicant designates a language in which
 25 the division is not required to print ballots and election materials. The division shall
 26 notify an applicant when ballots and election materials printed in the designated
 27 language are not available and allow the applicant another opportunity to designate a
 28 language under this subsection. The division shall provide an applicant with ballots
 29 and election materials in the designated language until the earlier of the date that

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

31 (2) the division is no longer required under 52 U.S.C. 10503, as

1 amended, to print ballots and election materials in the designated language.

2 (h) An applicant who requests registration within 30 days before an election
3 shall supply a declaration stating whether the applicant established residency at least
4 30 days before the date of the election in

5 (1) the state;

6 (2) the house district in which the applicant seeks to vote at the
7 election.

8 * **Sec. 6.** AS 15.07.070(c) is amended to read:

9 (c) The names of persons submitting completed registration forms by mail that
10 are postmarked at least 30 days before the next election, or submitting completed
11 registration forms by facsimile or other electronic transmission approved by the
12 director under AS 15.07.050 that are received at least 30 days before the next election,
13 shall be placed on the official registration list for that election. If a registration form
14 received by mail less than 30 days before an election does not have a legible and dated
15 postmark, the name of the person submitting the form shall be placed on the official
16 registration list for that election if the form was signed and dated by the person at least
17 30 days before the election and if the form is received by the director or election
18 supervisor at least 25 days before the election. The name of a person submitting a
19 completed registration form by mail or by facsimile or other electronic transmission
20 that does not meet the applicable requirements of this subsection may not be placed on
21 the official registration list for that election but shall be placed on the master register
22 after that election. **A person submitting a completed registration form that does**
23 **not meet the requirements of this subsection for placement on the master register**
24 **for the next election but who complies with AS 15.07.060(h) may vote an**
25 **absentee, special needs, or questioned ballot at that election.**

26 * **Sec. 7.** AS 15.07.070(d) is amended to read:

27 (d) Qualified voters may register in person before a registration official or
28 through a voter registration agency at any time throughout the year. **A qualified voter**
29 **who registers** [, EXCEPT THAT A PERSON REGISTERING] within 30 days **before**
30 **or on the day of an election may vote only an absentee, special needs, or**
31 **questioned ballot** [PRECEDING AN ELECTION IS NOT ELIGIBLE TO VOTE] at

1 that election. **The division may not reject the absentee, special needs, or**
 2 **questioned ballot of a qualified voter who registers within 30 days before or on**
 3 **the day of an election on the grounds that the voter is not on the official**
 4 **registration list for the election.** Upon receipt and approval of the registration forms,
 5 the director or the election supervisor shall forward to the voter an acknowledgment in
 6 the form of a registration card, and the voter's name shall immediately be placed on
 7 the master register. Names of persons registering 30 or more days before an election
 8 shall be placed on the official registration list for that election.

9 * **Sec. 8.** AS 15.07.090(b) is amended to read:

10 (b) A voter shall reregister if the voter's registration is cancelled as provided in
 11 AS 15.07.130. **A person reregistering under this subsection may vote only an**
 12 **absentee, special needs, or questioned ballot until** [THE REREGISTRATION IS
 13 EFFECTIVE FOR] the next election that occurs at least 30 days after the date of
 14 reregistration. **The division may not reject the absentee, special needs, or**
 15 **questioned ballot of a qualified voter who reregisters within 30 days before or on**
 16 **the day of an election on the grounds that the voter is not on the official**
 17 **registration list for the election.**

18 * **Sec. 9.** AS 15.07.090(c) is amended to read:

19 (c) The director shall transfer the registration of a voter from one precinct to
 20 another within a house district when requested by the voter. **If a** [THE] request **is**
 21 [SHALL BE] made **within** 30 [OR MORE] days before [THE] election day **or on**
 22 **election day, a person transferring registration to a new precinct may vote only**
 23 **an absentee, special needs, or questioned ballot. The division may not reject the**
 24 **absentee, special needs, or questioned ballot of a qualified voter who transfers**
 25 **registration within 30 days before or on the day of an election on the grounds**
 26 **that the voter is not on the official registration list for the election.** The director
 27 shall transfer the registration of a voter from one house district to another when
 28 requested by the voter. The voter must reside in the new house district for at least 30
 29 days in order to vote **a ballot for that district.**

30 * **Sec. 10.** AS 15.07.090(d) is amended to read:

31 (d) A person who claims to be a registered voter, but for whom no evidence of

1 registration in the precinct can be found, **may vote only an absentee, special needs,**
 2 **or questioned ballot. The division may not reject the absentee, special needs, or**
 3 **questioned ballot of a qualified voter who registers within 30 days before or on**
 4 **the day of an election on the grounds that the voter is not on the official**
 5 **registration list for the election** [SHALL BE GRANTED THE RIGHT TO VOTE
 6 IN THE SAME MANNER AS THAT OF A QUESTIONED VOTER AND THE
 7 BALLOT SHALL BE TREATED IN THE SAME MANNER. THE BALLOT
 8 SHALL BE CONSIDERED TO BE A "QUESTIONED BALLOT" AND SHALL BE
 9 SO DESIGNATED. THE DIRECTOR OR THE DIRECTOR'S REPRESENTATIVE
 10 SHALL DETERMINE WHETHER THE VOTER IS REGISTERED IN THE HOUSE
 11 DISTRICT BEFORE COUNTING THE BALLOT. A VOTER WHO HAS FAILED
 12 TO OBTAIN A TRANSFER AS PROVIDED IN (c) OF THIS SECTION SHALL
 13 VOTE A "QUESTIONED BALLOT" IN THE PRECINCT IN WHICH THE VOTER
 14 RESIDES].

