SENATE BILL NO. 205

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATOR REVAK

Introduced: 2/22/22
Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1   **"An Act relating to digital absentee voting; and providing for an effective date."**

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

3   *** Section 1.** AS 15.20 is amended by adding new sections to read:

4   **Sec. 15.20.085. Digital absentee voting system.** (a) The director shall

5   establish a digital absentee voting system that allows a voter eligible under

6   AS 15.20.086(b) to receive, mark, verify, cast the voter's vote on, and submit a digital

7   absentee ballot using a device connected to the Internet.

8   (b)   The director shall adopt regulations under AS 44.62 (Administrative

9   Procedure Act) that establish security protocols for the digital absentee voting system.

10   (c) The digital absentee voting system must

11   (1) prevent an ineligible person from voting a digital absentee ballot;

12   (2)   produce a paper ballot corresponding to each digital absentee

13   ballot; the paper ballot is the official record used for tabulation and recounts;

14   (3)   encrypt voter information and ballots while the information and

15   ballots are in transit and at rest;

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1   (4) securely authenticate information transmitted on the system;

2   (5) have security measures providing the capability to detect and

3 prevent a voter, election official, or unauthorized person abusing, tampering with,

4 fraudulently using, or changing a vote on the system or a digital absentee ballot;

5   (6) protect digital absentee ballot privacy, anonymity, and integrity;

6   (7) enable a voter to print a digital absentee ballot and submit the

7 ballot as provided in AS 15.20.081;

8   (8) enable a voter who votes a digital absentee ballot to verify,

9 independent of the digital absentee voting system, that the ballot has been received,

10 correctly recorded, and accepted for counting;

11   (9) enable the director to determine whether a digital absentee ballot

12 was submitted before the closing of the polls on election day;

13   (10) verify that not more than one ballot is counted for a voter who

14 votes a digital absentee ballot; and

15   (11) be accessible to a voter with a disability to the extent required by

16 state and federal law.

17   **Sec. 15.20.086. Digital absentee voting.** (a) The provisions of AS 15.20.081

18 applicable to absentee voting by electronic transmission apply to digital absentee

19 voting, unless otherwise provided in this section.

20   (b) A qualified voter may vote using the digital absentee voting system in an

21 election if the voter is

22   (1) an overseas voter; or

23   (2) a voter eligible to vote a special needs ballot under

24 AS 15.20.072(a).

25   (c) An application for a digital absentee ballot does not need to include an

26 address to which the ballot is to be returned.

27   (d) An application to vote using the digital absentee voting system in an

28 election must be received by the division of elections not later than 5:00 p.m. Alaska

29 time on the day before the election.

30   (e) An application for a digital absentee ballot must include a statement that

31 the applicant is eligible to vote a digital absentee ballot and the applicant shall certify,

1   as prescribed in AS 09.63.020, under penalty of perjury, that the statement is true.

2   (f) After determining that an applicant is eligible under (b) of this section to

3   vote using the digital absentee voting system, the director shall immediately enable the

4   applicant to vote a digital absentee ballot.

5   (g) A voter voting a digital absentee ballot may, in the presence of a notary

6   public, commissioned officer of the armed forces including the National Guard,

7   district judge or magistrate, registration official, or other person qualified to administer

8   oaths, mark the digital absentee ballot in secret and sign a digital voter's certificate.

9   The voter shall certify, as prescribed in AS 09.63.020, under penalty of perjury, that

10   the voter's statements in the voter's certificate are true. The attesting official shall sign

11   and date the digital certificate. If none of the officials listed in this subsection is

12   reasonably accessible, a voter voting a digital absentee ballot shall sign the digital

13   voter's certificate in the presence of a witness who is 18 years of age or older. The

14   witness shall attest that the voter signed the certificate in the individual's presence and

15   sign and date the attestation.

16   (h) A digital absentee ballot must be received by the division before the

17   closing of the polls on election day.

18   (i) The director shall maintain a record of the name of each voter who is

19   granted authorization to vote a digital absentee ballot under this section. The record

20   must list the date on which the voter is enabled to vote a digital absentee ballot and the

21   date, if any, on which the ballot is executed and voted.

22   *** Sec. 2.** AS 15.80.010(24) is amended to read:

23   (24) "overseas voter" has the meaning given in **52 U.S.C. 20310** [42

24   U.S.C. 1973ff-6];

25   *** Sec. 3.** This Act takes effect January 1, 2023.

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