15 * **Sec. 11.** AS 15.07.130(a) is amended to read:

16 (a) Periodically, at times of the director's choosing, but **not** [NO] less
 17 frequently than in January of each calendar year, the director shall examine the master
 18 register maintained under AS 15.07.120 and shall send, by **forwardable**
 19 [NONFORWARDABLE] mail to the voter's registration mailing address, **and to the**
 20 **voter's electronic mail address, if available**, a notice requesting address
 21 confirmation or correction. **The notice must explain that the voter's registration**
 22 **will be inactivated unless the voter responds to the notice within 45 days after the**
 23 **date the notice is sent. The director shall send the notice** to each voter

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

26 (2) who has not contacted the division in the two years immediately
 27 preceding the examination of the register **and** [; OR (3)] who has not voted or
 28 appeared to vote in the two **years** [GENERAL ELECTIONS] immediately preceding
 29 the examination of the register; **or**

30 **(3) who, after registering to vote in this state and in the two years**
 31 **immediately preceding the examination of the register, has**

1 **(A) registered to vote in another state;**

2 **(B) received a driver's license from another state;**

3 **(C) registered a vehicle in another state;**

4 **(D) received public assistance from another state;**

5 **(E) served on a jury in another state;**

6 **(F) obtained a resident hunting or fishing license in another**
 7 **state;**

8 **(G) paid the state resident tuition rate for a public**
 9 **university in another state;**

10 **(H) received a homestead or residential property tax**
 11 **exemption in another state; or**

12 **(I) received a benefit available only to residents of another**
 13 **state.**

14 * **Sec. 12.** AS 15.07.130(b) is amended to read:

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

1 or appear to vote.

2 * **Sec. 13.** AS 15.07.130(d) is amended to read:

3 (d) The notice sent under (a) [(b)] of this section must include a postage
4 prepaid and pre-addressed return card on which the voter may state the voter's current
5 address. The notice must indicate

6 (1) that the voter should return the card not later than 45 days after the
7 date of the notice if the voter did not change residence;

8 (2) that failure to return the card by the 45-day deadline could result in
9 removal of the voter's name from the official registration list for a subsequent election;

10 (3) that the voter's registration will be cancelled if the voter does not
11 contact the division during, or vote or appear to vote in an election held during, the
12 period beginning on the date of the notice and ending on the day after the last day of
13 the fourth calendar year that occurs after the date of notice; and

14 (4) how the voter can continue to be eligible to vote if the voter has
15 changed residence.

16 * **Sec. 14.** AS 15.07 is amended by adding a new section to read:

17 **Sec. 15.07.133. Process to cancel registration.** The director shall develop a
18 process to allow a voter to cancel the voter's registration in person before an election
19 official or electronically. The director shall prominently display instructions at each
20 polling place and on the division's Internet website for a voter to cancel the voter's
21 registration.

22 * **Sec. 15.** AS 15.10.170(a) is amended to read:

23 (a) The precinct party committee, where an organized precinct committee
24 exists, or the party district committee where no organized precinct committee exists,
25 or the state party chairperson where neither a precinct nor a party district committee
26 exists, may appoint one or more [PERSONS AS] watchers in each precinct and
27 counting center for any election. A [EACH] candidate may appoint one or more
28 watchers for each precinct or counting center in the candidate's respective district or
29 the state for any election. An [ANY] organization or organized group that sponsors or
30 opposes a ballot proposition [AN INITIATIVE, REFERENDUM,] or question
31 [RECALL] may have one or more [PERSONS AS] watchers at the polls and counting

1 centers after first obtaining authorization from the director. **A candidate, or an**
 2 **organization or organized group with authorization from the director, may**
 3 **appoint at least one watcher for each location where ballots or envelopes are**
 4 **reviewed or counted in a precinct or counting center.** A state party chairperson, a
 5 precinct party committee, a party district committee, or a candidate may not have more
 6 than one watcher on duty at a time in any precinct or counting center. A watcher must
 7 be a United States citizen. The watcher may be present at a position inside the place of
 8 voting or counting that affords a full view of all action of the election officials taken
 9 from the time the polls are opened until the ballots are finally counted and the results
 10 certified by the election board or the data processing review board. The election board
 11 or the data processing review board may require each watcher to present written proof
 12 showing appointment by the precinct party committee, the party district committee,
 13 the organization or organized group, or the candidate the watcher represents **and that**
 14 **is signed by the respective chairperson of the precinct party committee, party**
 15 **district committee, state party chairperson, organization or organized group, or**
 16 **candidate.**

17 * **Sec. 16.** AS 15.10 is amended by adding a new section to read:

18 **Sec. 15.10.175. International election observers.** (a) An international election
 19 observer may be present at a position inside the precinct or counting center that
 20 affords a full view of the activity of election officials from the time the polls are
 21 opened until the ballots are finally counted and the results certified by the election
 22 board or the data processing review board.

23 (b) Notwithstanding AS 15.15.210, AS 15.20.203, and 15.20.207, an
 24 international election observer may not question a voter or challenge a voter's ballot.

25 (c) In this section, "international election observer" means a person who is

26 (1) not a citizen of the United States;

27 (2) designated by an international membership organization of which
 28 the United States is a member; and

29 (3) invited by the United States Department of State to be part of a
 30 mission to observe the election.

31 * **Sec. 17.** AS 15.13.020(j) is amended to read:

1 (j) The commission shall establish **offices** [AN OFFICE, WHICH MAY BE
 2 CALLED A REGIONAL OFFICE, IN EACH SENATE DISTRICT IN THE STATE
 3 TO KEEP ON FILE FOR PUBLIC INSPECTION COPIES OF ALL REPORTS
 4 FILED WITH THE COMMISSION BY CANDIDATES FOR STATEWIDE OFFICE
 5 AND BY CANDIDATES FOR LEGISLATIVE OFFICE IN THAT DISTRICT;
 6 HOWEVER, WHERE ONE MUNICIPALITY CONTAINS MORE THAN ONE
 7 HOUSE DISTRICT, ONLY ONE COMMISSION OFFICE SHALL BE
 8 ESTABLISHED IN THAT MUNICIPALITY. THE REGIONAL OFFICE SHALL
 9 MAKE ALL FORMS AND PERTINENT MATERIAL AVAILABLE TO
 10 CANDIDATES. ALL REPORTS SHALL BE FILED BY CANDIDATES, GROUPS,
 11 AND INDIVIDUALS DIRECTLY WITH THE COMMISSION'S CENTRAL
 12 DISTRICT OFFICE. THE COMMISSION SHALL ENSURE THAT COPIES OF
 13 ALL REPORTS BY STATEWIDE AND LEGISLATIVE CANDIDATES IN EACH
 14 SENATE DISTRICT ARE FORWARDED PROMPTLY TO THAT DISTRICT OR
 15 REGIONAL OFFICE].

16 * **Sec. 18.** AS 15.15.060 is amended by adding a new subsection to read:

17 (f) At each polling place, the division shall provide language assistance as
 18 required under 52 U.S.C. 10503. An election supervisor shall post at each polling
 19 place information regarding the availability of language assistance in English and all
 20 other languages for which language assistance is required to be provided in the
 21 jurisdiction under federal law.

22 * **Sec. 19.** AS 15.15.170 is amended to read:

23 **Sec. 15.15.170. Prohibition of political persuasion near election polls. (a)**

24 During the hours the polls are open, a person who is in the polling place or within 200
 25 feet of any entrance to the polling place may not

26 **(1)** attempt to persuade a person to vote for or against a candidate,
 27 proposition, or question; **or**

28 **(2) physically display a photo, video, or other image of the person's**
 29 **or another person's marked ballot in an attempt to persuade a person to vote for**
 30 **or against a candidate, proposition, or question.**

31 **(b)** The election officials shall post warning notices at the required distance in

1 the form and manner prescribed by the director.

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

3 **Sec. 15.15.205. Questioning of voter who requested absentee ballot.** If a
4 voter appears on the official registration list as having received or voted an absentee
5 ballot, the election official shall affirmatively advise the voter that the voter may
6 surrender the absentee ballot for destruction or cast a questioned ballot. If the voter
7 does not surrender the absentee ballot, the voter shall be allowed to vote a questioned
8 ballot.

9 * **Sec. 21.** AS 15.15.280 is amended to read:

10 **Sec. 15.15.280. Prohibiting the exhibition of marked ballots.** A [SUBJECT
11 TO AS 15.15.240 A] voter may not exhibit the voter's ballot to an election official or
12 any other person so as to enable any person to ascertain how the voter marked the
13 ballot.

14 * **Sec. 22.** AS 15.15.280 is amended by adding a new subsection to read:

15 (b) This section does not apply to a voter who
16 (1) requests assistance under AS 15.15.240; or
17 (2) subject to the prohibition on political persuasion in, or within 200
18 feet of an entrance to, a polling place under AS 15.15.170, shares a photo, video, or
19 other image of the voter's marked ballot with another person or with the public.

20 * **Sec. 23.** AS 15.15.370 is amended to read:

21 **Sec. 15.15.370. Completion of ballot count; certificate.** When the count of
22 ballots is completed, and in no event later than the day after the election, the election
23 board shall make a certificate in duplicate of the results. The certificate includes the
24 number of votes cast for each candidate, including, for a candidate in a general
25 election, the number of votes at each **ranking** [ROUND OF THE RANKED-CHOICE
26 TABULATION PROCESS] under AS 15.15.350, the number of votes for and against
27 each proposition, yes or no on each question, and any additional information
28 prescribed by the director. The election board shall, immediately upon completion of
29 the certificate or as soon thereafter as the local mail service permits, send in one sealed
30 package to the director one copy of the certificate and the register. In addition, all
31 ballots properly cast shall be mailed to the director in a separate, sealed package. Both

1 packages, in addition to an address on the outside, shall clearly indicate the precinct
 2 from which they come. Each board shall, immediately upon completion of the
 3 certification and as soon thereafter as the local mail service permits, send the duplicate
 4 certificate to the respective election supervisor. The director may authorize election
 5 boards in precincts in those areas of the state where distance and weather make mail
 6 communication unreliable to forward their election results by telephone or radio. The
 7 director may authorize the unofficial totaling of votes on a regional basis by election
 8 supervisors, tallying the votes as indicated on duplicate certificates. To ensure
 9 adequate protection, the director shall prescribe the manner in which the ballots,
 10 registers, and all other election records and materials are thereafter preserved,
 11 transferred, and destroyed.

12 * **Sec. 24.** AS 15.15.370 is amended by adding a new subsection to read:

13 (b) Each day the director releases unofficial totals of election results for a
 14 general election, the director shall also release an updated ranked-choice tabulation.

15 * **Sec. 25.** AS 15.15.410 is amended to read:

16 **Sec. 15.15.410. Voting multiple ballots [PLURAL VOTING].** Upon a
 17 determination that a person has voted more than once in the same election, the director
 18 shall notify the attorney general. **The division may not count a ballot voted by a**
 19 **person if the division determines, based on evidence, that the person voted more**
 20 **than one ballot with the intent that the division count multiple ballots voted by**
 21 **the person. If the division determines that the person did not intend for the**
 22 **division to count multiple ballots voted by the person and the person voted**

23 **(1) an absentee, special needs, or questioned ballot and also voted a**
 24 **ballot that is not an absentee, special needs, or questioned ballot, the division**
 25 **shall count the ballot that is not an absentee, special needs, or questioned ballot;**

26 **(2) more than one absentee, special needs, or questioned ballot and**
 27 **did not vote a ballot that is not an absentee, special needs, or questioned ballot,**
 28 **the division shall count the ballot in the first envelope the division reviews.**

29 * **Sec. 26.** AS 15.15 is amended by adding a new section to read:

30 **Sec. 15.15.455. Risk-limiting audits.** (a) In addition to the ballot counting
 31 review conducted under AS 15.15.420 - 15.15.440, after each state election but before

1 the certification of the ballot counting review under AS 15.15.450, the director shall
 2 conduct a risk-limiting audit of selected election results. The audit must be designed
 3 using statistical methods to limit the risk of certification of an election result that is
 4 inconsistent with the result that would be obtained by conducting a recount.

5 (b) The director shall adopt regulations necessary to implement and administer
 6 (a) of this section. The regulations must include a procedure for selecting which
 7 election results to audit and for notifying a candidate in a race subject to a risk-limiting
 8 audit of the audit. In adopting regulations under this subsection, the director shall
 9 consult recognized statistical experts, equipment vendors, and municipal clerks and
 10 shall consider best practices for conducting risk-limiting audits.

11 (c) A candidate with a direct interest in a risk-limiting audit who seeks to
 12 protect the candidate's interests during the audit may provide, at the candidate's own
 13 expense, one or more observers to witness the audit.

14 * **Sec. 27.** AS 15.20.030 is amended to read:

15 **Sec. 15.20.030. Preparation of ballots, envelopes, and other material.** The
 16 director shall provide ballots for use as absentee ballots in all districts. The director
 17 shall provide a secrecy sleeve in which the voter shall initially place the marked ballot,
 18 and shall provide **a postage-paid return** [AN] envelope with the prescribed voter's
 19 certificate on it, in which the secrecy sleeve with ballot enclosed shall be placed. The
 20 director shall prescribe the form of and prepare the voter's certificate, envelopes, and
 21 other material used in absentee voting. The voter's certificate shall include a
 22 declaration, for use when required, that the voter is a qualified voter in all respects, a
 23 blank for the voter's signature, **and a space for recording the date that the voter**
 24 **executed the certificate. An envelope may not identify a voter's party affiliation** [,
 25 A CERTIFICATION THAT THE AFFIANT PROPERLY EXECUTED THE
 26 MARKING OF THE BALLOT AND GAVE THE VOTER'S IDENTITY, BLANKS
 27 FOR THE ATTESTING OFFICIAL OR WITNESS, AND A PLACE FOR
 28 RECORDING THE DATE THE ENVELOPE WAS SEALED AND WITNESSED].
 29 The envelope with the voter's certificate must include a notice that false statements
 30 made by the voter [OR BY THE ATTESTING OFFICIAL OR WITNESS] on the
 31 certificate are punishable by law.

1 * **Sec. 28.** AS 15.20.072 is amended by adding a new subsection to read:

2 (h) If a voter and the voter's representative satisfy the requirements of (d) of
3 this section, the division may not reject a voter's special needs ballot based on an error
4 by an election official or representative on the register under (c) or an error by a
5 representative under (d) of this section.

6 * **Sec. 29.** AS 15.20.081(d) is amended to read:

7 (d) Upon receipt of an absentee ballot by mail, the voter [, IN THE
8 PRESENCE OF A NOTARY PUBLIC, COMMISSIONED OFFICER OF THE
9 ARMED FORCES INCLUDING THE NATIONAL GUARD, DISTRICT JUDGE
10 OR MAGISTRATE, UNITED STATES POSTAL OFFICIAL, REGISTRATION
11 OFFICIAL, OR OTHER PERSON QUALIFIED TO ADMINISTER OATHS,] may
12 proceed to mark the ballot in secret, to place the ballot in the secrecy sleeve, to place
13 the secrecy sleeve in the envelope provided, and to sign the voter's certificate on the
14 envelope. The [IN THE PRESENCE OF AN OFFICIAL LISTED IN THIS
15 SUBSECTION WHO SHALL SIGN AS ATTESTING OFFICIAL AND SHALL
16 DATE THE SIGNATURE. IF NONE OF THE OFFICIALS LISTED IN THIS
17 SUBSECTION IS REASONABLY ACCESSIBLE, AN ABSENTEE VOTER
18 SHALL SIGN THE VOTER'S CERTIFICATE IN THE PRESENCE OF AN
19 INDIVIDUAL WHO IS 18 YEARS OF AGE OR OLDER, WHO SHALL SIGN AS
20 A WITNESS AND ATTEST TO THE DATE ON WHICH THE VOTER SIGNED
21 THE CERTIFICATE IN THE INDIVIDUAL'S PRESENCE, AND, IN ADDITION,
22 THE] voter shall certify, as prescribed in AS 09.63.020, under penalty of perjury, that
23 the statements in the voter's certification are true.

24 * **Sec. 30.** 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

1 IS POSTMARKED, IT MUST BE POSTMARKED ON OR BEFORE ELECTION
 2 DAY.] After the day of the election, ballots may not be accepted unless received by
 3 mail. **A ballot received after the day of the election that is not postmarked or is**
 4 **postmarked after the day of the election may not be counted unless the ballot**
 5 **envelope is marked with a United States Postal Service tracking barcode or a**
 6 **division of elections ballot tracking barcode sufficient to verify that the ballot was**
 7 **mailed on or before the day of the election.**

8 * **Sec. 31.** AS 15.20.081 is amended by adding new subsections to read:

9 (m) An absentee ballot application must include an option for a qualified voter
 10 to choose to receive absentee ballots by mail for future regularly scheduled state
 11 elections. The division may not require a voter who chooses this option to reapply for
 12 an absentee ballot by mail unless

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

14 or

15 (2) the voter's previous absentee ballot sent under this section was
 16 returned to the division as undeliverable.

17 (n) If a voter requests under AS 15.07.060(g) or, at least 45 days before an
 18 election, requests in writing or by other means designated in regulations adopted by
 19 the director to receive a ballot in a language other than English in which the division is
 20 required to print election materials under 52 U.S.C. 10503, as amended, the director
 21 shall provide the voter with a ballot and election materials under this section in the
 22 language requested.

23 * **Sec. 32.** AS 15.20.201(b) is amended to read:

24 (b) Counting of absentee ballots that have been reviewed shall begin **not**
 25 **fewer than seven days preceding** [AT 8:00 P.M., LOCAL TIME, ON] the day of the
 26 election at places designated by each election supervisor and shall continue until all
 27 absentee ballots reviewed and eligible for counting have been counted. The counting
 28 teams shall report the **first** count of absentee ballots to the district absentee ballot
 29 counting board **not later than** [. AN ELECTION SUPERVISOR OR AN ELECTION
 30 OFFICIAL MAY NOT COUNT ABSENTEE BALLOTS BEFORE] 8:00 p.m., local
 31 time, on the day of the election. Counting of the absentee ballots shall continue at

1 times designated by the election supervisor until all absentee ballots are counted.

2 * **Sec. 33.** AS 15.20.203(b) is amended to read:

3 (b) An absentee ballot **must be rejected** [MAY NOT BE COUNTED] if

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

5 (2) [AN OFFICIAL OR THE WITNESSES AUTHORIZED BY LAW
6 TO ATTEST THE VOTER'S CERTIFICATE FAIL TO EXECUTE THE
7 CERTIFICATE, EXCEPT THAT AN ABSENTEE BALLOT CAST IN PERSON
8 AND ACCEPTED BY AN ABSENTEE VOTING OFFICIAL OR ELECTION
9 SUPERVISOR MAY BE COUNTED DESPITE FAILURE OF THE ABSENTEE
10 VOTING OFFICIAL OR ELECTION SUPERVISOR TO PROPERLY SIGN AND
11 DATE THE VOTER'S CERTIFICATE AS ATTESTING OFFICIAL AS REQUIRED
12 UNDER AS 15.20.061(c);

13 (3) THE BALLOT IS NOT ATTESTED ON OR BEFORE THE
14 DATE OF THE ELECTION;

15 (4)] the ballot **envelope and certificate**, if **delivered by mail after the**
16 **day of the election** [POSTMARKED],

17 (A) is [NOT] postmarked **after** [ON OR BEFORE] the date of
18 the election;

19 (B) **has a United States Postal Service tracking barcode or a**
20 **division of elections ballot tracking barcode verifying that the ballot was**
21 **mailed after the date of the election; or**

22 (C) **is executed after the date of the election;**

23 (3) [(5)] after the day of election, the ballot was delivered by a means
24 other than mail;

25 (4) [OR (6)] the voter voted

26 (A) in person and is a

27 (i) first-time voter who initially registered by mail or by
28 facsimile or other electronic transmission approved by the director
29 under AS 15.07.050, has not provided the identification required by
30 AS 15.15.225(a), was not eligible for waiver of the identification
31 requirement under AS 15.15.225(b), and has not provided the

1 identifiers required in AS 15.07.060(a)(2) and (3) that can be verified
2 through state agency records described in AS 15.07.055(e); or

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

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

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

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

20 **(5) the voter did not vote absentee in-person and the signature on**
21 **the certificate is not consistent with the voter's signature in voter registration**
22 **records.**

23 * **Sec. 34.** AS 15.20.203 is amended by adding a new subsection to read:

24 (k) Except for a voter who voted absentee in-person, the district absentee
25 counting board shall determine whether a voter's signature on the certificate is
26 consistent with the voter's signature in voter registration records using a signature
27 verification process that includes signature comparison software, according to a
28 procedure provided in regulations adopted by the director. An election official may not
29 determine that the signature on a voter's return envelope does not match the signature
30 stored in the voter's registration record solely based on substitution of initials or use of
31 a common nickname. The director shall provide training in signature comparison and

1 the use of signature comparison software to election officials who compare signatures
2 under this section.

3 * **Sec. 35.** AS 15.20 is amended by adding a new section to read:

4 **Sec. 15.20.215. Rules for challenging ballot.** The director shall adopt by
5 regulation a procedure and time frame for a person present at the ballot counting
6 review to challenge the decision of whether to count an absentee, special needs, or
7 questioned ballot. The procedure must provide a reasonable amount of time to submit
8 a challenge.

9 * **Sec. 36.** AS 15.20.220(b) is amended to read:

10 (b) The state review board shall review and count absentee ballots under
11 AS 15.20.081(e) and (h), **absentee ballots properly cured under AS 15.20.222**, and
12 questioned ballots that have been forwarded to the director and that have not been
13 reviewed or counted by a district counting board.

14 * **Sec. 37.** AS 15.20 is amended by adding new sections to read:

15 **Sec. 15.20.221. Ballot-tracking system.** (a) The director shall establish an
16 online ballot-tracking system. The director may procure the system from a third party.
17 The system must be designed to allow a voter to easily use the system through a
18 mobile electronic device. The system must allow a voter to

- 19 (1) confirm that the voter's ballot has been sent by the division;
- 20 (2) track the date of the ballot's delivery to the voter;
- 21 (3) confirm the division's receipt of the voter's ballot;
- 22 (4) determine whether the voter's certificate has been reviewed;
- 23 (5) determine whether the voter's ballot has been counted; and
- 24 (6) provide the information necessary to cure a rejected ballot.

25 (b) The online ballot-tracking system must

- 26 (1) verify a voter's identity; and
- 27 (2) indicate to a voter

28 (A) the process by which the voter may cure the lack of
29 signature or verify the voter's identity, if the signature on the voter's ballot was
30 missing; and

31 (B) the reason the voter's ballot was not counted, if the ballot

1 was not counted.

2 (c) The division may not charge a voter a fee to use the online ballot-tracking
3 system.

4 **Sec. 15.20.222. Procedure for curing uncounted ballot.** (a) If a voter returns
5 a ballot that is rejected because the voter does not have a signature stored in voter
6 registration records, the certificate is missing a signature, the signature on the
7 certificate is determined under AS 15.20.203 to not match the signature in voter
8 registration records, or the voter provided insufficient voter identification, the director
9 shall immediately make a reasonable effort to contact the voter, explain the ballot
10 deficiency, explain how the deficiency may be cured, and inform the voter of the
11 deadline to cure the ballot. The director shall, within 24 hours, attempt to begin
12 sending notices of deficiency by electronic mail to the voter's electronic mail address
13 if the voter has provided an electronic mail address. If the voter has provided a
14 telephone number, the director shall, within 24 hours, attempt to notify the voter of the
15 deficiency by telephone call and text message. The director shall, within 48 hours, but
16 not later than five days after election day, send a notice of deficiency by first class,
17 nonforwardable mail to the address in the voter's registration record.

18 (b) A notice of deficiency must include an explanation of the need for a
19 signature for verification purposes. The notice must include a form for the voter to
20 confirm that the voter returned a ballot to the division, provide a copy of a form of
21 identification accepted by the division under AS 15.15.225(a), and provide a signature
22 for verification. The director shall provide a printed copy of the form with the notice
23 of deficiency mailed to the voter. The director shall also make the form available in a
24 format that can be completed and returned electronically.

25 (c) The rejected ballot of a voter who received a notice of deficiency may be
26 counted only if

27 (1) the voter returns the form sent with the notice of deficiency, the
28 division receives the form within 14 days after election day, and the form confirms
29 that the voter returned a ballot to the division;

30 (2) the voter provides a signature and includes a copy of a form of
31 identification accepted by the division under AS 15.15.225(a); and

1 (3) the ballot is otherwise valid.

2 (d) A voter's rejected ballot may not be counted and the director shall, if
3 applicable, send copies of the signature on the voter's return envelope and the
4 signature stored in voter registration records to the attorney general for investigation if
5 the voter returns the form and the form indicates that the voter did not return a ballot
6 to the division.

7 (e) The division shall update the signature stored in voter registration records
8 if the voter, after providing a copy of a form of identification accepted by the division
9 under AS 15.15.225(a), either provides a signature for the voter's missing signature or
10 cures a nonmatching signature under this section.

11 * **Sec. 38.** AS 15.20 is amended by adding a new section to article 4 to read:

12 **Sec. 15.20.810. Drop boxes for elections conducted by mail.** The director
13 shall provide secure ballot drop boxes. The director shall adopt regulations governing
14 the use and location of ballot drop boxes. If practicable, the director shall provide a
15 drop box at each division regional office. The director shall, for a municipality with
16 over 20,000 residents, provide one drop box for each 20,000 residents in locations
17 chosen to ensure that drop boxes are accessible to the most possible voters. When
18 selecting drop box locations, the director may consult with municipalities, school
19 districts, tribal organizations, and nonpartisan civic organizations. The director may
20 provide a drop box in a municipality with fewer than 20,000 residents. The director
21 shall include in the regulations the criteria for selecting the locations of drop boxes,
22 the security requirements for the drop boxes, and a requirement that drop boxes be
23 open 24 hours a day in the 10 days before an election day. The regulations must
24 require that each drop box be open on the election day until 8:00 p.m.

25 * **Sec. 39.** AS 15.56.030(d) is amended to read:

26 (d) For purposes of (a)(2) and (3) of this section, "other valuable thing"

27 (1) includes

28 (A) an entry in a game of chance in which a prize of money or
29 other present or future pecuniary gain or advantage may be awarded to a
30 participant wherein the total of the prizes offered is greater than \$2 per
31 participant with a maximum of \$100; and

1 (B) government employment or benefits;

2 (2) does not include

3 (A) materials having a nominal value bearing the name,
4 likeness, or other identification of a candidate, political party, political group,
5 party district committee, or organization, or stating a position on a ballot
6 proposition or question;

7 (B) food and refreshments provided incidental to an activity
8 that is nonpartisan in nature and directed at encouraging persons to vote, or
9 incidental to a gathering in support of or in opposition to a candidate, political
10 party, political group, party district committee, organization, or ballot question
11 or proposition;

12 (C) care of the voter's dependents provided in connection with
13 the absence of a voter from home for the purpose of voting;

14 (D) services provided by a person acting as a representative
15 under AS 15.20.072;

16 (E) services provided by an election official as defined in
17 AS 15.80.010; [AND]

18 (F) transportation of a voter to or from the polls without
19 charge; **and**

20 **(G) postage-paid return envelopes required in**
21 **AS 15.20.030.**

22 * **Sec. 40.** AS 15.80 is amended by adding a new section to read:

23 **Sec. 15.80.006. Cybersecurity.** The director shall, by regulation, develop a
24 cybersecurity program to defend the voter registration records kept by the division
25 against cyber attacks and data breaches and enable the division to detect and recover
26 from cyber attacks. The program must include cybersecurity training for election
27 officials.

28 * **Sec. 41.** AS 19.25.105(a) is amended to read:

29 (a) Outdoor advertising may not be erected or maintained within 660 feet of
30 the nearest edge of the right-of-way and visible from the main-traveled way of the
31 interstate, primary, or secondary highways in this state except the following:

1 (1) directional and other official signs and notices **that** [WHICH]
 2 include [, BUT ARE NOT LIMITED TO,] signs and notices pertaining to natural
 3 wonders, scenic and historic attractions, which are required or authorized by law, and
 4 which shall conform to federal standards for interstate and primary systems;

5 (2) signs, displays, and devices advertising the sale or lease of property
 6 upon which they are located or advertising activities conducted on the property;

7 (3) signs determined by the state, subject to concurrence of the United
 8 States Department of Transportation, to be landmark signs, including signs on farm
 9 structures or natural surfaces of historic or artistic significance, the preservation of
 10 which would be consistent with the provisions of this chapter;

11 (4) directional signs and notices pertaining to schools;

12 (5) advertising on bus benches or bus shelters, and adjacent trash
 13 receptacles, if the state determines that the advertising conforms to local, state, and
 14 federal standards for interstate and primary highways;

15 **(6) temporary political campaign signs not larger than 32 square**
 16 **feet in size displayed on private property if the owner or resident of the property**
 17 **is not being compensated for the display, the sign is not a risk to the public, and**
 18 **the sign is outside of an interstate, primary, or secondary highway right-of-way.**

19 * **Sec. 42.** AS 24.45.091 is amended to read:

20 **Sec. 24.45.091. Publication of reports.** Copies of the statements and reports
 21 filed under this chapter shall be made available to the public at the commission's
 22 **offices and on the commission's Internet website** [CENTRAL OFFICE, THE
 23 OFFICE OF THE LIEUTENANT GOVERNOR, THE LEGISLATIVE REFERENCE
 24 LIBRARY OF THE LEGISLATIVE AFFAIRS AGENCY, AND AT THE
 25 COMMISSION'S DISTRICT OFFICES PRESCRIBED IN AS 15.13.020(j)] as soon
 26 as practicable after each reporting period.

27 * **Sec. 43.** AS 24.45.111(b) is amended to read:

28 (b) The commission shall preserve the statements and reports required to be
 29 filed under this chapter for a period of six years from the date of filing. **Copies** [IF
 30 THE COMMISSION'S CENTRAL OFFICE IS NOT IN THE STATE CAPITAL,
 31 COPIES] of all statements and reports filed under this chapter shall be maintained in

1 **the commission's offices and be made available on the commission's Internet**
 2 **website** [AN OFFICE ESTABLISHED BY THE COMMISSION IN THE STATE
 3 CAPITAL OR IN THE OFFICE OF THE LIEUTENANT GOVERNOR].

4 * **Sec. 44.** AS 29.26.050 is amended by adding a new subsection to read:

5 (d) Except as a municipality may require for elections held only in specific
 6 local election districts or service areas under (b) of this section, a person who has lived
 7 within the municipality for at least 30 days, but who has not registered to vote in state
 8 elections at a residence address within the municipality at least 30 days before a
 9 municipal election, may vote only an absentee, special needs, or questioned ballot in
 10 that election. The municipality may not reject the absentee, special needs, or
 11 questioned ballot of a qualified voter who registers within 30 days before or on the day
 12 of an election on the grounds that the voter is not on the official registration list for the
 13 election.

14 * **Sec. 45.** AS 39.50.020(b) is amended to read:

15 (b) A public official, [OR] former public official, **or candidate for municipal**
 16 **office** [OTHER THAN AN ELECTED OR APPOINTED MUNICIPAL OFFICER]
 17 shall file the statement with the Alaska Public Offices Commission. Candidates for the
 18 office of governor and lieutenant governor and, if the candidate is not subject to
 19 AS 24.60, the legislature shall file the statement under AS 15.25.030. **The Alaska**
 20 **Public Offices Commission shall provide copies of the statements filed by**
 21 **municipal** [MUNICIPAL] officers, former municipal officers, and candidates for
 22 elective municipal office **to** [SHALL FILE WITH] the **applicable** municipal clerk or
 23 other municipal official designated to receive **the statements** [THEIR FILING FOR
 24 OFFICE]. All statements required to be filed under this chapter are public records.

25 * **Sec. 46.** AS 39.50.200(b) is amended by adding a new paragraph to read:

26 (65) Redistricting Board.

27 * **Sec. 47.** AS 44.62.310(h)(3) is amended to read:

28 (3) "public entity" means an entity of the state or of a political
 29 subdivision of the state including an agency, a board or commission, **the**
 30 **Redistricting Board**, the University of Alaska, a public authority or corporation, a
 31 municipality, a school district, and other governmental units of the state or a political

1 subdivision of the state; it does not include the court system or the legislative branch
2 of state government.

3 * **Sec. 48.** AS 15.10.170(b); AS 15.20.203(i), 15.20.203(j); and AS 29.26.050(a)(3) are
4 repealed.

5 * **Sec. 49.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 **APPLICABILITY.** AS 15.56.030(d), as amended by sec. 39 of this Act, applies to
8 offenses committed on or after the effective date of sec. 39 of this Act.

9 * **Sec. 50.** The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 **TRANSITION: REGULATIONS.** The Alaska Public Offices Commission and the
12 division of elections may adopt regulations necessary to implement the changes made by this
13 Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
14 before the effective date of the law implemented by the regulation.

15 * **Sec. 51.** Section 50 of this Act takes effect immediately under AS 01.10.070(c).

16 * **Sec. 52.** Except as provided in sec. 51 of this Act, this Act takes effect January 1, 2024.